

Private and Confidential

Review of Safeguarding Practice

in the

Diocese of Derry

undertaken by

The National Board for Safeguarding Children in the Catholic Church (NBSCCC)

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Bishop of Derry**

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Background

The National Board for Safeguarding Children in the Catholic Church (NBSCCC) was asked by the Sponsoring Bodies, namely the Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review¹ is to confirm that current safeguarding practice complies with the standards set down within the guidance issued by the Sponsoring Bodies in February 2009 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 the diocese or other authority.

This report contains the findings of the review of safeguarding practice within the Diocese of Derry undertaken by the NBSCCC 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 diocese along with interviews with selected key personnel within the diocese who contribute to safeguarding. The NBSCCC believes that all relevant documentation for these cases was passed to the reviewers and the diocese has confirmed this. We will comment positively in the report on the efforts made in preparation for the review to assemble and index all relevant file material.

The findings of the review will be shared with a reference group in redacted form before being submitted to the diocese, along with any recommendations arising from the findings.

For Clarification –

The National Board for Safeguarding Children in the Catholic Church, NBSCCC, National Board, National Office - all these terms are synonymous with each other and refer to the same entity.

Also the term Designated Person is interchangeable with that of Designated Officer or Delegate. A precise definition of the content of the role may be found on Page 55 of Safeguarding Children: Standards and Guidance document.

¹ The Review is carried out under Resource 14, “Safeguarding Children” Standards and Guidance Document for the Catholic Church in Ireland
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Introduction

At the request of Bishop Seamus Hegarty, staff from the NBSCCC engaged in a process of reviewing safeguarding children policy and practice on July 4th, 2011. The fieldwork took place over a two-day period when case files were scrutinised and interviews with key personnel in the diocesan safeguarding structure took place. The fieldwork team would wish to acknowledge the enthusiasm and commitment of Bishop Hegarty, his Vicar General, his Diocesan Chancellor, his Designated Person, his Trainers, Safeguarding Committee, Parish Representatives and all other team members, both clerical and lay, involved in the safeguarding of children in the Diocese of Derry and for their genuine and practical support of the review process.

Having the National Board arrive to conduct a review can create anxieties for the safeguarding personnel in a diocese. In spite of this, the reviewers experienced a sincere welcome and a real attitude of openness from Bishop Hegarty and his staff. There was no attempt to present only the good side to the reviewers and past mistakes and oversights were readily acknowledged. Bishop Hegarty and diocesan safeguarding personnel all appeared keen to treat the review as an opportunity for learning and development and as another aid to getting things right with regard to keeping children in the diocese safe. Where the reviewers encountered good practice we identified and commended this. This diocese had volunteered to be the first one on the island of Ireland to be reviewed in 2009², so the findings and recommendations of the report of that review will be referenced here to show both the positive developments in the intervening two years, as well as areas where progress has been delayed.

The 2009 reviewers were concerned about practice which, historically, had been quite weak and uncoordinated and where many decisions were made to protect the institution of the Church rather than its child members. These historical practices showed a real lack of awareness of the suffering caused to victims by abusers, as well as an ignorance of the habitual nature of child abusing. Substantial improvements have been made and credit for that is due in particular to Bishop Hegarty, the Chancellor of the diocese and the Designated Person – who is also the safeguarding co-ordinator - and all of those currently involved in safeguarding in the diocese.

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 established standards in the Church (as set out in the 2008 *Safeguarding Children: Standards and Guidance* and the earlier 1996 *Child Sexual Abuse: Framework for a Church Response* documents) both at the time an allegation was received and currently. The National Board expects that key findings from the review will be shared widely within Derry Diocese so that public awareness of what is in place and what is planned may be increased, as well as confidence that the Church is taking all appropriate steps to safeguard children. However, it remains a matter for the Bishop of Derry to decide with whom and what is shared from the review.

The review was initiated through the signing of a data protection deed, allowing full access by staff from NBSCCC to all case management and diocesan records. This access does not constitute disclosure, as through the deed the reviewers were deemed to be nominated data processors of the material for the bishop.

² As above this review was conducted under Resource 14, “Safeguarding Children”, prior to the request by the Episcopal Conference, CORI and IMU for a comprehensive Review of Safeguarding Practice across all Dioceses, Religious Orders and Missionary Societies in Ireland

The methodology employed by the reviewers involved reading case management records of living priests incardinated into the diocese against whom a child safeguarding allegation had been made or a concern raised; given that the previous review examined all case management records, a decision was made to review new developments within those cases; examine any new allegations since 2009 or which had not been available in 2009 and randomly select other cases; a further four files were examined which related to priests who are deceased, or against whom safeguarding concerns regarding vulnerable adults³ had been made. In total 28 files⁴ were examined as part of this review.

