



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH

Review of Child Safeguarding Practice

in the religious congregation of

Hospitaller Order of Saint John of God

West European Province (Ireland)

undertaken by

The National Board for Safeguarding Children in the

Catholic Church in Ireland (NBSCCCI)

December 2015

CONTENTS

Background	<i>Page</i>	3
Standards	<i>Page</i>	10
Standard 1 <i>A written policy on keeping children safe</i>	<i>Page</i>	11
Standard 2 <i>Management of allegations</i>	<i>Page</i>	14
Standard 3 <i>Preventing Harm to Children</i>	<i>Page</i>	27
Standard 4 <i>Training and Education</i>	<i>Page</i>	31
Standard 5 <i>Communicating the Church's Safeguarding Message</i>	<i>Page</i>	33
Standard 6 <i>Access to Advice and Support</i>	<i>Page</i>	35
Standard 7 <i>Implementing and Monitoring Standards</i>	<i>Page</i>	38
Recommendations	<i>Page</i>	41
Terms of Reference	<i>Page</i>	42

Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Irish 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 NBSCCCI is aware that some religious congregations have ministries that involve direct contact with children while others do not. In religious congregations that have direct involvement with children, reviews of child safeguarding have been undertaken by measuring their practice compliance against all seven Church standards. Where a religious congregation no longer has, or never had ministry involving children and has not received any allegation of sexual abuse, the NBSCCCI reviews are conducted using a shorter procedure. The size, age and activity profiles of religious congregations can vary significantly and the NBSCCCI accepts that it is rational that the form of review be tailored to the profile of each Church authority, where the ministry with children is limited or non-existent. The procedure for assessment of safeguarding practice with such congregations is set out in the contents page of this report. The NBSCCCI welcomes that in order to have full openness, transparency and accountability, religious congregations that do not have ministry with children have made requests to have their safeguarding practice examined and commented upon.

The purpose of this review remains the same and it 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 of these Church Authorities is reviewed through an examination of policy and procedures, and through interviews with key personnel involved both within and external to the religious congregation.

This report contains the findings of the *Review of Child Safeguarding Practice in the religious congregation of the Hospitaller Order of St John of God* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies.

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

Introduction

At the request of Brother Donatus Forkan, Provincial of the West European Province of the Hospitaller Order of Saint John of God, reviewers from the NBSCCCI engaged in a process of reviewing the safeguarding children policy, procedures and practices of the Irish section of the Order on 15th and 16th December 2015. Over the two day period case files were examined and interviews were conducted with key personnel, religious and lay, in the safeguarding structure of the Order within Ireland.

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

Brothers Congregation, October 2015.

Draft Safeguarding Plan 2014.

Draft Safeguarding Plan 2015.

Background to the Saint John of God Order

The Brothers of Saint John of God (officially the Hospitaller Order of Saint John of God; abbreviated as O.H.) are a Roman Catholic Order founded in 1572. In Italy they are known commonly as the Fatebenefratelli, meaning "Do-Good Brothers" in Italian. The Order carries out a wide range of health and social service activities in 389 Hospitals, Centres and Services in 53 countries.

The Services developed by the Hospitaller Order in Britain and Ireland are administered by Saint John of God Hospitaller Ministries who work in partnership with Government departments, health and education authorities and other statutory and voluntary agencies. In Ireland they provide services in the areas of intellectual disability, mental health and older people.

The Hospitaller Order of Saint John of God was approved by the Church with the mission to provide assistance for the sick and needy. It had its origins in Granada, Spain in the second half of the 16th century and was formed in order to continue the charitable work of Saint John of God, who was born at Montemor-o-Novo (Portugal) and who died in Granada on March 8th 1550.

Saint John of God had been joined by several followers, who were attracted by his example and who helped him in works of mercy, especially in the hospital he founded in Granada. Outstanding among these followers was Anthony Martin; at the moment of death John entrusted him with the continuation and supervision of the work. In the following years other companions joined the group, and a number of hospitals were founded, especially in Andalusia, Spain and in Italy.

The structure of the Order gradually came into being. In 1572 it was approved by Pope Saint Pius V, who placed it under the Rule of St. Augustine. In 1586 it was given the full status of a religious Order by Pope Sixtus V. Ever since then, the Order, conscious of its heritage received in the Church, has carried on in the world its apostolic work with suffering humanity. While the needs of humanity may change, the commitment to respond as Saint John of God did to the needs of people who seek assistance remains constant for the Order of the present day.

Today the Order is present in over fifty countries of the world with nearly three hundred hospitals, centres and services and has over 50,000 employees and volunteers. The Order specialises in providing general hospital care, psychiatric care and facilities for children and people with disabilities and care of the older people. In addition, the Order provides social and welfare services to needy groups such as orphans, the homeless, travellers and refugees.

The Order and its services is Catholic and defines itself as such. This characteristic commits it in a special way, both within the Church and society, to observe and defend Gospel principles, the social doctrine of the Church and the norms relative to human rights. While it observes and defends these principles the Order is open to ecumenical and inter-religious cooperation and working in state funded services.

The Order and its charitable works are dedicated to bringing help to those in need, through its mission of hospitality, in the manner of Saint John of God. Driven by the gift of hospitality the Order is dedicated to serving the Church in the assistance of those who are sick and those in need, with a preference for those who are the poorest. The apostolic works are conducted in a manner consistent with the teachings and laws of the Roman Catholic Church.

The Order arrived in Ireland in 1877 and in England in 1880 when Brothers from the French Province established communities and charitable works at Stillorgan, Dublin, Ireland and Scorton, Yorkshire, England. Over the following 138 years the Order developed a number of new apostolic works in the fields of disability and mental health. These areas of disability and mental health were significantly underdeveloped in both Ireland and England at that time. The Order would state that they responded to these needs and from here established apostolic works internationally, in England, Ireland, Australia, South Korea, Zambia, USA, Northern Ireland and Malawi.

In the early 1930's the Brothers separated from France (the founding Province) and a separate Anglo-Irish Province was established comprising of the Hospitals and Services in England and Ireland. By 1950, the growth of the Order in the two countries led to the creation of two separate Provinces. The growth of the Order during this period into the 1960's in England and Ireland led to the founding of the Order in Australia; New Zealand, the Republic of Korea; Zambia and New Jersey, USA.

Again in 1993, responding to the call of the Church and the General Chapter of the Order for the countries of the North to assist developing countries of the South, the Irish Province established a mission in Malawi to provide mental health and social services in a part of the country where none existed. The mission was based on a collaborative project between Brothers and lay Co-workers. In 2009 the Irish Province assumed responsibility for the funding and administration of the Holy Family Service in Southern Zambia, based at Monze.

Resulting from the programme of organisational restructuring, renewal and adaptation following Vatican Council II the involvement of lay co-workers in the leadership of the Saint John of God services increased significantly. From 1968 the leadership of the Order at General Curia level consistently urged the Provinces of the Order to integrate co-workers who had a commitment to the Order's ethos and mission, into the life of the Provinces and the Services.

From 1980 until the present, the phenomenon of lay involvement in the leadership of the services in England and Ireland grew and expanded while the number of Brothers in the Order declined dramatically. As a consequence, the respective Province Chapters held in England and Ireland in 2007 decided to amalgamate the Provinces and this happened in 2010 with the dissolution of the two Provinces and the creation of the West European Province of Saint John of God comprising of the Communities and Services in Great Britain, Ireland, Malawi and New Jersey, USA.

Present Day

In 2015 there were thirty-seven (37) Brothers in the Province: Nineteen (19) in three religious communities in Ireland at Stillorgan, Rathgar and Drumcar; ten (10) in two religious communities in England at Darlington and London; and eight (8) in one religious community in Mzuzu in Malawi.

