



Private and Confidential

Review of Safeguarding Practice

in the

Irish Province of the Congregation of the Holy Spirit

undertaken by

The National Board for Safeguarding Children in the

Catholic Church in Ireland (NBSCCCI)

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Provincial of the Irish Spiritans**

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Background

The reviews into safeguarding practice by the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) are now well established. The Sponsoring Bodies, namely the Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union in 2010 requested that NBSCCCI undertake a comprehensive review of safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review is to confirm that current safeguarding practice complies with the standards set down within the guidance issued by the Sponsoring Bodies in February 2009, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and that all known allegations and concerns had been appropriately dealt with. To achieve this task, safeguarding practice in each Church authority is to be reviewed through an examination of case records and through interviews with key personnel involved both within and external to a diocese or other authority.

This report contains the findings of *the Review of Safeguarding Practice within the Irish Province of the Congregation of the Holy Spirit* henceforth known as the ‘Spiritans’ undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies. It is based upon the case material made available to us by the Spiritan Provincial Leadership Team (PLT), along with interviews with selected key personnel who contribute to safeguarding within the congregation. In addition a number of victims contacted NBSCCCI offering comments on their experiences, following the posting of a notice on the Spiritan website that the review was happening. The NBSCCCI believes that all relevant documentation held by the congregation for these cases was passed to the reviewers. Considerable preparation clearly took place in anticipation of the review. The case management records were restructured in line with the Church’s national guidance on recording and storage of information. We would like to acknowledge and thank those responsible for structuring the records in such an accessible way, making the job of reading the records a much easier task.

The findings of the review, along with the recommendations arising from the findings, have been shared with the Reference Group in redacted form and views sought from that group.

Introduction

At the request of the then Provincial Leader of the Irish Province of Spiritans, the NBSCCCI engaged in a process of reviewing child safeguarding policy and practice on June 19th, 20th, 26th and on 3rd July 2012. During the initial fieldwork period, case files and other documentary evidence were examined. This exercise was supplemented in follow-up days by interviews with key personnel and committees who are part of the congregation's safeguarding structure and who currently have responsibility for safeguarding children. In anticipation of the review by NBSCCCI, the Spiritans posted a notice on their website informing interested parties of the forthcoming audit of policy and practice. This notice prompted interest from survivors of abuse who directly contacted members of NBSCCCI to share their experiences. Almost all of these survivors had previously notified the civil authorities and/or the Spiritans of their abuse, where there were new disclosures these were passed by NBSCCCI to An Garda Síochána the HSE and to the designated person for the Spiritans.

The Irish Province of the Congregation of the Holy Spirit, formerly known as the Holy Ghost Fathers, was founded in 1859 from France to provide English speaking missionaries for Africa. The Irish Spiritans established a network of five secondary and three junior schools to respond to the needs in Ireland for education and to give suitable training for future mission personnel. These schools, while maintaining the Spiritan vision and ethos, are now managed by Boards of Management under the trusteeship of the Des Places Educational Association in line with the Education Act 1998.

Since 1930 about 1800 Irish men joined the Spiritans. Today 290 Spiritans belong to the Irish Province, 95 are on mission abroad, 45 are in ministry in Ireland and 150 are retired.

Today the Irish Spiritans focus their attention on a number of parishes in west Dublin where they also have a counselling service for disadvantaged communities. They have a service for Refugee and Asylum seekers (SPIRASI) which is also a National Centre for the Care of Survivors of Torture. Kimmage Manor has the Kimmage Development Studies Centre located on its campus. They also run a Spirituality Centre outside of Navan. Other Spiritans are engaged in parish ministry and chaplaincy work.

This review has been conducted using a similar process to that applied to reviews undertaken in dioceses. However, the fieldworkers recognise the differences between diocesan priesthood and religious life and have tried to reflect in this report some of the distinct issues that arise for religious priests. For example, leadership changes on a six yearly basis within the Spiritans, making exchange of information critical if risk is to be managed effectively. This aspect will be commented upon further in this report. In addition, while the congregation has defined policies and procedures relating to safeguarding, some priests work in parishes across Ireland and must follow the safeguarding procedures of the dioceses in which they work. In addition they participate in training offered by the host diocese as well as training provided through the Congregation. Finally, when allegations of abuse are made and there is a requirement for the respondent to be removed from ministry, the priest/brother continues to reside within a Spiritan community under supervision.

In preparation for the review by NBSCCCI, members of the congregation were informed through a variety of approaches including by way of a detailed letter from the provincial signposting members to the Terms of Reference for the review.

The letter stated “The time span is expressed as being in the period 1975 to date. However, our aim is to ensure that whatever knowledge, suspicion or concern may exist, irrespective of when it was acquired, will become known to the Provincial Leadership Team and to the NBSCCCI during the course of this audit.