In addition, meetings were held with Bishop Hegarty, one of the two Vicars General of the diocese, the Diocesan Chancellor, the lay Designated Person (there are two Designated Persons, one a lay woman and the other a Parish Priest), the Child Safeguarding Committee of the diocese, four Parish Representatives and a manager of the local Gateway Team and Social Services Trust. One of the reviewers had a telephone interview with a representative of the PSNI. The priest designated person was not interviewed, but a view was formed of his practice from experience by NBSCCC staff of working alongside him.

The diocese had contacted the HSE to invite them to nominate representatives who would meet with the reviewers to discuss child safeguarding communication and coordination in relation to the part of the diocese that is in the Republic of Ireland, but unfortunately the HSE agency did not respond to this invitation.

The final part of the review was an assessment of the Derry Diocesan Safeguarding Policy and Procedures against the Standards set down in *Safeguarding Children: Standards and Guidance*.

The focus of reviews into safeguarding in the recent past has concentrated on the management of allegations: NBSCCC accepts that the huge emphasis placed on this aspect of safeguarding is critical. In addition, NBSCCC recognises that in order to prevent abuse happening in future, the investment in creating safe environments for children has to be great and must be open to scrutiny. It is for this reason that the review process uses the seven Standards outlined within the *Safeguarding Children: Standards and Guidance* document as an assessment framework. The report below therefore highlights the findings by the reviewers under each standard and draws conclusions regarding the effectiveness of policies and practices in the diocese to prevent abuse, as well as the ability of the relevant personnel with the diocese to assess and manage risk to children. Where appropriate, recommendations for improvements are made and these are highlighted in the text where they occur. A list of the recommendations is also compiled at the end of the report.

³ Definition of Vulnerable Adult is taken from The N.Ireland Legislation on the Protection of Children and Vulnerable Adults

⁴ Not all 28 allegations resulted in full case management records as some did not constitute child abuse

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 for the Catholic Church in Ireland*'. This guidance was launched in February 2009 and was endorsed and adopted by all the Church authorities who minister on the island of Ireland, including the Diocese of Derry.

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 2009 audit by the NBSCCC of child safeguarding in the Derry Diocese stated that: 'Further examination of the written procedures indicated that while many of the requisite policies and procedures are in place, these now need to be reviewed in light of new guidance offered by the National Board. The Diocesan Safeguarding Manager, together with the Safeguarding Committee is currently in process of reviewing and putting in place new procedures for all aspects of the management of Safeguarding within the Diocese of Derry'. [Page 3]

In November 2010, the Derry Diocese launched a new 88-page *Safeguarding Children – Policies and Procedures* document at a well-attended event. The document was produced by a sub-group of the Child Safeguarding Committee of the diocese following their comprehensive review, thus delivering on the undertaking given in 2009. The new document contains all of the detail that is required under Standard 1 and is extremely well produced. Following the launch, copies were distributed to all parishes in the diocese and Parish Representatives made sure that their fellow parishioners were aware of the new document. It can be downloaded in full from the diocesan website. This website, which is easily navigated, contains a dedicated section on Child Safeguarding. The Policies and Procedures guidance provides all of the safeguarding staff and volunteers within the diocese with an excellent foundation document on which to base their ongoing work and it contains all of the requisite pro-forma forms that are required from time to time to record or report activities, events and/or concerns. The Derry Diocesan Policies and Procedures document is built around the seven national standards set out in the *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and is consistent with this national guidance.

The Child Protection Policy of the Derry Diocese states that:

'Inspired by the Gospel values of Truth, Love and Justice, the Diocese of Derry aims to uphold respect for the dignity of life, sanctity of spirit and bodily integrity of all human beings. Because the young are among the most vulnerable human beings, we are committed to safeguarding all children and young people and take the necessary steps in order to promote and keep a safe environment for children participating in church liturgies and activities. We uphold the child's right to protection, respect, care and encouragement in his or her spiritual journey through life.'

Consistent with legal obligations, in this diocese it is the responsibility of every adult involved, to ensure that participating children are safe and protected from abuse. The welfare of the child is paramount; therefore concerns and allegations of misconduct are to be taken seriously and dealt with strictly in line with the law. To this end we have in place effective written policies and procedures outlining the role and responsibilities of the diocese.

Clergy, staff, volunteers and all who have a pastoral role involving children and young people in the Diocese of Derry are obliged to uphold the highest standards of safeguarding in order to prevent harm to children’.