The average age of the Brothers in Ireland is 72 years of age and of those who are active, all are engaged in pastoral duties, governance or administration. In the light of the ageing of the Brothers along with not having new members in Ireland and England for nearly twenty (20) years and the skills and expertise required to govern and manage the Services, the Order in 2012 established Saint John of God Hospitaller Ministries as a new entity of the Catholic Church and transferred the governance of its Services in Ireland and England to this new body. As a consequence, this Province of the Order continues and is responsible only for the Brothers and Communities in Ireland and England but not the Services. The Province however, continues to be responsible for both the religious community and Services in Malawi.

In regard to the safeguarding of children and vulnerable people with whom Brothers may have contact, the Province has separate policies and procedures from the John of God Services, specific to the Religious Order and its members. The Provincial is informed of all allegations made against a Brother and he consults with the Provincial Safeguarding Advisory Group regularly and as required in implementing the safeguarding policies and procedures of the Order. Any Brother involved in the Services does so either in his capacity as a chaplain or as a member of the Board of management; otherwise there are no Brothers in direct service provision in a nursing or other caring capacity in Ireland. The Brothers involved in the services in addition to the Orders policies, are required to follow the services child safeguarding policies and all other Services policies.

Services operated by Saint John of God Hospitaller Ministries

Saint John of God Hospital

Saint John of God is an acute psychiatric teaching hospital licensed for 210 in-patient beds, out-patient and day programme services. Specialist programmes include Alcohol and Addictions, Eating Disorders, Young People, Psychotic Disorders, Stress and Anxiety, Psychiatry of later life and Memory Clinic. The Hospital accepts patients from all over Ireland.

Saint John of God Hospital retains a leadership role in developing innovative and effective treatment programmes for people suffering from mental health problems.

Dublin County Stress Clinic is a specialised out-patient clinic located at the Hospital for the assessment and treatment of stress, mood and anxiety-related disorders including occupational stress, corporate health, panic and post-traumatic stress.

St. Joseph’s Centre

St. Joseph’s Centre provides residential, day care, respite and family support to people with an end of life dementia.

Saint John of God Community Services

Saint John of God Community Services provides intellectual disability services, child and adolescent mental health services and community adult mental health services in the Republic of Ireland and is funded in the main by the Health Services Executive (HSE). Saint John of God Community Services comprises of twelve (12) Services as follows:

Saint John of God Kildare: Services which provides a network of education, Day, Residential and Respite Services to over 350 children and adults with intellectual disabilities.

Saint John of God Menni Services: Saint John of God Menni Services provides a network of services to people with an intellectual disability in South West Dublin.

Saint Augustine’s School: is a co-educational school for 140 children with a learning difficulty.

Saint John of God Kerry Services: Children and young persons with a learning disability are provided at St. Mary of the Angels, located in Beaufort, Listowel, Cahirciveen and Dingle. Community based services for adults with disabilities are provided by Breannán Services and located in Tralee, Dingle, Castleisland, Killorglin, Killarney, Ballyheigue and Kenmare.

Saint John of God Carmona Services

Carmona Services provides a range of day and residential services for people with an intellectual disability in south east County Dublin.

STEP Enterprises

STEP Enterprises provides community based services in an area of training and employment, which facilitate personal and career development for people with disabilities.

Saint John of God City Gate Service

City Gate Services respond to the housing needs of people with an intellectual disability and people with mental health issues.

Saint John of God North East Services

Saint John of God North East Services provides a variety of centre and community based residential, respite, day and educational services for people with moderate, severe and profound disabilities in Counties Louth, Meath and Monaghan.

Cluain Mhuire Services

These clinics at a number of locations provide psychiatric assessment, treatment, rehabilitation, training and care in the community in the South East Dublin area

Lucena Clinic Service

This Clinic provides a comprehensive child and adolescent mental health service to a population of 600,000 residing in South Dublin and County Wicklow.

Suzanne House

Suzanne House provides day and respite care to children with life limiting illnesses along with support for parents and families.

Employ Ability

Provides employment support services to people with all types of disability in South West Dublin

Saint John of God Housing Association

The purpose of this company is to ring-fence Department of the Environment, Heritage and Local Government funding provided for housing through local authorities. The principal activity is the provision of housing to persons with a disability and to older persons.

Saint John of God Research Foundation

Saint John of God Research Foundation conducts research into mental health disorders and disabilities.

Saint John of God Hospitaller Services, Malawi

Saint John of God Hospitaller Services, Malawi provides a range of mental health and personal social services to Malawians in the Northern Province and is based in the city of Mzuzu.

Saint John of God Hospitaller Services (GB)

Saint John of God Hospitaller Services provides a range of residential and day services in several regions of England and Wales to people with disabilities, mental health issues and to persons who are homeless. It also provides Care and Nursing Home Services to people who are frail and elderly.

It is important to note that the services in Ireland have not been reviewed by NBSCCCI; they are regulated either by HIQA or the Mental Health Commission.

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 the 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.

This review was initiated through the signing of a data protection deed, allowing full access to the reviewers to all case management and relevant records held by the West European Province (Ireland) of the Hospitaller Order of Saint John of God. The Order took the decision to redact the case files, for the purposes of the review, to anonymise the identity of complainants and respondents. Access to the records by the reviewers does not constitute disclosure as the reviewers through the deed were deemed to be nominated data processors of the material for the Provincial.

This review covers the ministries of the John of God Brothers and not the companies operated under the Chief Executive as these fall outside the terms of reference of this review and fall under the governance of the Health Information and Quality Authority.

The review involved the reviewers examining all case management records of living members of the Saint John of God Order, against whom a child safeguarding allegation of child sexual abuse had been made, or about whom a concern of a similar nature had been made. In addition the reviewers examined a sample of five case files of deceased members, including one who had left the Order. A sample of two other case files of former members was also reviewed, one was still living and one was status unknown.

Interviews were held with Brother Donatus Forkan Provincial, the Designated Liaison Person, the Deputy Designated Liaison Person, the Group Executive, the Support Person, local Safeguarding Representatives and Advisors. It was noted that the Priors in each of the community houses also have the role of Safeguarding Representative for the community house they are responsible for.

An Garda Siochana and TUSLA were also contacted. The details of their responses are recorded in the appropriate section of the report.

The Order maintains its own Provincial Safeguarding Advisory Group with regard to safeguarding children. The review team conducted an assessment of the Saint John of God's safeguarding children policy and procedures against the standards set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. All other written material provided to the reviewers was evaluated for relevance and accuracy, as was the Safeguarding Children information on the Order's website.

Reviews into child safeguarding have two objectives; to establish how concerns (complaints, allegations, knowledge, suspicions) of child sexual abuse have been managed in the past and to evaluate the efforts that have been made to create safe environments for children to ensure their current and future safety. 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 Saint John of God Order's policy and practices in the prevention of the abuse of children and the ability of the relevant personnel within the Order's child safeguarding structure to assess and manage risk for children.

Recommendations for future practice have been made where it is considered appropriate. It should be noted in the carrying out of this review that the reviewers acknowledge that the current NBSCCCI's standards are a detailed framework which is aimed primarily towards shaping the Catholic Church's child safeguarding structures in dioceses and the larger religious congregations. The Order began what has proven to be a significant on-going audit of its own child safeguarding practice in 2012 with the internal review of all relevant case files and the 2015 updating of its safeguarding children policy and procedures document.

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*. 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 Hospitaller Order of Saint John of God, West European Province. The seven standards are:

Standard 1 A written policy on keeping children safe

Standard 2 Procedures – how to respond to allegations and suspicions in the Republic of Ireland and Northern Ireland

Standard 3 Preventing harm to children:

- recruitment and vetting
- running safe activities for children
- codes of behaviour

Standard 4 Training and education

Standard 5 Communicating the Church's safeguarding message:

- to children
- to parents and adults
- to other organisations

Standard 6 Access to advice and support

Standard 7 Implementing and monitoring the standards

Each standard contains a list of criteria, which are indicators that help decide whether this standard has been met. The criteria give details of the steps that a Church organisation - diocese or religious order - needs to take to meet the standard and ways of providing evidence that the standard has been met.