I know that this is a matter of great pain to each of you, both as regards the many children who suffered due to abuse by some of our members and also because it casts a shadow over the ministry and work of the congregation. Nonetheless, an audit of this kind is the most effective means by which the Province can free itself in continuing our mission of service among God’s people here in Ireland and overseas.

Accordingly, I am requesting that you make available any documentation in your possession concerning child sexual abuse by a member of the Province which may be of relevance to the work of the Audit, so that I can fulfil the commitment of the Province to this voluntary process.”

The Spiritans conducted an audit of their safeguarding policies and procedures and provided the NBSCCCI reviewers with comprehensive materials detailing the findings of the audit. It is also worthy to note that in July 2011, the Spiritans re-established their advisory panel, (which was first established in 1995, but later became inactive) who spent a considerable period reviewing cases and as a consequence a monitoring panel has been established. This is a commendable initiative, through which advice is provided for the assessment and management of men who are out of ministry. Again this initiative will be reviewed later in this report.

The purpose of the review is set out within the Terms of Reference that are appended to this report. It seeks to examine how practice conforms to *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*, both at the time an allegation was received and currently. It is an expectation of the NBSCCCI that key findings from the review will be shared widely so that there may be greater awareness of what is in place and what is planned, as well as increased confidence that the Church is taking appropriate steps to safeguard children.

The review was initiated through the signing of a Data Processing Deed, allowing full access by staff from NBSCCCI to all case management records. This access does not constitute disclosure, as the reviewers, through the deed, were deemed to be nominated data processors of the material for the Spiritans.

The process involved the fieldwork team reading all case management records of living priests against whom allegations have been made, in addition, as members of the review team had been contacted directly by some survivors of abuse, the case files relating to their abusers were also examined, even though in many of these cases the perpetrators were deceased

Further details will follow in the section on Standard 2 – Management of Allegations.

In addition to the reading and reviewing of case files, a number of personnel were interviewed including the Provincial, the Designated Person, the former Designated Person (currently Assistant Designated Person), two Priest Advisers, members of the congregation's Advisory Panel, members of the Monitoring Panel, an independent ex- member of An Garda Síochána, who ensures that the assessment and monitoring plans are being adhered to and members of the outgoing and incoming Provincial Leadership Team.

The final part of the review is an assessment of the safeguarding policy and procedures against the standards set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*.

As with all previous reviews, NBSCCCI has concentrated on an evaluation of current risk. Therefore an examination of case files relating to allegations against living priests, as well as the Spiritan's practices relating to the creation of safe environments for children, took priority during the fieldwork. However, given that there were in addition, a number of offenders of multiple abuses within the Spiritan Congregation who are deceased, the review team considered and documented significant issues contained within the records of those priests and have highlighted below those issues alongside findings from the cases of living priests.

The review process uses the seven standards outlined within *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* as an assessment framework. The report below therefore highlights findings under each standard and draws conclusions regarding the effectiveness of policies and practices to prevent abuse in the congregation, as well as the readiness of the relevant personnel within the congregation to ensure that all allegations have been reported, that survivors have been responded to and that those who have harmed children and who remain within the congregation are appropriately managed so as to prevent further abuse. Where appropriate, recommendations for improvements are made.

STANDARDS

This section provides the findings of the review. The template employed to present the findings are the seven standards, set down and described in the Church guidance, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. This guidance was launched in February 2009 and was endorsed and adopted by all the Catholic Church authorities that minister on the island of Ireland, including the Spiritans of the Irish Province.

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.

Policy & Procedures

The Spiritans produced their revised policy and procedures in March 2011 following implementation of *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. The document is available in hard copy and on their website and follows the requirements under *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. Given that the congregation works across Ireland, contact details for civil authorities in both the Republic of Ireland and Northern Ireland are clearly displayed in their policy document, alongside details for their designated people.

It is interesting to note that the congregation has recently reviewed their policies and procedures, assessing for themselves that each standard and subsection of the standard is in place. The Provincial has approved, adopted and signed the policy and procedure document, which was then reviewed at the Provincial Chapter in 2012. The review noted that the document was distributed to all confreres in Ireland and abroad and all were encouraged to raise awareness of child protection issues and ensure implementation at local level. The PLT's report to the membership of the Province at the 2012 Chapter expressed concern that the congregation still continued to receive complaints, adding that all complaints are reported to the statutory authorities and to NBSCCCI.

Compliance with Standard 1 is fully achieved when a congregation 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 congregation 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 Provincial of the 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.	Not contained within the Policy document*
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 Provincial level. If a separate policy document at parish or other level is necessary this should be consistent with the Provincial policy and approved by the relevant Provincial before distribution.	One policy exists throughout the Irish Province.

**The Terms of Reference for the monitoring panel details how those who pose a risk are managed.*

The Spiritan Provincial Leadership Team (PLT) formulated its first child protection policy in 1995.

The current policy document of the Spiritan Congregation was drafted in 2011 and as already stated reviewed at the Provincial Chapter in 2012. Prior to that the congregation adopted NBSCCCI document *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*, without making it specific to their congregation and individual circumstances.