It is the ongoing responsibility of the Derry Diocesan Child Safeguarding Committee to ensure that the Policies and Procedures are followed in all 50 parishes across this geographically large diocese. The reviewers met with the committee and were impressed with the extent to which the safeguarding message has been disseminated within the diocese over the last six years. In general, the committee has received substantial and growing support for its work from the clergy in the parishes, with more priests coming on board through training and at Deanery meetings. There is almost complete compliance with the requirement to appoint Parish Representatives. There is one parish which shares a representative with another parish, as this initially was agreed to be an effective arrangement, however with the increasing workload of the parish representatives it may now be appropriate for the parish priest to appoint his own local representatives. The practice of appointing more than one representative has developed to take into account the fact that some parishes have up to three churches in use. The four parish representatives whom we met – one from each of the four deaneries in the diocese – spoke positively of the support that is available when there are more representatives in the parishes. There are 135 parish representatives in the diocese, which is a significant voluntary resource. Parish newsletters, leaflets, posters in churches and where they exist, parish websites are used by the parish representatives to keep the safeguarding message alive in the minds of parishioners and their clergy. General information meetings, however, have not drawn people in the numbers hoped for, so the committee is aware of the need to develop a local structure and format for such meetings that will give a better return for the efforts invested. The Child Safeguarding Committee is planning to establish ‘clusters’ of parish representatives to ensure that support is available to individual representatives between the 6 to 8 diocesan meetings that are convened each year. These more local support groups will be in place before the end of 2011, if the committee’s plan is successful.

The NSBCCC looks forward to receiving a 2011 audit from the Derry Diocesan Child Safeguarding Committee of the on-the-ground situation in all parishes regarding the successful communication and compliance with child safeguarding policies and procedures.

Standard 2

**Table of the incidence of Safeguarding allegations received
within
The Diocese of Derry
from 1st January 1975 up to August 2011**

1. Number of priests incardinated in the diocese of Derry against whom an allegation or allegations have been made since 1st January 1975 and up to the date of the Review.	23
2. Number of allegations reported to RUC/PSNI/ An Garda Síochána involving priests of the diocese since 1st January 1975 and up to the date of the Review	31*
3. Number of allegations reported to Social Services involving priests of the diocese since 1st January 1975 and up to the date of the Review.	33*
4. Number of priests of the diocese against whom an allegation has been made and who were living at the date of the Review.	7
5. Number of priests against whom an allegation has been made and who are deceased.	16
6. Number of priests against whom an allegation has been made and who are “Out of Ministry” or who have left the priesthood.	4
7. Number of priests of the diocese who have been convicted of having committed an offence against a child or young person since the 1st January 1975 up to the date of the Review.	0
8. Number of priests against whom an allegation was made and who are in ministry or retired.	3
9. Number of priests who are not of the Diocese but who reside within it and who are known to be the subject of an allegation arising from their past ministry.	1

*Footnotes: *The difference between the figures in 2 and 3 can be explained by:*

In the first case, a third party allegation was made against a deceased priest in Northern Ireland. The matter was reported to Social Services, so that they could approach the third party in the first instance.

In the second case, a third party allegation was made against a now deceased priest in Northern Ireland. It was unclear whether the allegation related to a minor or an adult. The matter was subsequently notified to Social Services.

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.

There are now very clear procedures for the management of allegations against priests in the Derry Diocese. These are set out in the November 2010 diocesan policy and procedures document, both in written form and with the aid of the visual presentation of a simple flow-chart. The relevant designated persons are named and their contact details are given. The guidance provided is comprehensive and appropriate and can be easily

followed. The Derry Diocese spans two jurisdictions, Northern Ireland and the Republic of Ireland and the guidance is clear and accurate in relation to procedures that are followed by the statutory authorities in each jurisdiction.

The reviewers read 28 case files to establish whether the diocesan guidance is being followed in practice. Most of these files refer to matters that were brought to the attention of the diocese prior to the development of the NBSCCC Standards of 2009 and the launch of Diocesan Policy and Procedures document in November 2010, so it would be unfair to measure historic practice against that yardstick. However, the Catholic Church in Ireland has had guidance in place since the publication in 1996 of the *Child Sexual Abuse – Framework for a Church Response* report, so assessment of practice against formal Church guidance is still possible in relation to older cases.

As stated above the files examined spanned a period of time during which a range of Church guidance was operational. This meant that some of the older allegations, contained within the records, which followed the guidance at the time, have only latterly been referred to the civil authorities. The decision to refer these, were made in association with the diocese's legal advisor in 2006. None of these cases were found, by the Director of Public Prosecutions, to have met the threshold for criminal prosecution.