Standard 1

A written policy on keeping children safe

Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.

Compliance with Standard 1 is only fully achieved when a Congregation/Order 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 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 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 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.	Met fully
1.6	The policy states how those individuals who pose a risk to children are managed.	Met fully
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.	Met fully

Criterion 1.1

The child safeguarding policy of the Hospitaller Order of Saint John of God (West European Province) is titled *Policy and Procedures for Safeguarding Children, Brothers Congregation. October 2015*. This document is targeted primarily at members of the Order and as such it is the view of the reviewer that it provides such members with clear guidance with regard to child protection and safeguarding requirements. It is noted that any issues in respect of staff and volunteers would be addressed separately by the company under their procedures: ‘Procedures for managing allegations of abuse against staff 2010’. Members of the Order based within services are required to be in compliance with all service policies.

On the basis of Criterion 1.1 the reviewers are of the view that this requirement is met fully.

Criterion 1.2 is fully met.

The current safeguarding policy document commits the Order to ‘promoting the safety and well-being of children within its services and promoting a caring environment where they are treated with dignity and respect’. The policy also states that ‘the Order is committed to ensuring a culture of zero tolerance for any type of abuse or practice’. The policy was presented to the Order’s Council in October 2015 and was thereafter endorsed and signed by Brother Donatus.

Criterion 1.3 is met fully.

As noted in Criterion 1.1 the current child safeguarding policy is primarily directed at members of the Order. It is accepted by the reviewers that other safeguarding documents are referenced and the primary safeguarding children policy document states that ‘all Church personnel’ are required to comply with the policy and required responses.

Criterion 1.4 is met fully.

The Order drafted its first Safeguarding Policy document in 1991. The latest redraft was completed in October 2015. The imminent launch of the revised National Standards and Guidance will require a further review of the current Safeguarding Policy document.

Criterion 1.5 is met fully.

The Order’s Safeguarding policy document does not have a specific section which deals with the child protection requirements of the different elements of the Order’s work involving children. However, the Order’s Principles of Best Practice state in particular;

- “that the Hospitaller Order of Saint John of God recognises that the safety of the child (under eighteen years of age) and vulnerable adults is paramount
- is committed to creating an environment in which all of those under eighteen years of age and vulnerable adults are valued, encouraged and affirmed, have their rights respected, and are treated as individuals
- is committed to the safest possible practice to minimise the possibility of abuse.”

The Code of Behaviour/Conduct for Brothers (Appendix 16, Safeguarding Policy document) also states that “we are obliged to be attentive to the requirements of safeguarding and to do everything we can to ensure that children and vulnerable adults are safe and are seen to be safe at all times.” It goes on to reference that “this includes; avoiding inappropriate demonstrations of affection from children and/or vulnerable adults” and “avoiding circumstances where we find ourselves alone with a child or vulnerable adult. This can be done by inviting another responsible adult to be present, keeping the door open, ensuring there is a clear glass panel in the door or wall of the room through which we can be observed.” This code of behaviour also references transporting children by car and supervision of children visiting a community house.

It is suggested by the reviewers that despite the criterion being fully met that this critical child protection and preventative guidance should be in the main body of the policy document and

not be in an appendix. This guidance could also be enhanced further by referencing key activities involving children such as trips and community based activities.

Criterion 1.6 is met fully.

This section in the Safeguarding Children Policy document ‘Procedures for responding and managing allegations’ clearly sets out how members who pose a risk to children are managed from initial receipt of an allegation through to a final outcome from either civil or canonical investigations. This includes the possible need to develop an interim safety management plan, which may then require the respondent to undergo a professional risk assessment. The monitoring of any Safety Management Plan/Precept/Covenant of Support is the responsibility of the Prior where an individual resides within a Community House.

Criteria 1.7, 1.8 and 1.9 are all met fully.

The Order’s Safeguarding Children Policy document defines in a comprehensive manner, the following forms of abuse and associated indicators:

- Physical abuse
- Sexual abuse
- Neglect
- Emotional abuse
- Financial abuse
- Institutional/Systemic abuse

In addition this document references “Children with additional vulnerabilities, children who are homeless and children ‘in care’. In terms of reporting to the civil authorities this is one of the primary functions of the Designated Liaison Person. The post holder will carry out a preliminary screening of an allegation to establish that reasonable grounds for concern exist. On the basis that reasonable grounds for concern do exist the civil authorities are informed. This process should not produce any undue delay in notifying the civil authorities.

The Policy and Procedure document for Safeguarding Children has been developed for all members within Ireland and is applied in all their locations.

All criteria under Standard 1 are met fully.

Standard 2

Management of allegations

Children have a right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities.

Compliance with Standard 2 is only fully achieved when a Congregation meets the requirements of all seven criteria against which the standard is measured.

Criteria

Number	Criterion	Met fully or Met partially or Not met
2.1	There are clear child protection procedures in all Church organisations that provide step-by-step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current).	Met fully
2.2	The child protection procedures are consistent with legislation on child welfare civil guidance for child protection and written in a clear, easily understandable way.	Met 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.	Not met*
2.6	There is guidance on confidentiality and information-sharing which makes clear that the protection of the child is the most important consideration. The Seal of Confession is absolute.	Met fully
2.7	The procedures include contact details for local child protection services e.g. (Republic of Ireland) the local Health Service Executive and An Garda Síochána; (Northern Ireland) the local health and social services trusts and the PSNI.	Met fully

*Denotes limited applicability

Criterion 2.1 is met fully.

Section 2 in the Policy and Procedure document for Brothers sets out clearly what the primary responsibility is for a religious member who receives information or who suspects abuse may have or could be taking place. This involves a prompt report being made to the relevant Prior and appropriate action being taken to ensure the immediate safety of the

alleged victim. In the absence of the Prior the Provincial will be informed who immediately notifies the DLP (Designated Liaison Person) or in their absence the Deputy DLP. When reasonable grounds for concern are established by the DLP the allegation is reported to the statutory authorities. If the respondent is a current religious member they are automatically withdrawn from public ministry and an interim Safety Management Plan/Covenant of Support would be developed and implemented for that person. As per Appendix 3 in the Policy and Procedures document for religious brothers retrospective disclosures will be dealt with in a similar manner.

Criterion 2.2 is met fully.

The Policy and Procedures for Safeguarding Children are “written in a clear, easily understandable way” and are consistent with the current national legislation and guidance for the protection of children.

Criterion 2.3 is met fully.

There is a Designated Liaison Person (DLP) who has been in this position for a number of years and a Deputy Designated Liaison Person (DDLDP). The DLP is a lay person with a clinical background and her Deputy DLP is a religious member. Both these post holders were interviewed by the reviewers during the fieldwork period of this review. Section 3 of the Policy and Procedures document (October 2015) sets out the role and function of the Designated Liaison Person (DLP) and the Deputy DLP.

This section outlines the primary role of ensuring appropriate actions take place in receipt of abuse allegations. Roles in respect of liaison with the respondent’s advisor and complainant’s support person are also clearly outlined.

A broader brief in respect of the Order’s safeguarding systems is also covered, combined with a brief on advising the Provincial and the Provincial Safeguarding Advisory Group on safeguarding training needs.

Criterion 2.4 is met fully

“Stage 3; Recording of information” in the Policy and Procedures document provides initial guidance on recording details in respect of an allegation within the section of this document that covers “Procedures for responding to and managing an allegation/safeguarding concern” the following statement is also made “4.3.9. Documentation of all the above actions, correspondence, contacts and meetings will be maintained in accordance with the secure filing system.”