The review team were not given copies of any Spiritan posters or leaflets for parents or children on safeguarding. There is a notice on the Spiritan website about safeguarding children. We recommend that the Spiritan Congregation consider adopting the NBSCCCI posters and leaflets for display in their houses of ministry, which provide reader friendly information on what to do

if there is a concern, information for parents on safeguarding children in the Catholic Church and child friendly leaflets on what to do if they are worried or scared in the Catholic Church.

Recommendation 1: The Designated Person develops posters and leaflets as suggested within the NBSCCCI training manual for display in all houses of Spiritan ministries, highlighting current information on policies, procedures, reporting information, along with a list of who to contact within the Spiritan Congregation, An Garda Síochána and HSE, if there is a safeguarding concern.

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.

Criteria

Number	Criterion	Met fully or Met partially or Not met
2.1	There are clear child protection procedures in the Spiritan Irish Province 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 congregational level.	Met fully
2.4	There is a process for recording incidents, allegations and suspicions and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation.	Met fully
2.5	There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.	Met partially
2.6	There is guidance on confidentiality and information-sharing which makes clear that the protection of the child is the most important consideration. The seal of confession is absolute.	Met fully
2.7	The procedures include contact details for local child protection services e.g. (Republic of Ireland) the local Health Service Executive and An Garda Síochána; (Northern Ireland) the local Health and Social Services Trust and the PSNI.	Met fully

Table 1

Incidence of Safeguarding allegations received within the Spiritans, from 1st January 1975 up to April 2012

The Spiritans		
1	Number of religious of the Province of Ireland against whom allegations have been made since the 1 st January 1975 to the date of the review.	48*
2	Number of allegations reported to An Garda Síochána involving religious since 1 st January 1975.	143**
3	Number of allegations reported to the HSE (or the Health Boards which preceded the setting up of the HSE,) involving religious since 1 st January 1975.	143**
4	Number of religious against whom an allegation was made and who were living at the date of the review.	9
5	Number of religious against whom an allegation was made and who are deceased.	36
6	Number of religious against whom an allegation was made and who are “Out of Ministry” or who have left the priesthood or religious life.	3
7	Number of religious who have been convicted of having committed an offence or offences against a child or young person since the 1 st January 1975.	3
8	Number of religious against whom an allegation was made and who are in ministry.	1
9	Number of religious against whom an allegation was made and who are retired.	0

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

*This figure has been changed following notification by a survivor of an error on the part of NBSCCCI which should have included the figure of 48 at the time of the review.

** This figure has been changed to reflect the change in the figure detailed at * above.

Notification to Civil Authorities

The Spiritans have a policy document which sets out the role of the designated person, and the requirements around reporting allegations and concerns. Prior to the issue of this document there does not appear to have been any written specific Spiritan guidance in place around reporting allegations to the civil authorities, however the congregation followed the *Framework Document* in operation from 1996 and thereafter *Our Children Our Church*, until 2009 when *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* became operational. The records on individual case files would indicate that some allegations of child abuse brought to the attention of the congregation were reported to An Garda Síochána from 1994 onwards. However allegations notified to the congregation before that date had not been passed to An Garda Síochána or the Health Authority – latterly the HSE for a significant number of years. Some allegations - post the requirement to report (following the publication of the Church's *Framework Document* in 1996) - were not reported to the civil authorities for up to four years after the congregation was informed. All allegations have now been reported to both An Garda Síochána and HSE.

Within the documentation provided by the Spiritans for the reviewers was an extract from a circular letter (no date) from the Congregation for the Doctrine of the Faith (CDF) in the Vatican. The dicastery was given the responsibility for managing cases of clerical abuse from 2001. It states “specifically, without prejudice to the sacramental internal forum, the prescriptions of civil law regarding the reporting of such crimes to the designated authority should always be followed”

In 1994 a new Provincial took up post who had a greater awareness of child abuse than those who went before him. There is written evidence in the case files that he removed men from ministry (who were thought to have caused harm to children) and from contact with children. However previous Provincials maintained men in ministry after being informed of abuse and it is distressing to report that some of these men went on to abuse again. In some instances, priests/brothers were moved either out of the country or to other ministries, where they continued to abuse children. In some instances this abuse could have been prevented, if the congregation had responded to the information that was available at the time to them regarding risk to children.

It is possible therefore that there are other victims, who have not yet come forward. Offending behaviour is often deeply entrenched in serial perpetrators and does not stop simply because an individual is re-located.

Recommendation 2: The Provincial Leadership Team must extend an invitation to people to come forward who have not yet disclosed their abuse (using approaches which may include notices on the website and public notices and where there is identifying information, letters through, for example, An Garda Síochána, solicitors or other relevant third parties). These complainants should be offered counselling and support.