The 2009 audit report on the Derry Diocese made a number of comments about the management of cases historically in the diocese and there is no need to duplicate these here. It does need to be reiterated however that a number of deficits have been identified through both the 2009 and current review exercises concerning historical cases, including that:

- Priests about whom there were clear concerns were not robustly challenged or adequately managed and problems were often 'handled' by moving them to postings elsewhere. There is evidence that abusive behaviour continued to be exhibited by priests who were moved on in this manner;
- It is not clear from the files that sufficient emphasis was placed on prompt referral to the police and social services by those legally advising the bishop;
- This contributed to a delay in referring cases to the statutory authorities, but it cannot be blamed for all of such delays;
- From the files, it would appear that the Advisory Panel did not provide useful advice to Bishop Hegarty consistently;
- Case recording was poor and unstructured, making it extremely challenging and time consuming to read case files;
- Resort to canonical disciplinary procedures was the exception rather than the rule;
- Risk assessments of priests against whom allegations or reports of concerns had been received were not conducted or commissioned;
- Where psychological and/or psychiatric assessments of priests were commissioned, there is evidence that recommendations made in assessment reports were not acted on; and
- No consistent, coherent and effective case management strategies were put in place in the diocese.

The Vicar General and the Chancellor of the diocese are to be commended for undertaking the recent exhaustive search for all file materials held in diocesan offices and by the two retired bishops of the diocese. These materials have now been brought together in a safe room and have been indexed in a clear and rational way, which allows for full access to all relevant file material for the first time. The reviewers examined the small amount of new

materials that had been discovered in this search, as these would not have been seen in the 2009 audit.

The 2009 audit report made the following observation:

‘A general comment however, worthy of note here, is the need for overall management or ownership for the direction of the case. *Safeguarding Children: Standards and Guidance* provides clarity around the role of the designated person and it is important therefore that when an allegation is made that the bishop assigns responsibility for the entire management of all processes. This must include referral to civil authorities, canonical investigation, provision of support person and advisor and, if appropriate, pastoral support and counselling for the victim and perpetrator’.

The priest designated person was appointed in 1999 and has continued carrying out the associated responsibilities since then. He has other duties in his busy role as parish priest. He was supported at one stage by a fellow priest, (now deceased) and more recently by the lay designated person, a retired head of pastoral care in a local secondary school. The lay designated person took up a wider safeguarding post in the diocese in 2006, assuming responsibility for other matters in relation to safeguarding; including co-ordinating training and ensuring that policies and procedures are in place.

It is to be commended that all cases now come to the lay Designated Person who is based in the Pastoral Centre in Derry. She has the mandate to record and manage these cases, including handling formal reporting to the statutory authorities and ensuring that the complainants are provided with support and assistance as appropriate. Overall this new approach is much more child focused and empathic to those who have been hurt by the actions of priests. The prompt reporting to the statutory services which is evident in the new cases managed by the designated person is enabled by the positive working relationships between the designated person and personnel in Social Services in Derry and the relevant Inspector in the PSNI. Both external professionals spoke very warmly of the Diocesan designated person and commented that her experience and grounded personality ensures good communication and focus on reporting and on the welfare of any victims of abuse. Both expressed their full confidence in the current management of allegations within the diocese. The PSNI officer also spoke very positively about the priest designated person, Bishop Hegarty and the Chancellor of the diocese. She commented that there has always been full co-operation with these personnel, that information has been shared appropriately and that whereabouts of accused priests have been passed on appropriately.

It is clearly not the role of the lay designated person to initiate any canonical process, but she liaises closely with the Diocesan Chancellor who is based in the Diocesan Offices and with whom she has very regular and supportive contact. The Chancellor, in cooperation with the Vicar General who is also located in the Diocesan Offices, can prepare advice for Bishop Hegarty regarding any canonical process that may be warranted in individual cases.

Recommendation 1.

It is recommended that Bishop Hegarty and his Vicar General must ensure that a written procedure is developed to cover the responsibilities of each of the diocesan personnel and communication between these personnel involved in the management of allegations and any ensuing canonical process.

To underline this point, Recommendation 6 from the 2009 audit report is reproduced here:

6. *The Case Manager* must ensure that, following referral and at the conclusion of the investigation of the matter by the statutory authorities, a Church investigation, (having been suspended to allow the investigation by the civil authorities), may resume and be carried out expeditiously.

Older case management records, as stated in the 2009 review report are badly recorded and as a result are difficult to read in some instances ; it is a welcome development that new cases are clearer, well recorded and are being managed according to established guidance.

Recommendation 2.

It is recommended that The Designated Person in consultation with the Vicar General and the Chancellor of the Diocese should re-structure all case files so that documentation is arranged in chronological and divided subject order, beginning with files relating to priests who are still alive (in line with current recording guidance). In cases where there are a number of separate file covers within an individual file, these should be dispensed with and all file materials should be amalgamated to comprise a single file. Documents can be clearly labelled to show their provenance. It would be of immense help to future readers of files to have a file summary collated and placed on each file as the first document encountered on opening the file folder.

