

The National Case Management Committee of the NBSCCCI

Terms of Reference and Operating Instructions

Introduction

The National Case Management Committee (NCMC) as an extension of the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) in respect to its advice giving remit. This service will be available to a selected number of Church bodies who have opted to become members through the signing of a data processing deed which allows the group members to access and offer advice on cases having had access to personal sensitive data relating to allegations of abuse and the management of respondents in the Catholic Church

Role and Function

The purpose of the NCMC is to provide high quality advice to Church authorities when they are called upon to respond to safeguarding cases. The advice will focus on the management of the investigation and assessment processes and may comment on the “fitness for ministry” of a respondent. The group will also review cases, at defined times, according to the needs of each case.

In particular, members will access information and offer advice on:

(a) The initial complaint

Information will be provided to panel members by the Designated Liaison Person (DLP), verbally and in writing, using the Case Submission Form.

In reviewing information provided by the DLP, NCMC members will offer advice on:

- Practice which ensures the safety and welfare of the child and to any current risk.
- The type of help provided to a complainant making an allegation and to the complainant’s family.
- Engagement with the statutory authorities, at the point of notification and beyond.
- The appropriateness of the respondent continuing in his or her present pastoral assignment, having regard to the paramount need to protect children
- How the right of the respondent to a fair trial on any criminal charge may be preserved and his or her good name and reputation may be appropriately safeguarded

- Whether a specialist risk assessment of the respondent should be sought
- The needs of a parish or other community in which the respondent has served
- The needs of the wider community, including the appropriateness and timing of any public statement
- Appropriate timeframes for action

The advice will be provided verbally to the Church authority and DLP at the end of the meeting. It will also be communicated in writing to the Church authority with contextual information as to how the information was considered and the rationale behind the advice.

(b) Fitness for ministry

The task of taking action in relation to the ministry of clerics and religious against whom allegations of child abuse have been made, is one of the most challenging situations that confront Church authorities. The initial action following receipt of the allegation has been dealt with in the preceding section. However, longer term, decisions must also be made in relation to the fitness for ministry of the respondent. Not all allegations referred to the Statutory authorities will result in further action by them. When no action is to be taken by the statutory child protection authorities, decisions will still have to be made about the credibility of the allegations, assessment of risk and the future ministry of the respondent. It is therefore proposed that the NCMC should incorporate the remit of the “Professional Practice Committee” that had previously been planned in the guidance entitled “Our Children, Our Church.” It will take on the role of offering advice to the Ordinary on the assessment for fitness to minister.

This means that the members should:

- Review all information relating to the allegation
- Scrutinise any information received from the statutory investigating agencies
- Obtain and review information from the designated person, who is responsible for conducting the church investigation
- Consider any independent reports, e.g. risk assessments

The information obtained from the above sources should enable the National Case Management Committee to offer good safeguarding advice on whether there are any concerns regarding the fitness of the respondent to continue in any capacity in church ministry.

(c) Management of risk

The final function of the National Case Management Committee is to support the Church authority in managing people against whom credible allegations have been received, so that they do not present any risk to children.

It is the statutory authorities that are responsible for managing risk and their advice should always be sought. However, many of the respondents within the Church are not convicted in the criminal courts and the responsibility for their management rests with the Church authority.

It is important that those accused of a credible allegation of child abuse are restricted in their ministry, and are supervised in order to reduce the likelihood of re-offending. Some of these respondents may be under the supervision of the statutory authorities, and therefore any management plan needs to take place in consultation with the statutory authorities. For others, the Church authority must take responsibility for putting in place a contract which sets out a range of living and behavioural conditions. The National Case Management Committee can play a key role in developing and overseeing such a management plan by:

- Recommending restrictions
- Assisting with the development of a contract of behaviour/covenant of care which includes living arrangements, support, restrictions etc
- Reviewing the contract/ supervision plan on a regular basis

Record Keeping

The NCMC meetings which will precede the case discussions will be minuted and notes of general business circulated to all members. A master copy of these minutes will be stored in the office of the NBSCCCI.

Case specific information will be recorded on a Case Discussion Form. This information will contain a summary of the discussion, advice and rationale for the advice. This will be signed by the chair of the meeting and a copy forwarded to the relevant Church authority. A copy of this record, along with the information provided by the DLP contained in Case Submission Form, will be securely stored in the Office of the NBSCCCI. Members will have sight of these completed forms but will not retain a copy.

Membership and Terms of Engagement

Group members are selected for their knowledge, expertise and experience working in a particular field, relevant to safeguarding children. The knowledge/skill set includes: canon law; civil law; working with victims of abuse; assessment and management of those who present a risk; working with children in the child protection system. The NCMC is chaired by an independent retired high court judge and includes the CEO and Director of Safeguarding of the NBSCCCI. To avoid any potential conflicts of interest and to maintain objectivity and impartiality in its advice giving function, where an established case has already received advice from any member, the member is expected to declare their interest. That member may then be excused from participating in the discussions of the case at the NCMC. However, they will be available to the members of the NCMC who may wish to speak to them regarding their involvement in the case.

Members will become short-term employees of NBSCCCI, and therefore be covered by professional indemnity insurance through the Board, as we seek to be held accountable for the advice given. The members will adhere to current Church policy as set out in “**Safeguarding Children: Policy and Standards for the Catholic Church in Ireland 2016**” and will be subject to independent oversight after the first year of operation. The NCMC will adopt and comply with the NBSCCCI data protection policy.

All members will be required to sign an agreement to confidentiality. They will also be required to sign a declaration form stating that they have no convictions, pending prosecutions or been subject to disciplinary proceedings due to inappropriate behaviour towards a child.

Frequency and Administration of Meetings

Meetings will be convened on a monthly basis by the NBSCCCI. All members are expected to attend all scheduled meetings. The quorum for a meeting will be the chair plus four others. If the canonist is not available, his advice should be sought by the chair and shared with the meeting.

All business will be conducted at the scheduled meetings. If cases arise at other times, this will be initially notified to NBSCCCI who will hold a teleconference to agree advice and feed this back verbally and in writing to the Church authority.

These cases will then be carried forward for a fuller discussion/feedback at the next available meeting.

Participating Church Bodies

Participating Church authorities will be invited to confirm their interest in writing and will enter into a legal deed to allow the members, as employees of the NBSCCI, to access full information about the allegation and the respondent, without that information being redacted. The legal deed has the effect of nominating the NBSCCI as a data processor.

The DLP of the participating Church body will notify the administrator at NBSCCI that they have a case for discussion and will submit in writing and in person the details of the case using the Case Submission Form.

The Church authority will attend the part of the meeting when their case(s) are being discussed, but will be asked to leave to allow for an independent discussion and return to receive the advice.

When advice is given in writing to the Church authority, he or she will be asked to confirm that they have accepted the advice or provide reasons for not doing so.