Case File Management

The case records are in excellent condition. They follow the template of the NBSCCCI and are accessible. The files set out very clearly the action and inaction of the congregation to allegations of abuse, notification and whether men were removed from ministry. There was no attempt by the congregation to hide any information. There is however an absence of detailed narrative accounts of recent contact with survivors. There is considerable electronic correspondence between the designated person and survivors which should be filed within the case records. These were not within the files when they were examined. This is an omission which undermines any recent positive engagement with survivors. Not all of this contact has been positive, as survivors who contacted NBSCCCI in recent months have expressed their complete dissatisfaction with the response of the Spiritan Congregation to their disclosure of abuse and their continuing pain. Nonetheless all contacts should be recorded.

Recommendation 3: The Designated Person must record all contacts relating to the management of cases and contact with survivors, irrespective of whether the respondent is alive or deceased. This should also include contact with the families of survivors.

The files are stored in a fireproof strong cabinet, in the Provincial's office. Access to the records is by the designated person and two other members of the Provincial Leadership Team. In discussion with the advisory panel, which was re-constituted in July 2011, they have been given access to the records, following the signing of a Data Processing Deed and agreements around confidentiality. It must be noted that the congregation did not have an advisory panel for many years and the fact that this has now changed is to be commended. Prior to the fieldwork, a Provincial Chapter took place and a new Provincial Leadership Team was appointed. The new team should familiarise themselves with the content of the files to ensure continuity of decision making and management of risk.

Extent and Management of Abuse

The case files make very sad reading. There is evidence that there were serial abusers who worked in school communities in Ireland. They went undetected and unchecked giving them unmonitored access to children during the 1960's, 70's and 80's. It is clear that there was no awareness of the impact of child sexual abuse on the part of the leadership of the congregation during that time. There was a failure on the part of the congregation in these instances to create safe environments for children.

One prolific abuser – Father A - abused 28 children between 1968 and 1993. He was not removed from ministry until 1996. The records suggest that there may have been other children abused in USA and in Ireland who have not yet come forward. Father A is now deceased.

Another prolific abuser – Father B had an abusive career which is known to have lasted thirteen years. Concerns were raised, but he continued in ministry and abused children for a further ten years. He was removed from ministry in April 1995. This priest has recently been brought under the management of the monitoring panel. However as recently as November 2011 he appears to have had a public profile by participating in an internet forum. The reviewers would hold grave concern with regard to his involvement in this activity.

A third priest- Father C was, until recently, and unknown to the Provincial Leadership Team, carrying out ministry elsewhere on a temporary basis. This raises two issues – one relates to the effectiveness of the monitoring arrangements within the Congregation itself, and the second concerns the practice of asking all visiting priests to produce a current “celebret” prior to being engaged in public ministry. This priest was not in possession of a “celebret”. As a consequence it calls into question how he was able to engage in public ministry even on a temporary basis elsewhere.

There are also a number of other worrying features to cases. Where the notification comes through a lawyer, there is a tension between legal advice and providing a pastoral response to the complainant. While recognising the right of an individual to take a legal route, it is very difficult to engage directly with complainants, indeed it was confirmed to the reviewers that the congregation had settled with a number of survivors that they had wanted to meet but had never been able to meet. While NBSCCCI recognises that lawyers are necessary in reaching financial settlements, it is equally important for a pastoral response to be made. It is fully appreciated that this is a difficult balance to achieve but the importance of an effective pastoral response to complainants should be emphasised.

NBSCCCI, noted misleading advice from psychologists and psychiatrists around the likelihood of re-offending. Assessment reports appeared to believe that recidivism was low, based on poor evidence, often on simply what the accused priest said. There are examples of overly optimistic advice about returning the perpetrator to ministry following assessments.

Recommendation 4: A protocol needs to be established to ensure that the transitional process for provincial leadership requires a full briefing on the management of current risk in the congregation.

Response to Survivors

There is an absence of records relating to what pastoral response and counselling was offered to victims, making it very difficult for the reviewers to determine what was offered. As noted earlier in the report, a number of victims contacted NBSCCCI directly, prior to the fieldwork, to express their concerns about their abuse and the need for redress by the congregation. There are, without doubt, victims whose abuse should have been preventable. If the Provincial at the time of receiving information about concerning behaviour, and in some cases direct allegations, had taken action to remove the offending priest/brother, then it is entirely reasonable to believe that some children could have been spared. This was unacceptable, and the current leadership has to carry the responsibility for the past failures of others.

The reviewers received detailed comments from two survivors and some extended family members with regard to how their needs and those of others in their situation might be better responded to by the congregation. These have been supplied to the Provincial and his PLT in a separate document.

It is reasonable to believe that there are other victims of Spiritans who have not yet come forward. These victims may be located in Ireland, Canada, USA, Sierra Leone and any other country where the offending priests/brothers have worked.