The lay designated person has demonstrated great personal commitment and tenacity in ensuring that all concerns are given full consideration, irrespective of the reported degree of seriousness of the presenting problem. Such an approach will result in no matter ‘slipping through the net’ in the future. In addition to managing allegations against diocesan personnel, the reviewers also noted the significant time spent by the designated person in ensuring that allegations relating to Religious serving in the diocese were also appropriately notified to the statutory authorities and that support and counselling was offered and available to the complainants.

As already stated as part of the review, external agencies were consulted. The PSNI representative spoke very positively about the priest designated person, commenting that he referred appropriately to them. NBSCCC have also been engaged positively since 2008 by the priest designated person and advice sought on the management of allegations including referral to the statutory authorities)

The role of designated person can be very challenging and without support or training the priest designated person has had to manage some fairly complex situations. He has also given evidence in court, against a colleague priest. There are significant challenges associated with this task and with putting an allegation to a fellow priest, some of whom have been hostile. It is to his credit that the priest designated person has continued unsupported in this role and the review team recognises and supports his need to step down now from this role.

Recommendation 3.

It is recommended that Bishop Hegarty and his Vicar General should now begin to plan for the replacement of both its Designated Persons. The priest Designated Person has fulfilled his role and now needs to be relieved of this difficult and personally challenging responsibility. The lay Designated Person is now within a year of retirement age and her replacement should be recruited early enough to allow for a full and adequate induction process and handover to take place.

Since the Derry Diocese Advisory Panel was stood down in 2009, the NBSCCC has been providing advice on management of allegations; this is a temporary arrangement while plans are made for a replacement panel, either at diocesan or at national level. The NBSCCC is currently establishing a National Advisory Panel and Bishop Hegarty has agreed that Derry Diocese will use this new panel when it is in place

In all new cases the designated person should institute a risk assessment and management procedure in consultation with the statutory authorities for priests against whom a credible allegation has been made. The NBSCCC can provide guidance and help in this regard. The diocese should consult child protection professional practitioners who would be available locally to provide specialist inputs to this important assessment work. This is particularly necessary in the absence of a functioning Advisory Panel in the diocese. Irrespective of the progress or outcome of a canonical process, if a priest has been asked to step aside to allow for a full investigation of concerns to be conducted, or if a priest has had his ministry restricted for whatever reason, it is essential that Bishop Hegarty put in place a written direction regarding the arrangements that are in place for each such priest.

Recommendation 4.

Bishop Hegarty must ensure that following the removal from public ministry, the restrictions imposed on the priest involved and the supervision, management and reporting arrangements should be set down in writing.

In conclusion, the reviewers noted significant improvement in the management of allegations since the last review of practice in 2009. There remains the need for action, within canonical processes, for at least one priest currently out of ministry.

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.

People and Structures

(i) Child Safeguarding Committee

The Child Safeguarding Committee has been in place in the Derry Diocese for the last six years and is chaired by the lay Designated Person. Some comments have already been made about this committee and its work under Standard 1 above. The committee has been recently expanded with the inclusion of more members, two of whom are professional practitioners in children's services in Co. Derry. The committee needs to integrate its new members effectively in order that their ideas and skills can be fully utilised. Longer serving members will be challenged to be open in relation to change. This is an effective and hard-working committee that is clearly committed to child protection and welfare in the diocese. There are plans for further developments before the end of the year, including addressing the issue of attracting parishioners to information events, which to date have been poorly attended.

The Child Safeguarding Committee meets with parish representatives in each of the four deaneries in the diocese twice a year and the priests from the parishes involved are also invited to attend. Committee members informed the reviewers that the attendance of priests has increased year on year and to date 105 diocesan priests have attended these meetings with the committee. Members also noted that the attitude of diocesan clergy has become more positive and supportive of the work of the Parish Representatives over time as they have seen their importance and effectiveness at local level. The committee has sent out a questionnaire to parishes to get a sense of how the safeguarding work is progressing and members spoke of their encouragement at the information they received in responses, other than the message that parish information meetings have not been well attended. Addressing this reality has been established as a committee goal for the second half of 2011. As one member put it the plan is to embed the child safeguarding culture in all parishes across the diocese, beyond the volunteers who are already involved.

The reporting relationship between the Child Safeguarding Committee and the Diocesan Leadership Team involves a formal annual meeting between the Chairperson and Bishop Hegarty. This is supplemented by regular feedback from the Chairperson to Bishop Hegarty and the Vicar General. The committee produces a written annual report of its activities that is circulated to all the priests of the diocese. At Easter a newspaper was produced to inform the laity of diocesan activities and was circulated within all parishes across the diocese and the Child Safeguarding Committee provided information for inclusion in this. Committee members also spoke of regular inserts on child safeguarding being placed in parish newsletters and bulletins.

Recommendation 5.

It is recommended that the Safeguarding Committee develop a communications strategy regarding child safeguarding and appoint a sub-committee that would take responsibility for the implementation of this strategy. While there is evidence of a lot of communication activities, these need to be better planned and coordinated and to serve specific goals set for the diocese.