Appendix 4 in the safeguarding policy documents also outlines a case file structure and that such information will be held in a central secure location with restricted access to key personnel.

The reviewers were shown the location for the storage of the case files and were satisfied that they are stored securely.

Criterion 2.5 is not met.

The 'Policy and Procedures for Safeguarding Children, Brothers Congregation (October 2015)' does not contain information which outlines a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving that complaint. The John of God Services have this criterion in place; while there are no Brothers in direct service provision, some who are also priests, minister as chaplains within the service and they must be in compliance with the services policy in relation to this criterion.

In adopting Safeguarding Children, Policy and Standards for the Catholic Church in Ireland (2016), the John of God Brothers will put in place the required complaints procedure, therefore there is no need to make a recommendation in relation to this deficit.

Criterion 2.6 is met fully

Appendix 4 of the Order's Policy and Procedures document for Safeguarding Children addresses the issue of confidentiality. It states in support of possible necessary safeguarding actions that "giving information to others for the protection of a child/vulnerable adult is not a breach of confidentiality." This section also states that "a guarantee of confidentiality or undertaking regarding secrecy cannot be given, as the welfare of the child/vulnerable adult will supersede all other considerations."

Criterion 2.7 is met fully

The reviewers noted that the Policy and Procedures document plus other publicity material referenced the relevant civil authorities in the Republic of Ireland. The Order did provide services for adults in the North of Ireland, but not for children, therefore there is no requirement for child safeguarding purposes that their public materials references statutory agencies from that jurisdiction.

Table 1
Incidence of Safeguarding allegations received within the Saint John of God Order (Ireland) from 1st January 1975 up to time of review.

1	Number of Brothers of the Province in Ireland against whom allegations have been made since the 1 st January 1975 up to the date of the Review	24
2	Total number of allegations received by the Order since 1 st January 1975	97
3	Number of allegations reported to An Garda Síochána involving Brothers since 1 st January 1975	95
4	Number of allegations reported to TUSLA/HSE (or the relevant health boards which preceded the setting up of the HSE) involving members since January 1975	94
5	Number of Brothers (still Members of the Order) against whom an allegation was made and who are living at the date of the review	5
6	Number of Brothers against whom an allegation was made and who are deceased*	13
7	Number of Brothers against whom an allegation was made and who are in ministry	1
8	Number of Brothers against whom an allegation was made and who are ‘Out of Ministry’, but still Members of the Order	1
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 Order/religious life	6
11	Number of Brothers who have been convicted of having committed an offence or offences against a child or young person since the 1 st January 1975	0

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

***Does not include brothers who left the Order**

Comment: Of the total number of allegations reported, nineteen (19) were made against unidentified persons; 11 of which specifically referenced unidentified Religious and 8 do not specify whether Religious or Lay. In addition the DLP deemed there was no reasonable cause for concern in respect of three (3) allegations and they were not formally reported to the HSE/TUSLA.

Table 1 Analysis

The response to child sexual abuse allegations in the Hospitaller Order of Saint John of God (Ireland) is undertaken primarily by the Designated Liaison Person (DLP) with the support of the Deputy DLP.

The Designated Liaison Person's role is set out within the Policy and Procedures document for Safeguarding Children. This references in particular the following responsibilities of the DLP:

- “The Order’s DLP will receive/hear allegations of abuse/safeguarding concerns with regard to children against present/former Members of the Hospitaller Order of Saint John of God from the Provincial and other sources...the DLP takes responsibility for managing the response to that concern or disclosure, from start to finish.
- The DLP is responsible for reporting all allegations or suspicions of child abuse to the Statutory Authorities.
- To ensure that the person making the complaint is regularly informed about the management of the complaint.
- To ensure that the Provincial and the Provincial (Safeguarding) Advisory Group are kept fully informed of any allegations of abuse/safeguarding concerns that involve the Brothers’ Congregation.
- To ensure that the Member (the Respondent) against whom the complaint has been made is regularly informed about the management of the complaint.
- To advise that Safety Management Plans/Covenants of support are developed for respondents as appropriate, implemented, the implementation monitored and reviewed as required.
- To coordinate and ensure action in the Order with regard to allegations of abuse”

The Policy and Procedures document also references the Deputy DLP as the person “who is appointed, who can act in the event that the DLP cannot deal with a concern/allegation, where there may be a conflict of interest, or where they are unavailable due to absence or incapacity.

The reporting relationship for the DLP is directly to the Provincial. If advice is required on the management of an allegation the DLP will seek the advice of the Order’s Provincial Safeguarding Advisory Group. This Advisory Panel has multi-disciplinary membership, both lay and religious, with one of its primary functions as being the body that will advise and assist the Provincial in the response to and management of safeguarding concerns and allegations of abuse. This panel also encompasses the role and responsibilities of the Order’s Safeguarding Committee.

In each community of members there is a Prior who is the Safeguarding representative for that community. They have a specific role in ensuring that the members in their community are aware of the implications of safeguarding children.

The information supplied in Table 1 records a total of 97 allegations of child sexual abuse known to Saint John of God Order since 1.1.75 to the commencement of this review. These 97 allegations were made in respect of 24 members. The time period covered by these allegations relates to abuse happening from approximately 1950 to the year 2000.

In respect of the 24 members, 5 are still living and remain members of the Saint John of God Order. All these case files were subject to review.

From a total of thirteen deceased who remained as members, against whom there were allegations, a sample of 4 of these case files were subject to review. Six of the identified members had left the Order at the time of this review. A sample of 3 of these case files was reviewed: one of these former members was still living, one was deceased and the status of the third was unknown.

It was noted by the reviewers that 19 out of the 97 allegations refer to unidentified persons/alleged abusers; 11 of which referred specifically to unidentified Religious. As these mostly were received from solicitors, attempts were made by the DLP to obtain further identifying information, but this was not forthcoming.

Twenty-four of the 97 allegations were originally categorised by the Order and by the civil authority agencies as physical abuse allegations, as they related to a form of “corporal punishment of children”; however following further advice sought by the Order in February and May 2013, from the HSE and An Garda Síochána they were re-categorised as alleged sexual abuse. The civil authority agencies advised that the investigation of such allegations would necessitate the establishment of sexual intent on the part of the respondent.

Brother A

Brother A was subject to an allegation of child sexual abuse in early 2001. At the time of the report the relevant health board and An Garda Síochána were already aware of the allegations.

On receipt of the report the Order immediately removed Brother A from Ministry. He was suspended from ministry and restrictions were placed on his movements and contacts. Both An Garda Síochána and the relevant health board investigated the allegations. It was not until late 2002 that the relevant health board advised the Order that their investigation was inconclusive and that the case was closed. The Order advised the relevant health board of their intention to reinstate Brother A in late 2002 and the relevant health board advised that this was a matter for the Order.

The reviewers acknowledge that Brother A had denied the allegation but would be concerned that there appears not to have been a canonical inquiry prior to him being reinstated. Brother A is retired in good standing.

Recommendation 1

The Provincial must ensure, in line with the Church’s standards and in accordance with the Orders Safeguarding Policy and Procedures that following the conclusion of statutory investigations, a preliminary investigation under canon law is initiated to assess if there is a case to answer prior to returning any member to ministry.

Brother B

The second of the living members, Brother B, subject to child sexual abuse allegation, self-disclosed in 2014 to the Order that he had sexually abused one young person. In contrast to the delays inherent in the Order’s responses to Brother D’s situation (below) the following actions were taken without any undue delay by the Saint John of God Order:

- An advisor was appointed to Brother B.
- Immediate restrictions were put in place by the Order on Brother B.
- Brother B's place of residence was changed.
- Brother B was withdrawn from normal day duties.
- A Covenant of Support (including Safety Management Plan) was put in place.
- TUSLA and An Garda Síochána were notified without delay of the allegation.
- A risk assessment was completed in early 2015 and Brother B was not to have contact with children or vulnerable adults.
- This case is also regularly reviewed by the Provincial Safeguarding Advisory Group.