In discussion with the current designated person, he has had more positive engagement with a number of survivors who have welcomed his offers of visits and support. Others feel hostility towards him, not personally, but as a member of the Spiritan Congregation, where his confrères were allowed to abuse without check. He recognises the need for the role of designated person to move to a lay person, who may be more acceptable to survivors.

Recommendation 5: A process of appointing a lay Designated Person must be initiated by the Provincial as soon as possible.

Recommendation 6: The new Provincial Leadership Team must draw up a plan to reach out to victims of abuse and their families and consult directly with them as to how best meet their needs for healing. Consideration should be given to setting up a series of Listening Meetings for victims and their families.

Advisory Panel

It has already been noted that the advisory panel has recently been re-constituted. The new panel which was established in July 2011 and had its first meeting in October 2011 have met on a very regular basis since then (at least 12 times) and have offered advice on structures, monitoring and the issuing of precepts. The members are voluntary and have been allowed full access to records, through signing a data protection deed with the congregation. As a consequence, members have read the files of all living priests against whom allegations have been made, except one who lives outside the country. They acknowledge that there is a significant process of change taking place within the Spiritan Congregation and while historically practice was poor, notably prior to 1994, NBSCCCI believe this is evidence of a serious attempt now being made to ensure that children are safe and that abuse is recognised and dealt with appropriately through referrals to the civil authorities and to the CDF. It was the advisory panel who recommended the establishment of a monitoring panel. The advisory panel is made up of a range of personnel with the necessary experience and skills to assist the congregation in the assessment and management of risk, including a civil and canon lawyer. The NBSCCCI believe that care must be taken to avoid any conflict of interest of any member of the panel. NBSCCCI were impressed by the skill set of the panel members, by their own admission their work has just started and they have not yet reviewed all cases. NBSCCCI believe that there is real potential for this panel to act as an effective resource for the Spiritans.

Monitoring Panel

The role of the monitoring panel is set out in their Terms of Reference and effectively has responsibility to build a common understanding around the management of offenders; and to ensure their supervision and monitoring. This is a new structure within the safeguarding framework, which was established, according to the Provincial Leadership Team to ensure best

practice, and as a consequence of a breach of a precept¹ by one offender. All the accused priests are located in one centre, and the panel have established safe care plans for all men out of ministry and these have been submitted to the HSE. In addition an ex member of An Garda Síochána has been appointed to ensure that the supervision and monitoring plans are being followed. He visits the men on a regular and also on an ad hoc basis. This is an excellent initiative and has the potential of ensuring that anyone who poses a risk does not have access to children, or have a public profile. In its early operation the panel should be reviewed annually to ensure that it is fulfilling its role. Concerns regarding the breach of existing precepts for offending priests confirm the need for the monitoring panel and it must be seen as a welcome initiative.

Recommendation 7: The Designated Person should review the effectiveness of the monitoring panel annually.

¹ A precept is a statement of restrictions placed on the respondent.

Canonical processes

It is concerning to note that it has only been in the last year that cases have been referred to the CDF for canonical processes to proceed. This is despite the existence of Church guidance directing that this should happen in 2001. The guidance in the Church in Ireland from 2009, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*, is very clear that following the completion of the civil investigations, the Church processes must be re-initiated. The practice should be that following notification of no further action by An Garda Síochána /DPP or court action, that the preliminary investigation under Canon Law, by way of a decree, should take place. This process allows for an assessment of the credibility of the allegation, notification to the CDF and directions thereafter about penal processes. There is no documentary evidence to confirm that this process was complied with until recently within the Spiritan Congregation.

In discussion with survivors of abuse, there is a real sense of a lack of accountability for abuse, particularly for those priests who have not been prosecuted. Survivors feel that an absence of any internal disciplinary action, further adds to their pain and hurt. They have advised NBSCCCI, that by allowing the perpetrator to remain a priest, without any meaningful sanction, this could be seen as the Spiritans making a public statement that they support the priest. Advisers to accused priests have a different view. They believe that priests are priests for life, and stripping them of public ministry is sufficient punishment for their wrong doing. There is absence of any canonical process following the initial precept by the Provincial Leadership Team. It is the view of NBSCCCI that proper canonical processes must be followed. There is clear guidance within canon law. The Spiritans should always re-initiate the preliminary investigation following the completion of the civil enquiries. Within the canonical processes, victims have an opportunity to describe their abuse and the subsequent penal process may provide them with a sense of justice and a feeling that the church has taken seriously their concerns and that the perpetrator has been held accountable within a Church context.

NBSCCCI recognises that current risk is managed within the confines of the congregation. However internal disciplinary processes must be engaged whereby the Provincial gives consideration to whether the offending priest should remain a priest, by presenting the case to the CDF for their direction on canonical and penal processes.

Recommendation 8: The Provincial must ensure that a written protocol is written to ensure that there is adequate exchange of information between leadership teams, a continuation of decision making and appropriate continuity in monitoring and managing risk.

Recommendation 9: The Provincial must ensure that all cases have been notified to the CDF and that preliminary investigations are re-activated in the case of all living priests against whom there are allegations.