The two trainers sit on the Child Safeguarding Committee and they described a busy schedule of training activities. The training being made available to priests at deanery level was spoken of by a priest member as being very positive and appreciated by priests who he said are aware that child safeguarding has not been part of their traditional training and expertise. The trainers spoke of working together to develop proposals to bring to the committee for the forthcoming year's schedule of training. It is to be welcomed that members are prepared to take initiatives to maintain an ongoing improvement of child safeguarding in the diocese. Care has to be taken, however, that the committee works collegially and does not cede decision-making influence to any smaller group of its members.

(ii) Parish Representatives

The reviewers met with four parish representatives, one from each of the four deanery areas within the diocese. Some comments have already been made in relation to parish representatives under Standard 1 above.

All four representatives spoke of the extent of the work involved in fulfilling their responsibilities at local level. It certainly helps when two or more representatives are deployed in a parish as work can be shared and support received from each other. They all reported that, in the main, they receive both practical support and encouragement from the priests in their parishes.

Unfortunately, there were slight issues of concern raised by two of the representatives: relating to apparent cynicism by one of the priests within a deanery area and the priest's lack of support for safeguarding.

The second issue was raised by a representative who is concerned that the curate in her parish has unsupervised contact with an altar server (without any suggestion of impropriety.) This happens when only one server is available for mid-week masses. This matter could easily be addressed by ensuring that the sacristan remains in the sacristy with the priest until he goes out to the altar to begin the mass.

Recommendation 6.

It is recommended that Bishop Hegarty address both these concerns as a matter of urgency.

In some senses vetting has become more straightforward within Northern Ireland and this simplifies that aspect of the recruitment work in parishes that are in that jurisdiction.

One of the representatives spoke of her parish having developed a local Safeguarding Committee, which works well and generates extra engagement of parishioners in safeguarding. All four parish representatives spoke very positively of the availability of and support received from the lay designated person. The representatives all believe that they are doing something important and worthwhile and they mentioned that the thanks expressed by the Vicar General at deanery meetings was important in helping them feel that their input is appreciated.

Two issues were raised regarding the Inishowen Peninsula in the Co. Donegal, part of Derry Diocese. The geography of this area leads to a degree of physical isolation and this is experienced by parish representatives from that deanery area as being somewhat removed from the centre as regards day-to-day exchange of information.

Secondly, as this part of the diocese is in the Republic of Ireland, vetting procedures are slower and more difficult, which is a source of some frustration to parishes in that area when recruiting volunteers to engage in activities that involve children and adolescents.

Standard 4

Training and Education

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

The Derry Diocese has two trainers who are both members of the Child Safeguarding Committee since 2006. They are committed and active and contribute significantly to the overall safeguarding project within the diocese.

While there is no dedicated budget set aside for training, the trainers reported that they have no difficulty obtaining resources when these are required. They experience Bishop Hegarty and other diocesan personnel as being very supportive of the training work that they provide.

The four parish representatives and also the priest representative on the Child Safeguarding Committee, all spoke very positively about the quality and value of the training that has been provided to date.

At the meeting with the Child Safeguarding Committee some members spoke positively of outside training opportunities that had been made available by the NBSCCC, including a specific training in relation to trauma. The reviewers informed the committee members of the Training Strategy that has been developed by the NBSCCC and also of the budgetary constraints that do not allow for the planned training to be rolled out to dioceses.

Recommendation 10 in the 2009 audit report indicated that training in recording practice for all those that undertake this task in the diocese should be arranged and this is reiterated here to highlight that specific training should be made available on an ongoing basis to help induct new personnel and to refresh the skills of longer term staff and volunteers.

The NBSCCC has developed a new diocesan audit tool and further information on training in the Derry Diocese will be garnered from the response to that self-audit exercise, which will be completed later in the year.

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.

The November 2010 launch of the *Diocesan Safeguarding Children Policy and Procedures* and the work that has been undertaken since then by the Child Safeguarding Committee and by the Parish Representatives have gone a long way towards ensuring that the safeguarding message has been communicated widely. The need for a diocesan safeguarding communications strategy has been signalled earlier in this report.

Two particular challenges have now to be met. The first is to engage actively with children and young people in a meaningful way that allows them to have a real input into safeguarding guidance and practice at parish and diocesan level. When the diocese is fully committed to achieving this goal, while recognising that consultation with children and young people is difficult, learning could be achieved from examples of good practice in both jurisdictions. Involving children and young people is one way of empowering them and informing them at the same time.