The reviewers note that due to legal advice received by Brother B the contact details of the alleged victim were not released by Br. B to the Order. The Provincial then met with Brother B and informed him of the Provincial's requirement for the contact details of the complainant so that the Order can offer pastoral support to the complainant and ensure the appropriate access to therapeutic support.

Brother C

A third living member subject to child sexual abuse allegations, Brother C, was subject of an allegation in 2000. This was not reported at the time to the civil authorities as it was deemed by the Order not to reach the threshold for reporting. Despite this view Brother C's details appear to have been provided to An Garda Síochána in early 2001. (The alleged victim had also made allegations of Child Sexual Abuse against two other members, initially in 1999 and again during 2000. Towards the end of 2000 he made his first reference to Brother C and it was in the context of follow up to the reporting of the first allegations to An Garda Síochána that Brother C was also included in report An Garda Síochána.

The alleged victim in this case received significant support from the DLPs from 2000 to 2005 and more recently was contacted in 2014 and 2015. These contacts confirmed that the alleged victim had made a complaint to An Garda Síochána, on advice from the DLP, at the time this complaint was received by the Order. The more recent contact in 2014 and 2015 confirmed also that the alleged victim had received counselling which had been offered initially through the Order in 2000 but accessed elsewhere by the alleged victim.

The files suggest that this concern was discussed with personnel from the HSE as part of the HSE Ferns Audit of Religious to TUSLA in 2015, and was remained categorised as not reaching the threshold for reporting.

Br C is living and in active ministry within a Saint John of God Service. His duties are mainly administrative. He is a Brother in good standing.

Brother D

Of the five living members who have been subject to child sexual abuse allegations one particular member has been named by a significant number of complainants over a number of years. All allegations received refer to a time period before 1993.

Brother D was subject to child sexual abuse allegations, via a third party complaint, in 1985. The allegations were assessed by a psychologist and the Order's then DLP, who both deemed that there was 'no evidence to substantiate any of the allegations. In the same year a statutory

authority representative who forwarded the third party complaint was advised by the Order that there was no basis in fact regarding any of these allegations.

There was no written evidence on the case files that the Order had notified the relevant health board or An Garda Síochána of these multiple allegations; however there is a letter on the case file from the statutory authority representative to the Provincial dated 12th September 1985 that includes a reference to the statutory representative's intent to contact An Garda Síochána seeking a progress report from them.

A review of all such case files was initiated by the Provincial of the Order in 2012 which resulted in the 1985 allegations being notified to the HSE and An Garda Síochána. In 1997 a further child sexual abuse allegation was received by the Order in respect of Brother D. This allegation was contained in a statement made by the alleged victim to An Garda Síochána, a copy of which was forwarded to the Order. It was noted he was in an administrative role but the Provincial, at that time, still informed Brother D that he was not to work with children.

There was no evidence on file of Gardaí and the relevant health board notifications being made at that time. There was however evidence on file of contact between the Order and the relevant health board at the time regarding this allegation and the allegation had come via a statement to An Garda Síochána.

Subsequently, further child sexual abuse allegations were received against Brother D in 1998, 1999 (three in this year) and 2001. Up to 2001 in respect of the allegations, there was a clear denial from Brother D as to the credibility of the allegations. In 2002 two further separate allegations of child sex abuse were received by the Order in respect of Brother D. One was made directly by the alleged victim; the other was made by a third party and withdrawn shortly after by the third party. Both were denied.

In 2002 there was no record of notifications on file being made to the HSE nor to An Garda Síochána. In 2003 a further child sexual abuse allegation was received by the Order in respect of Brother D. On this occasion Brother D was written to by the Order and directed "not to have direct contact responsibility for programmes attended by children." He remained in administrative roles. It should be noted that the Order had advised the Eastern Health Board in 1998 that Brother D was no longer involved in services to children.

In 2008 another child sexual abuse allegation was received by the Order in respect of Brother D. This allegation was contained in a solicitor's letter, which was viewed as civil proceeding and was not identified as a child safeguarding allegation until the 2012 review when it was then reported to the statutory authorities. The alleged victim's solicitor was so informed and provided with the contact details of authorities and *Towards Healing*. The Order, then in 2012 appointed two advisors to Brother D.

In 2009 a further child sex abuse allegation was received by the Order. In 2010 a third party allegation of abuse, nature unknown was received. The alleged victim is deceased. In 2011 a child sexual abuse allegation was received by the Order via a medical practitioner and the HSE. HSE / Tusla have not yet had the opportunity assess the credibility of this allegation. By this time the Order had initiated a risk assessment which in January 2011 deemed Brother D to be low risk of physical or sexual abuse, primarily given that he is not in a position of authority over children.

In 2012 new allegations were made by an alleged victim who had come forward in 1998 and a Garda Investigation commenced. Further child sexual abuse allegations have been received in respect of Brother D in 2013 (three in that year) and 2014 (three in that year).

Brother D is now out of public ministry since 2012, and is complying with a Covenant of Support and the canonical investigation is in process. The 2011 risk assessment had recommended Brother D receive therapeutic input. In 2012 a review of risk assessment commenced and Brother D then attended for therapeutic input.

Throughout the period of recorded allegations, which were received from 1985 to 2014 Brother D has denied any involvement in sexually abusing children. The allegations of child sexual abuse detailed above in respect of Brother D do not include any that may have been referenced by the Commission to Inquire into Child Abuse, which are outside the terms of reference for this review nor any that may have been reported to Residential Institutions Redress Board and which the Order are not permitted to disclose.

The reviewers note that while the Provincial in 1997 advised that Brother D should have no contact with children, he remained in a prominent role with responsibility over a service that included children's services. It was following a review of the case files in 2012 that allegations were reported to the civil authorities where it was not evidenced on file that they had previously been reported. In 2013 a Canonical Investigation with regard to Brother D was commenced.

Brother E

Brother E is the fifth of the living members whose case file was subject to review.

The child sexual abuse allegation was received by the Order in early 2015. The response of the Order was as follows:

- Prompt notifications made to An Garda Síochána and TUSLA.
- The alleged victim had already been receiving counselling and this continued
- Safety Management Plan was put in place and remains in place
- The case has been regularly reviewed by the Safeguarding Advisory Group

Brother E at the time of the review is retired.

Deceased Members

Thirteen deceased members (who remained members up to the time of their death) of the Saint John of God Order have been subject to allegations of child sexual abuse. A random example of 4 of these case files were examined by the reviewers, including two members who had left the Order and subsequently died.

Brother F.

Brother F was deceased when an allegation was received in respect of him in late 1998. The complainant was met by representatives of the Order within weeks of the complaint being received. There was however a delay (3 – 4 months) in notifying An Garda Síochána at the time and no record of a notification to the relevant health board. Following the 2012 review of case files by the Order notifications were sent to An Garda Síochána and the HSE in 2013. At the same time the case was also reviewed by the Provincial Safeguarding Advisory Group.

Correspondence on file evidences counselling being offered to this alleged victim.

Brother G

Brother G left the Order in the 1960's and was recently deceased. The allegations of child sexual abuse and physical abuse in respect of former Brother G relate to the 1950's and 1960's. The complaint was received from a solicitor in 2001 and the matter was seen in 2001 as civil proceedings therefore no safeguarding procedures were implemented.

Post the 2012 internal case review statutory notifications were made to the HSE and An Garda Síochána and the case was also reviewed by the PSAG. In 2015 An Garda Síochána and TUSLA were advised that former Br G was deceased.