The Provincial in post in 1994 took the first steps in recognising the abuse by Spiritan priests and began a process of removing abusers from ministry. However, other practice in relation to notifying the civil authorities, notifying CDF, responding to victims, putting in place management plans took a lot longer to develop. As recently as 2011, there is evidence that one

accused priest still had limited ministry (unknown to the PLT) another had entered an online forum.

However there is much evidence to demonstrate recent commendable initiatives and a serious approach to accepting responsibility for past failures and ensuring that in the future children will be safe from harm, from those already identified as abusers.

The current designated person, along with others in leadership in the congregation is exhibiting real commitment to change and to developing a culture of shared responsibility and openness to learning. He has clearly shown his willingness since coming into post in 2009, to this aim and has sought to develop a positive working relationship with NBSCCCI. He regularly attends training and shares information in an open and timely manner. He shows more compassion to victims, though they may view him as being unable to respond to their needs, due to his membership of the Spiritans. Notwithstanding the work carried out by the designated person, we would support the congregations decision to appoint a lay person to fill this role.

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 fully achieved when the Spiritans meet the requirements of all twelve criteria against which the standard is measured. These criteria are grouped into three areas, safe recruitment and vetting, codes of behaviour and operating safe activities for children.

Criteria – safe recruitment and vetting

Number	Criterion	Met fully or Met partially or Not met
3.1	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.	Partially met
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	Partially met
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.	Partially met

Criteria – Codes of behaviour

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

3.6	There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (‘whistle-blowing’), confidentially if necessary.	Not met
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.	Partially met
3.8	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.	Not met*
3.9	Policies include guidelines on the personal/intimate care of children with disabilities, including appropriate and inappropriate touch.	Not met (Not applicable)

Criteria – Operating safe activities for children

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

**Footnote: A number of the criteria above are not met and are not in place as Spiritans no longer work directly with children. Some work in dioceses, schools and hospitals and work in line with the policies and procedures of that diocese, school or other place of work, where those policies exist.*

Procedures

Preventing harm to children is basically about ensuring that the personnel, codes of behaviour and the activities are all focussed on the creation of safe environments and preventing harm to children. This review acknowledges that there is limited contact between Spiritans and children, unless through school chaplaincy work or parish work. Both these areas of work are governed by policies and procedures of the school or diocese and where the Spiritans must sign up to following those policies and procedures in relation to contact with children.

However, given the evidence of allegations of abuse of children brought since 1975 against 47 members of the Spiritan Congregation, it would be remiss of the reviewers not to refer to the absence of safeguards in the past. NBSCCCI acknowledge that current procedures are robust and similar procedures did not exist in the 1960's, 70's 80's and early 90's. It is also true that the Spiritan Provincial in 1994 did recognise that child abuse was wrong and did take action by removing men from ministry. The last reported abuse took place in 1994.

The issues highlighted below are common across the Church and not specific to the Spiritans alone. However, the scale of abuse within the congregation makes their identification important for future abuse to be prevented.

- It is clear from the records, that a number of Spiritans began abusing children within a short time (two years) of ordination. That must raise questions about how such individuals were not identified during their formation years.
- A lack of accountability and management of abusers meant that they went undetected – in some cases for up to 30 years, until better practice was introduced in 1994.
- A culture where children did not have an opportunity to speak and to be heard, contributed to the continuation of abuse.

The current recruitment procedures for the Spiritan Congregation are in line with the expectations of NBSCCCI. It is critical that these are followed in practice, so as to decrease the opportunity for a potential abuser to slip through the net. This applies to priests, religious and lay people who work or volunteer with the Spiritan Congregation. The Provincial Leadership Team needs to ensure that appropriate An Garda Síochána and Access NI checks have been carried out, that all their members have signed declarations and the Spiritan code of behaviour and appropriate supervision arrangements are put in place for all ministry where young people are involved.

Recommendation 10:

That the Provincial should establish a Safeguarding Committee within the Irish Province to ensure the comprehensive implementation of policy and adherence to procedures, in relation to preventing harm to children, as well as participation in training and safeguarding audits.

Recommendation 11: Each Community Leader should conduct an annual safeguarding audit in line with the expectations in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and that this be forwarded to the Provincial for collation, analysis and corrective action as appropriate.

Recommendation 12: The Designated Person should maintain a database of all active personnel which details their ministry and dates on which they have been vetted, alongside dates for re-vetting in line with legal requirements. It should also show that members and co-workers undertake regular (at least bi-annual) retraining in child safeguarding.

Given that abuse was perpetrated by some priests/brothers who were ministering in schools, the reviewers were keen to ascertain the current involvement within those settings. We were advised that all former Spiritan schools are now under the trusteeship of a company, as set out in the Education Act, which was established 12 years ago. A board runs the company and regulation in relation to safeguarding children in schools is governed by school management structures under the Education Act 1998. As schools do not come under the remit of NBSCCCI, a review of safeguarding practice in schools cannot be carried out as part of this review. The Spiritan Congregation is represented on each Board of Management within the schools and on the Trustee Board. There are currently no Spiritans teaching in schools in Ireland but there are Spiritans who minister as chaplains in them.