The second challenge is to continue to work on gaining full commitment from all priests in the diocese to the safeguarding policy and procedures, in word and in deed. Attitudes are hard to change and the reviewers received evidence of at least two priests who seem to be less than fully behind the diocesan safeguarding project. In 2011 it should not be tolerated that any priest of Derry Diocese can remain ambivalent towards and non-supportive of the diocesan policy, which states that:

‘Clergy, staff, volunteers and all who have a pastoral role involving children and young people in the Diocese of Derry are obliged to uphold the highest standards of safeguarding in order to prevent harm to children’.

Statements that convey disdain towards the diocesan policy and procedures and actions that are in contravention of accepted child safeguarding practice both undermine the great effort being made by most people involved in safeguarding at parish and diocesan level and in certain circumstances can in effect be collusive with exposing children to the risk of abuse. In the 2009 audit report, Recommendation 1 stated that:

‘Bishop Hegarty should consider inviting his clergy to sign an agreement which actively engages them in abiding by diocesan safeguarding policy and procedure and to communicating with the congregations, the parish's response to safeguarding, preventing abuse and to responding to allegations and concerns’.

The need for action on this recommendation has been demonstrated in the current review.

One of the ways in which Standard 5 can be evidenced is by there being good communication and working relationships with statutory child protection agencies. As was

stated earlier, the HSE did not respond to the invitation from the Derry Diocese to meet the reviewers and therefore we cannot comment on the HSE's views of the partnership they have with the diocese in relation to safeguarding children.

The reviewers did meet with a senior manager of the Western Health and Social Care Trust Gateway service which covers the Northern Ireland part of the Derry Diocese: This manager is also a new member of the Derry Diocese Child Safeguarding Committee. This manager has had a long-term working relationship with the lay Designated Person that pre-dates their involvement in diocesan safeguarding, so a trusting relationship has been built up over many years of professional practice in the Derry area. This relationship now ensures easy and regular communication and a good information flow in both directions.

One valuable suggestion made by the Gateway manager was that the Derry Diocese should have a clear written protocol that would be circulated to all priests to inform them of the steps that would normally be taken when a safeguarding concern is raised about a named priest⁵. She also suggested that the diocese should share information they may have about respondent⁶ priests' families where there may be children under eighteen years of age, with whom the priest has contact.

This interview also identified the issue of the statutory social services not wanting to receive reports regarding child safeguarding concerns about deceased priests. This appears to also be the attitude of HSE Social Work Departments in the Republic of Ireland. This issue is wider than just the Derry Diocese and will need to be addressed by the NBSCC at national level in both jurisdictions.

There was evidence, in case files examined in the course of the review, of public statements made by Bishop Hegarty in high profile cases where priests were removed from ministry.

⁵ A protocol entitled – "Leave from Sacred Ministry" – has been drafted and is currently awaiting approval by NBSCCC's sponsoring bodies

⁶ This refers to priests against whom allegations have been made

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.

This is an area where improvements have been made by the deployment of a lay designated person who has a background in and connections with the network of personal social services. There is evidence of an empathic and practical response to complainants, both children and adults and the provision of appropriate information about and referral to support and therapeutic services.

The nominated Support Person, who is a member of the Child Safeguarding Committee, has not been used in that role since their nomination.

Recommendation 7.

It is recommended that Bishop Hegarty and his Vicar General, in consultation with the Designated Person, examine the whole area of the support needs of complainants and to then make whatever changes in structures as are necessary.

The Feast of the Sacred Heart has been nominated as the day on which healing services for the victims of clerical abuse would be held in parishes in the Derry Diocese; but the holding of such services is far from universal. The diocesan website had information about a prayer service for victims in June 2010, but had no similar details in relation to 2011.

The Derry Diocese should develop or contract with appropriate services for working with priests whose behaviour indicates that they have therapeutic and/or other needs. There was scant evidence of a good service network being in place to deal with this important aspect of child safeguarding. In one file that was examined there was a helpful psychological and psychiatric assessment report on a living priest, the recommendations of which – personal therapy and supervision - had not been acted on; however this had been raised during the 2009 review with a recommendation from NBSCCC for follow up action. This action has been satisfactorily carried by the designated person and NBSCCC is satisfied that there are no outstanding issues which need addressing in relation to this priest.

Recommendation 8.

It is recommended Bishop Hegarty and his Vicar General, in consultation with the Designated Person should consider identifying and utilising appropriate support and therapeutic services for those who have perpetrated abuse and for those who clearly have a psychological and/or an emotional problem which may impinge on their ability to work appropriately with children and young people, to help them to face up to the reality of their abuse or other difficulties and to promote their healing; but in a manner that does not in any way compromise children's safety.

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.

This standard is the last, but it is the one that if met, ensures that the previous six standards are also being properly met. Standard 7 is where accountability is required and provided. The Derry Diocesan Child Safeguarding Policy and Procedures at page D 25 lists eight actions that are to be taken in order for this standard to be met.