The Order's Policy and Procedures document has addressed the issue of legal notifications in Section 4.2.8 where it states "any legal correspondence received containing an allegation of abuse in addition to being forwarded to the Order's solicitors should be made known to the Designated Liaison Person who accordingly notifies the authorities in accordance with the above outlined procedure." This section also notes that all supports will be offered through the complainant's solicitor and they will be kept informed of all developments and notifications completed.

Brother H

Brother H was not deceased when a child sex abuse allegation was received in respect of him. He had been initially identified in respect of a physical abuse allegation in 1997 and then the child sexual abuse allegation in 1998. In relation to the physical abuse allegation, which is outside the terms of reference of this review, no statutory notifications were made. In 1998 the Order received the child sexual abuse complaint in respect of Brother H; the following actions were taken by the Order:

- The DLP met the complainant and counselling was offered. The complainant did not wish the concern to be reported to An Garda Síochána. The DLP went on to provide support to the complainant up to 2001.
- No notifications were made at the time of the complaint being reported, to the statutory authorities. At that time Brother H was retired, had no access to children and was in poor health. The Order now accepts that this would not be grounds for failing to notify the statutory authorities.
- There was a subsequent notification made to An Garda Síochána.
- In 2012, post the case review process, An Garda Síochána and the HSE were notified, Brother H was deceased at this point.

In 2012, the complainant's solicitor was also given contact details, for *Towards Healing*. Between 2001 and 2003 the Order received three further sexual abuse allegations, two of which were third party allegations, in respect of Brother H. In all three cases the DLP met the complainants and offered them counselling. Some were already receiving counselling. Consistent notifications to both relevant statutory authorities did not take place in a timely manner. Post the 2012 case review in 2013 all cases were notified to the HSE and An Garda Síochána.

In 2001 the case file notes that Brother H was retired and living in one of the community houses. He was not engaged in any work with children or vulnerable adults and his health was deteriorating.

Brother I

Brother I was not yet deceased when the allegations of sexual and physical abuse were received by the Order in respect of him. An Garda Síochána advised the Order of the allegations in 1997. Brother I when approached by the Provincial about the allegations denied them.

At the time of the allegations Brother I was working in a St. John of God service. No action appears to have been taken in respect of this employment situation, on receipt of the allegation, by the Order.

There are no statutory notifications made by the Order to the relevant health board on file. There is also no record of supports being offered to the complainant on file via the Order communicating through An Garda Síochána. The case was reviewed by the PSAG in 1997. In 1998 the Director of Public Prosecutions (DPP) confirmed that there would be no prosecution. It would appear Brother I continued in his employment without any suggestion that a canonical process or risk assessment might be considered necessary.

In 2003 two further child sexual abuse allegations were received by the Order in respect of Brother I, relating to the 1960's and 1970's, in the same location as the first allegation received in 1997. By this time Brother I was deceased. In the first of these two cases the DLP was advised by the relevant health board of the complaint. The DLP at the time requested that the relevant health board notify An Garda Síochána. There is no record of support being offered to the complainant. A solicitor appears to have been involved and as noted earlier, at this time the Order did not consistently apply safeguarding responses in such possible civil litigation situations.

In the second of these cases in 2003 the complainant had already engaged with An Garda Síochána and the HSE. Subsequently An Garda Síochána and the relevant health board notified the Order of the concerns in 2003. This also appears to have been a case for possible litigation. There is no record on file of support being offered to the complainant by the Order in 2003.

The Order was in contact with this person in 2014 / 2015 and was informed that the individual had received counselling and was doing well.

Former Brothers

The reviewers also examined case files in respect of three former brothers, one believed to be still living and the status of the others is unknown.

Former Brother J

Brother J left the Order in the early 1980's. Sexual abuse was alleged by a complainant in 2003 to a member of staff. The complainant was met by the DLP on a number of occasions but did not make any allegations against the Brother and this person was encouraged to make a formal complaint to An Garda Síochána which did not subsequently take place.

Later in 2003 a relative of the complainant stated to the Order that the complainant did not want the matter reported to An Garda Síochána. The file records that this “was considered to be a withdrawal of the allegation and that there was no reasonable grounds for concern”. The reviewers would disagree with this interpretation and note, in particular, that statutory notifications were not completed on this case at that time.

It was also noted that there appears to be no evidence on file of supports being offered to the complainant by the Order.

Former Brother K

Brother K left the Order in the mid 1950’s. His current status is unknown. A complaint of a sexual and physical abuse nature was received in respect of this former brother in 1996. At the same time the complainant also alleged abuse in respect of three other brothers. The response of the Order in respect of the allegations against Brother K was as follows:

- The complainant was met by the DLP in 1996
- The complainant was advised by the DLP to report the concern to An Garda Síochána
- December 1996, the DLP notified An Garda Síochána
- March 1997, the case was reviewed by the PSAG on two occasions.
- The complainant was offered assistance re counselling and/or other clinical supports
- In September 1997 the Provincial wrote to the complainant telling the person again to report the concern to An Garda Síochána, this was followed through. The Provincial also gave the complainant an update re the case, as other Brothers had been named in this allegation
- July 2000. Complainant met by DLP who confirmed that complaint had been made to An Garda Síochána.
- August 2000: Last recorded contact on file between the complainant and the DLP

In 1996/97 there were no notifications to the relevant health board evidenced on the case file. Following the case file reviews initiated in 2012 by the Order, this case was notified to An Garda Síochána and the HSE in 2013. In early 2013 the HSE Ferns Audit were given details of this allegation. In September 2013 the PSAG noted the recent actions taken.

Former Brother L

Brother L left the Order in the early 1970's and is understood to be still living.

It came to the knowledge of the Order in 2004 that An Garda Síochána and the relevant health board were conducting an investigation, the nature of which was unknown, relating to the 1960's. However as a response to the case review of all files, initiated by the Order in 2012, the Order wrote to An Garda Síochána and TUSLA in 2012 seeking additional information with regard to these investigations. An Garda Síochána responded to advise the Order to contact TUSLA. TUSLA responded by informing the Order that an allegation of abuse had been made against this former Brother and the investigations were inconclusive and the file closed.

Summary of the response of the Saint John of God Order to child sexual abuse allegations received in respect of members of the Order.

In summary the following themes emerge:

- There was reasonably prompt notification to An Garda Síochána, in most cases.
- An examination of case files indicate poor notification to the relevant health board/HSE until 2012, when the Order initiated a review of all case files. Up until 2008, the Order believed that in reporting to An Garda Síochána, that information would be passed by them to the relevant health board as was the protocol in place at the time.
- In the past the pastoral response of the Saint John of God Order (Ireland) to complainants was not consistent and neither were the notifications to the statutory agencies completed consistently.
- The response to dealing with respondents also varied. In some cases they were withdrawn from ministry and employment immediately, whilst in others there appears to have been a significant delay in action being taken. In some cases risk assessments were completed while in others there was no evidence of such assessments taken place.
- There is limited evidence of any canonical inquiry following civil authority investigations.
- The management of case involving Brother D raised concerns for the reviewers.
- The historic response of the Order to notifications from lawyers has already been dealt with in this report. The former response potentially left complainants and respondents vulnerable. The reviewers would be confident that if any complaints were received in future via lawyers that the full Safeguarding Procedures would be implemented by the Order as was evidenced in the files following letters received since 2012 via lawyers which have been responded to in accordance with the full safeguarding procedures.

In 2012, the then Provincial of the Saint John of God Order (West European Province) implemented a full case review of all safeguarding case files. This review is on-going. To date the following are some of the significant outcomes from this review:

- Reports/Notifications have been made to the statutory authorities where it could not be ascertained from the files that such reports/notifications had been made previously.
Evidenced by the reviewers.