Recommendation 13: The Provincial must ensure that all Spiritan Chaplains to schools are also aware of their obligations under the congregation's policies and procedures around contact with children, creating safe environments and reporting allegations.

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.	Partially Met
4.2	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Partially Met
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.	Partially Met
4.4	Training programmes are approved by National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) and updated in line with current legislation, guidance and best practice.	Not Met

While the Spiritans do not have a dedicated training officer, they have availed of both local and national training. The designated person attends training events provided by the NBSCCCI. They also invite trainers and experts in to raise awareness amongst all members. The new Provincial Leadership Team should maintain a data base of all training undertaken by those in key positions within the safeguarding structure and in positions of responsibility throughout the Province. Training in the past appears to have concentrated on the seven standards and on confreres who abuse. There needs also to be a focus in training on prevention of abuse and working with survivors.

A plan should be created aimed at developing the competencies that each individual requires to carry out their responsibilities within their respective roles. Support for this work may be sought from the NBSCCCI.

Recommendation 14: A training plan needs to be developed by the Safeguarding Committee, which identifies needs and modes of delivery of training for all who hold safeguarding responsibilities.

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.	Fully Met
5.2	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.	Partially Met
5.3	Everyone in Church organisations knows who the designated person is and how to contact them.	Fully Met
5.4	Church personnel are provided with contact details of local child protection services, such as Health and Social Care Trusts / Health Service Executive, PSNI, An Garda Síochána, telephone help lines and the designated person.	Fully Met
5.5	Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.	Fully Met
5.6	Church organisations at diocesan and religious order level have an established communications policy which reflects a commitment to transparency and openness.	Partially Met

Child Protection Policy Display and Availability

The policy document is easy to read and accessible. The reviewers were advised that information about how to make a complaint is located in all Spiritan communities. The website should be updated with instant easy access to information about the Spiritans safeguarding policy and procedure and how to make a complaint, located on the home page. In addition, as already stated, it is possible that there are more victims of abuse who have not yet come forward. The Spiritan Congregation must develop a plan to reach out to and respond appropriately to as yet unknown victims. For this to be genuine and successful, the Spiritan leadership should consult with *Towards Healing* so that any one responding to a request to come forward has the opportunity to receive counselling and support at the point of disclosure.

Recommendation 15: The Provincial should develop a plan to reach out and respond to victims of abuse who have not yet come forward; this plan should include posting a notice on the website, ensuring adequate response, support and counselling for anyone who does come forward.

Communication within the Spiritans.

It would be very helpful if there was a regular newsletter updating confreres and anyone accessing Spiritan services on safeguarding developments. This should include training and regular updates on policy and procedures, training and other relevant safeguarding activities. The purpose is to promote safeguarding as a concept and to ensure that all are familiar with the expectations of the congregation in relation to preventing abuse and responding appropriately to victims. In addition annual safeguarding awareness raising sessions should be organised with compulsory attendance of all Spiritans and staff.

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.	Partially Met
6.2	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and help lines that can provide information, support and assistance to children and Church personnel.	Fully Met
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.	Partially Met
6.4	Information is provided to those who have experienced abuse on how to seek support.	Partially Met
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.	Partially Met

Survivors:

It has already been noted that in anticipation of the review by NBSCCCI, that a number of survivors directly contacted officers of the board. Given the large number of known allegations (142), those victims who contacted NBSCCCI were a small minority, therefore anything noted in the report must be kept in the context of hearing the views of a small minority of victims. Those who did contact NBSCCCI expressed their dissatisfaction with the response and support offered by the Spiritans. Some felt that as the designated person is a priest of the congregation, he could not offer the support they needed.

Upon receipt of an allegation with the Spiritans, it is not routinely the case that survivors are offered a "support" person, as defined in the NBSCCCI guidance on responding to complainants,

to walk their difficult journey with them. This should be remedied by training personnel in working with survivors and ensuring that they are available to all who disclose abuse. In addition, given the large number of victims, the Spiritan Congregation should consider reaching out again, through a trained facilitator to survivors who have felt dissatisfied by the response they have received to date.

Recommendation 16: The Provincial should develop a plan to engage with survivors to hear their stories and respond to their needs through counselling and support.

Respondents:

The recently developed monitoring panel is a positive initiative which NBSCCCI commends. It needs to ensure that all management plans are focussed on reducing risk and are reviewed on a regular basis. The panel should set itself clear objectives which should be reviewed alongside the review of the effectiveness of the panel in line with Recommendation 6 above.