- *Financial and human resources are in place for the implementation of the Safeguarding Children Policy.* The reviewers received evidence that there is adequate financial resourcing of the diocesan policy and procedures. Comments have been made earlier in the report regarding human resource issues that need attention.
- *The diocese annually reviews the implementation of its Policies and Procedures and updates any changes in legislation and guidance.* The Child Safeguarding Committee has recently completed this.
- *The Diocesan Safeguarding Committee ensures that all complaints received are dealt with by the Designated Person and it appears to the National Board, that data safeguarding legislation is being met.* The reviewers have received evidence that all complaints are appropriately dealt with and recorded. It is Bishop Hegarty who has diocesan responsibility for ensuring that this is done; if he delegates this responsibility to the Designated Person or to a senior cleric of the diocese, this should be made clear in writing.
- *A summary of training events attended by or conducted by the Diocesan Trainers (including a register of attendance) is recorded and kept on file.* Evidence of compliance with this requirement will be sought in the diocesan audit later this year.
- *The Diocesan Committee obtains details of who manages recruitment and vetting at parish level, where records are stored and how recruitment is monitored.* Evidence of compliance with this requirement will be sought in the diocesan audit later this year.
- *Local Safeguarding Representatives provide the Diocesan Committee with annual statistics of the numbers of staff and volunteers in each parish who have been recruited and vetted.* Evidence of compliance with this requirement will be sought in the diocesan audit later this year.
- *Processes are in place to give parents, carers and children an opportunity to give their views on measures contained in the Keeping Children Safe Policies and Procedures.* Evidence of compliance with this requirement will be sought in the diocesan audit later this year.
- *All incidents, allegations and suspicions of abuse in the diocese are recorded and stored securely and it appears to the National Board, that data safeguarding legislation is being met.* This requirement is being met in full.

Recommendations:

It is recommended that:

- 1. Bishop Hegarty and his Vicar General must ensure that a written procedure be developed to cover the responsibilities of each of the diocesan personnel and communication between these personnel involved in the management of allegations and any ensuing canonical process.**
- 2. The Designated person in consultation with the Vicar General and Chancellor of the diocese should restructure all records so that documentation is arranged in chronological and divided subject order, beginning with files relating to priests who are still alive (in line with current recording guidance). In cases where there are a number of separate file covers within an individual file, these should be dispensed with and all file materials should be amalgamated to comprise a single file. Documents can be clearly labelled to show their provenance. It would be of immense help to future readers of files to have a file summary collated and placed on each file as the first document encountered on opening the file folder.**
- 3. Bishop Hegarty and his Vicar General should now begin to plan for the replacement of both its Designated Persons. The Priest Designated Person has fulfilled his role and now needs to be relieved of this difficult and personally challenging responsibility. The lay Designated Person is now within a year of retirement age and her replacement should be recruited early enough to allow for a full and adequate induction process and handover to take place.**
- 4. Bishop Hegarty must ensure that following the removal from public ministry, the restrictions imposed on the priest involved and the supervision, management and reporting arrangements should be set down in writing.**
- 5. The Safeguarding Committee should develop a communications strategy regarding child safeguarding and appoint a sub-committee that would take responsibility for the implementation of this strategy. While there is evidence of a lot of communication activities, these need to be better planned and coordinated and to serve specific goals set for the diocese.**
- 6. Bishop Hegarty should address, as a matter of urgency, the concerns raised by Parish Representatives concerning the attitude and behaviour of two priests.**
- 7. Bishop Hegarty and his Vicar General, in consultation with the designated person, should examine the whole area of the support needs of complainants and to then make whatever changes in structures are necessary.**
- 8. Bishop Hegarty and his Vicar General in consultation with the Designated Person should identify and utilise appropriate support and therapeutic services for those who have perpetrated abuse and for those who clearly have a psychological and/or an emotional problem that impinges on their ability to work appropriately with children and young people, to help them to face up to the reality of their abuse or other difficulties and to promote their healing; but in a manner that does not in any way compromise children's safety.**

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 by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the diocese and examine/review and report on the nature of the response on the part of the diocese.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the diocese by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the diocese and examine/review and report on the nature of the response on the part of the diocese.
3. To ascertain all of the cases during the relevant period in which the diocese:
 - knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
 - had strong and clear suspicion of child sexual abuse; or
 - had reasonable concern;and examine/review and report on the nature of the response on the part of the diocese.
4. To consider and report on the following matters:
 - Child safeguarding policies and guidance materials currently in use in the diocese and an evaluation of their application;
 - Communication by the diocese with the Civil Authorities;
 - Current risks and their management.

Accompanying Notes

Note 1

Definition of Child Sexual Abuse:

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990⁷ 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.

⁷ 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.

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 August 2011 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.