- Amendments to Saint John of God Procedures and Protocols including, for example, responding to allegations contained or referenced in solicitor's letters. **Evidenced by the reviewers.**
- Contact with some alleged victims directly or through their advocate/solicitor to ensure they had key contact details. **Evidenced by the reviewers.**
- Canonical investigation. **Evidenced by the reviewers.**
- Liaison with the Gardaí and the HSE. **Evidenced by the reviewers**
- Liaison with the Archbishop of Dublin's safeguarding service. **Evidenced by the reviewers**
- Liaison with the NBSCCCI. **Evidenced by the reviewers**
- Identification of outcomes and follow up actions to allegations not previously noted on files or known to the Order. **Evidenced by the reviewers**

The cases involving Brothers B and E are examples of the Order fully putting into practice the issues of good practice in child safeguarding as informed by the Order's internal case review and conforming to the requirements of the NBSCCCI's current safeguarding children standards within the Church.

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 fully
3.3	All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded.	Met fully

Criteria – Codes of behaviour

Number	Criterion	Met fully or Met partially or Not met
3.4	The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children.	Met fully
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Met partially
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.	Met partially
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	Met fully

	discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.	
3.9	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Met partially*

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

Criterion 3.1 is met fully.

Appendix 13 in the Policy and Procedures Safeguarding Children document sets out the requirements for recruiting Church personnel and assessing their suitability to work with children. It notes in particular the requirement for a comprehensive psychological assessment; references, background checks and Garda vetting that will be required of new applicants to the Order. Parallel to this process the Order also implements a discernment process which is on-going in relation to the spiritual, psychological, emotional and vocational development of a candidate for the order.

Criteria 3.2 and 3.3 are also met fully.

A system has been put in place to enable a review of the status of all Brothers in respect of Garda vetting to take place. This system was viewed by the reviewers. Appendix 13, as referenced above, also states that “no interested person or those who wish to become candidates are permitted to have any involvement with the service, until it is ascertained that they have complied with the statutory regulations that apply to all those who work in the services, staff, Brothers and volunteers, i.e. references, Garda clearance, work history etc. Such individuals are also required to participate in the induction programme of the service.” There is a significant level of Garda vetting in place across the Saint John of God Brothers despite the fact that most of the Brothers are retired and/or are in administrative based roles. This level of implementing the Garda vetting policy is in part due to the fact that a number of

the community houses are located on service site which are accessed by children and vulnerable adults.

In addition to the above measures any short or long term visitors to the community houses are screened by the relevant Prior. The Prior must be consulted in respect of all visitors, whether lay or religious, and where appropriate will look for a bishop's recommendation in respect of a visiting religious. Visiting religious are also formally cleared through the Provincial and in each community a diary is kept of such visits. This process is now the subject of a specific protocol introduced in 2015 for use on a trial basis up to June 2016.

Criterion 3.4 is met fully.

Throughout the Policy and Procedures Safeguarding Children document there is an emphasis on stating the appropriate/expected standards of behaviour of adults towards children. This is referenced in particular in Appendix 16, *Code of Behaviour/Conduct for Brothers*.

Criterion 3.5 is met partially

The current Saint John of God's Code of Conduct does not deal specifically with an anti-bullying policy; however if any Brother has ministry with children this will be through the Services who does have an anti-bullying policy.

Criterion 3.6 is met partially

There was not a clear and consistent 'Whistle Blowing' Policy and document evidenced by the reviewers. A clear statement is made throughout the Policy and Procedures document that "nothing in this document should be interpreted as a restriction on the Member from reporting to An Garda Siochana themselves but is intended to facilitate the efficient reporting of such matters". Despite this statement it remains a fact that a specific 'whistle-blowing policy' was not evidenced and the reviewers make the following recommendation.

Criteria 3.7 is met partially

The Order's Code of Behaviour/Conduct for Brothers does not reference specifically how to deal with children's unacceptable behaviour in ways that do not involve physical punishment or any other form of degrading or humiliating treatment. As for 3.5 any Brother who has ministry with children will be guided by the services policy in this regard.

Criterion 3.8 is met fully.

The Order's policy references discriminatory language and states that such that behaviour is abuse. Concerns of this nature have been reported to the statutory authorities and disciplinary actions taken, against the member responsible. This criterion is fully met.

Criterion 3.9 is met partially

It should be noted that the current Safeguarding Children Policy and Procedures document is for religious members. If they are employed with intellectual disability or mental health services, either as chaplains or on boards of management, then their practice is governed by

the Safeguarding policies of the relevant services as well as the Orders. This will include adhering to guidelines in the personal or intimate care of children with disabilities, if applicable.

The Code of Behaviour in the Policy and Procedures document however only gives some basic guidance in respect of inappropriate and appropriate contact with children. The section (1.6) in the document that references children with additional vulnerabilities also briefly references children with disabilities.

Criteria 3.10 and 3.11 are met partially

The current Safeguarding Policy document references both these criteria but not in specific detail. The reviewers accept however that as an Order the John of God Brothers would not be organising any activities for Children other than through the Services, in which case the Services Policies and Procedures apply.

Criterion 3.12 is met fully

The Policies and Procedure document for Safeguarding Children has a clear statement and associated guidance in respect of the use of information and Communication Technology.

Recommendation 2

The Provincial must ensure that in the process of reviewing the Saint John of God's Safeguarding Children Policy consideration will be given to developing a whistle blowing policy.

Standard 4

Training and Education

All Church personnel should be offered training in child protection to maintain high standards and good practice.

Criteria

Number	Criterion	Met fully or Met partially or Not met
4.1	All Church personnel who work with children are inducted into the Church's policy and procedures on child protection when they begin working within Church organisations.	Met fully
4.2	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Met fully
4.3	Training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as designated person.	Met fully
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

Criterion 4.1 is met fully.

As part of the induction process for aspiring members of the Order, members would be inducted according to the requirements of the Order's Safeguarding Children Policy and Procedures. In addition all members receive a minimum annual input in respect of safeguarding from the DLP who is a trained trainer.

Criterion 4.2 is met fully.

All the key safeguarding personnel met during this review had received training related to their roles or were to do so in the near future, primarily delivered by the NBSCCCI. In January 2016 the Provincial Safeguarding Advisory Group will receive training from the NBSCCCI. The newly appointed support person for complainants will also receive her training from the NBSCCCI in 2016. The local safeguarding representatives when met by the reviewers also confirmed they had received internal and NBSCCCI training in relation to their safeguarding roles within the Order.

Criteria 4.3, 4.4 and 4.5 are met fully.

The training calendar is known to all key safeguarding personnel. The DLP has a key role in informing the PSAG in respect of the child safeguarding needs of the Order. The DLP, as a trained trainer, also has a key role in delivering in-house training related to safeguarding issues.

The reviewers were given access to the records of Safeguarding training attended going back to 2009. The following show the range of issues covered:

- Managing allegations of abuse
- Safeguarding information session
- PSAG – Canonical Law
- Local Safeguarding Representatives
- Interim Safeguarding Policy and Procedures
- DLP training
- Vetting trainers
- Realities of the internet
- Advisers training
- Training the trainers training
- Notification case management
- First point of contact training

The reviewers noted when accessing the training schedule that most of the Order's training attendees remain within the organisation. This has retained the experience and training knowledge within the Order's child safeguarding structures.

The issue of Child Safeguarding is a standing agenda item for all local management meetings within the Saint John of God service areas. The issue of Child Safeguarding is also raised within the Order's religious structures at monthly assemblies or at a special assembly if it is deemed necessary that one would be called.

The DLP as the trained trainer within the Saint John of God Order ensures that the internal training programmes are delivered at a level that would meet the approval of the NBSCCCI.