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.	Partially Met
7.2	The human or financial resources necessary for implementing the plan are made available.	Fully Met
7.3	Arrangements are in place to monitor compliance with child protection policies and procedures.	Partially Met
7.4	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.	Fully Met
7.5	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	Fully Met

It is evident that a comprehensive review of policy and procedures was conducted in anticipation of the review by NBSCCCI. It is critically important that this exercise becomes a regular feature of safeguarding practice within the Spiritan Congregation.

Past practice demonstrates that abusers had a desire and the opportunity to harm children. They took advantage of the absence of safety measures to prey upon and harm young children. This must never happen again. The Spiritan Congregation needs to be constantly vigilant to the possibility that abuse may occur again. There needs to be annual audits in all communities. We are aware that safeguarding is as an item on every Provincial Council agenda. In addition, it needs to be on every community meeting agenda and there also needs to be strong leadership which demonstrates a renewed commitment to safeguarding children and to responding to victims of past abuse.

Recommendations

Recommendation 1:

The Designated Person develops posters and leaflets as suggested within the NBSCCCI training manual for display in all houses of Spiritan ministries, highlighting current information on policies, procedures, reporting information, along with a list of who to contact within the Spiritan Congregation, the Garda Síochána and HSE, if there is a safeguarding concern.

Recommendation 2:

The Provincial Leadership Team must extend an invitation to people to come forward who have not yet disclosed their abuse (using approaches which may include notices on the website and public notices; and where there is identifying information, letters through, for example, An Garda Síochána, solicitors or other relevant third parties). These complainants should be offered counselling and support.

Recommendation 3:

The Designated Person must record all contacts relating to the management of cases and contact with survivors, irrespective of whether the respondent is alive or deceased. This should also include contact with the families of survivors.

Recommendation 4:

A protocol needs to be established to ensure that the transitional process for Provincial leadership requires a full briefing on the management of current risk in the congregation.

Recommendation 5:

A process of appointing a lay designated person must be initiated by the Provincial as soon as possible.

Recommendation 6:

The new Provincial Leadership Team must draw up a plan to reach out to victims of abuse and their families, and consult directly with them as to how best meet their needs for healing. Consideration should be given to setting up a series of Listening Meetings for victims and their families

Recommendation 7:

The Designated Person should review the effectiveness of the monitoring panel annually.

Recommendation 8:

The Provincial must ensure that a written protocol is written to ensure that there is adequate exchange of information between leadership teams, a continuation of decision making and appropriate continuity in monitoring and managing risk.

Recommendation 9:

The Provincial must ensure that all cases have been notified to the CDF and that preliminary investigations are re-activated in the case of all living priests against whom there are allegations.

Recommendation 10:

That the Provincial should establish a Safeguarding Committee within the Irish Province to ensure the comprehensive implementation of policy and adherence to procedures, in relation to preventing harm to children, as well as participation in training and safeguarding audits.

Recommendation 11:

Each Community Leader should conduct an annual safeguarding audit in line with the expectations in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and that this be forwarded to the Provincial for collation, analysis and corrective action as appropriate.

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The Designated Person should maintain a database of all active personnel which details their ministry and dates on which they have been vetted, alongside dates for re-vetting in line with legal requirements. It should also show that members and co-workers undertake regular (at least bi-annual) retraining in child safeguarding.

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The Provincial should develop a plan to reach out and respond to victims of abuse who have not yet come forward; this plan should include posting a notice on the website, ensuring adequate response, support and counselling for anyone who does come forward.

Recommendation 16:

The Provincial should develop a plan to engage with survivors to hear their stories and respond to their needs through counselling and support.

Review of Safeguarding in the Catholic Church in Ireland

Terms of Reference

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

1. To ascertain the full extent of all complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the diocese / religious congregation by individuals or by the Civil Authorities in the period 1st January 1975 to date of Review against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the diocese / religious congregation and examine/review and report on the nature of the response on the part of the diocese / religious congregation.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the diocese / religious congregation by individuals or by the Civil Authorities in the period 1st January 1975 to date of Review (July 2012), against Catholic clergy and/or religious now deceased and who ministered under the aegis of the diocese / religious congregation and examine/review and report on the nature of the response on the part of the diocese / religious congregation.
3. To ascertain all of the cases during the relevant period in which the diocese / religious congregation:
 - knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
 - had strong and clear suspicion of child sexual abuse; or
 - had reasonable concern;

and examine/review and report on the nature of the response on the part of the diocese / religious congregation.

4. To consider and report on the following matters:
 - child safeguarding policies and guidance materials currently in use in the diocese / religious congregation and an evaluation of their application;
 - communication by the Diocese / religious congregation with the Civil Authorities;
 - current risks and their management.

Accompanying Notes

Note 1

Definition of Child Sexual Abuse:

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990² and later developed in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 1999) which state that ‘child sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or that of others’. Examples of child sexual abuse include the following:

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

Note 2

Definition of Allegation:

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

² 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.

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.

Note 4

Random sample:

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

Note 5

Civil Authorities:

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