On the basis of the above information it is the opinion of the reviewers that Standard 4 is met in full.

Standard 5

Communicating the Church’s Safeguarding Message

This standard requires that the Church’s safeguarding policies and procedures be successfully communicated to Church personnel and parishioners (including children). This can be achieved through the prominent display of the Church policy, making children aware of their right to speak out and knowing who to speak to, having the Designated Person’s contact details clearly visible, ensuring Church personnel have access to contact details for child protection services, having good working relationships with statutory child protection agencies and developing a communication plan which reflects the Church’s commitment to transparency.

Criteria

Number	Criterion	Met fully or Met partially or Not met
5.1	The child protection policy is openly displayed and available to everyone.	Met fully
5.2	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.	Met fully
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 /TUSLA, 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 fully

Criteria 5.1, 5.2 and 5.3 are met fully.

The Order’s Safeguarding Statement and contact details for key internal and external safeguarding personnel were examined by the reviewers and deemed appropriate. As well as these hard copies which are displayed in the community houses and within the administrative centre the Order’s website replicates this information.

The DLP and Deputy DLP are named on the information and contact details supplied. A business card is also used as an information-giving tool with contact numbers for the Saint John of Designated Liaison Person, TUSLA and An Garda Síochána.

Criterion 5.4 is met fully.

As noted already in the review the contact details for the PSNI and the Health and Social Care trusts in Northern Ireland are not contained within the current Safeguarding information provided by the Order, as the previous services were not in relation to ministry with children.

Criterion 5.5 is met fully.

As a key part of this review the statutory authorities, TUSLA and An Garda Síochána were consulted. It is the view of both of these state agencies that they have a positive view of their engagement with the Order in respect of safeguarding issues. There is a level of duplication of notification to An Garda Síochána and this appears to be primarily as a result of the 2012 review where the Order have taken the view that if copies of statutory notifications were not on file that they would be sent again even if the file note recorded such notifications had been actioned in the past.

A local arrangement is also in place with TUSLA where the DLP and the TUSLA liaison person meet regularly to review notifications in respect of deceased members who have become subject to child abuse allegations. This is outside of the existing notification system. The primary liaison between TUSLA and the Order is in respect of the assessment and supervision of living members, accused of child sexual abuse, who may pose an on-going risk to children and reside in the designated TUSLA area.

Criterion 5.6 is met fully.

The communications policy of the Saint John of God Order prioritises informing its members and others of the Order's Safeguarding Policy and Procedures for children. Internally child safeguarding is maintained on the Order's agenda and that of the service through ensuring the issue remains a regular discussion item on the agenda of all key meetings.

With the implementation of the Church's revised National Standards the Order may wish to give consideration to implementing a communications plan, particularly for the incoming standards, which has clear actions, has an implementation phase and has time frames.

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

Criterion 6.1 is met fully.

At the present time the Saint John of God Order have in place all the elements of the required Safeguarding structure for children within which operate the Safeguarding personnel who have distinct roles and functions.

Underpinning this structure since 1993/94 has been the Provincial Safeguarding Advisory Group. The current version of the PSAG has the following membership:

- A canon lawyer
- A civil lawyer
- A child care professional
- A religious member
- A lay member

All allegations received in respect of the religious order and of service related concerns involving members are notified to the PSAG for advice. The DLP has the support of the PSAG for the provision of specialist advice and when requested provides information and advice on safeguarding to the PSAG in return.

Criterion 6.2 is met fully.

The Order has established contacts within the appropriate civil authorities and publicises the contact details for *Towards Healing*. This information is available in hard copy and/or on the Order's website.

Criterion 6.3 is met fully.

The Policy and Procedures Safeguarding document for children does provide guidance on responding to a child who may have been abused. This guidance tends to be in various sections of the document and if the document is subsequently redrafted the reviewers would suggest that the process of responding would be held in one section for ease of reference.

Criterion 6.4 is met fully.

The reviewers noted that complainants who came forward with an allegation of abuse will be offered the contact details for the Order's dedicated support person. A complainant will be given contact details for *Towards Healing* for counselling supports. The likelihood is that the newly appointed support person may be underused as the profile of the majority of the complainants to date has meant that as they were attending services they already had their own support in place.

Criterion 6.5 is met fully.

The Saint John of God Order ensures that all members who are removed from ministry or are in restricted ministry are offered the support of an advisor. In some cases a risk assessment of the member has taken place and the advisor is available to support a member through this process.

The monitoring of any member subject to a Covenant of Support is primarily carried out by the Priors in the various communities. The Priors are supported in this role through regular meetings with the DLP.

The Saint John of God Order has also recognised the impact on a member's own family when one of their family is accused of child sex abuse. On that basis the Order through the Provincial and Provincial Council are committed to the provision of support for a respondent's family when necessary.

In view of the above information it is the opinion of the reviewers that Standard 6 is met in full.

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

Criterion 7.1 is met partially.

The reviewers had access to hard copies of the draft safeguarding plans for the Order for 2014 and 2015. The criterion is not however fully met as the plan is not targeted nor is it fully time framed and in particular does not clarify who is responsible for achieving the listed goals.

Recommendation 3

The Provincial should ensure the development of a Safeguarding Plan which sets out the order's proposals for Safeguarding as required by Criterion 7.1.

Criterion 7.2 is met fully.

The reviewers would be of the opinion after interviews with key personnel and reviewing the written documentation provided, that the human and financial resources will be provided to implement any required child safeguarding actions, it was noted in particular that the PSAG has a role in advising on the human resources required for implementing best safeguarding practice across the Province.

Criterion 7.3 is met fully.

The Provincial Safeguarding Advisory Group has been in place within the Saint John of God Order since 1992/93. This group has responsibility for ensuring the implementation of the

Saint John of God Safeguarding Children – Policy and Procedures, Brothers’ Congregation. It also has a function in “creating, maintaining and monitoring a safe environment for children.”

Effectively since the 2012 audit of case was initiated by the Order the child protection systems within the Order have been continuously audited. This audit remains on-going.

Criterion 7.4 is not met.

As there are no members in direct ministry with children, there is no reference within the policy document about feedback from children on the policy and practices for keeping children safe. The services do however provide regular feedback opportunities for children and their families.

Criterion 7.5 is met fully.

In the review of the case files it was evident that all available information in respect of allegations of abuse was now being recorded and was on file. All case files are kept centrally in a secure location with restricted access. This location was examined by the reviewers.

Concluding remarks

The reviewers would wish to acknowledge the cooperation received from Brother Donatus Forkan, Provincial of the West European Province of the Saint John of God Order during this child safeguarding review.

Acknowledgement is also due to the other key lay and religious members who assisted the review, particularly the Designated Liaison Person (DLP).

The Order has made significant progress in developing their child safeguarding processes particularly since the 2012 review of case files commenced. That review remains on-going as does the Saint John of God Order’s commitment to continue to maintain and provide a safe environment for children to minimise the possibility of abuse.

Recommendations:

Recommendation 1

The Provincial must ensure, in line with the Church's standards and in accordance with the Orders Safeguarding Policy and Procedures that following the conclusion of statutory investigations, a preliminary investigation under canon law is initiated to assess if there is a case to answer prior to returning any member to ministry.

Recommendation 2

The Provincial must ensure that in the process of reviewing the Saint John of God's Safeguarding Children Policy consideration will be given to developing a whistle blowing policy.

Recommendation 3

The Provincial should ensure the development of a Safeguarding Plan which sets out the order's proposals for Safeguarding as required by Criterion 7.1.

Review of Safeguarding in the Catholic Church in Ireland

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

1. To ascertain the full extent of all complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the 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.

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4. To consider and report on the implementation of the 7 Safeguarding Standards set out in *Safeguarding Children* (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;
 - 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.