

## **HSE Audit of Catholic Church Dioceses**



## EXPLANATORY FOREWORD FOR REPORTS OF HSE AUDIT OF CATHOLIC DIOCESES

The documentation attached arose from the request by the Minister for Children of 26 October 2005 to the HSE to ensure that the recommendations of the Ferns Inquiry were being implemented by Catholic Church Dioceses. The Minister's request resulted in a national audit of Catholic Church dioceses, the aim of which was to examine the Church's child protection practices and to address, in line with *Children First: National Guidelines on the Protection and Welfare of Children*, any child protection and welfare concerns that might emerge.

On the 8 November 2005, the Government set up the Dublin Archdiocese Commission of Investigation. On 9 November 2005, the Minister for Children wrote to the HSE linking the Dublin Archdiocese Commission of Investigation's terms of reference, numbers 7 and 8, to his request of the 26 October 2005 for a national audit of Catholic Church Dioceses.

*Terms of Reference:*

*7. To examine, following a notification from the Minister for Health and Children, that a Catholic diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and the Religious, Child Sexual Abuse: Framework for a Church Response (1996) and any subsequent similar document, the position in that diocese.*

*8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report delivered to the Minister for Health and Children on 25 October 2005, the position in that diocese.*

The process of the HSE national audit is set out in the documentation attached.

The national audit by the HSE was completed on 4 December 2008 with the submission to the Minister for Children and Youth Affairs of its report on the Cloyne diocese.

The HSE is completing a similar audit of Religious Orders and the report of that audit is expected in early 2009.

As part of the outcome of the HSE investigation into the Cloyne diocese a separate audit is being undertaken of all child sexual abuse allegations made against clergy in the Diocese of Cloyne dating back to 1996, when "*Child Sexual Abuse: Framework for a Church Response*" was introduced by the Catholic Church. The HSE envisage that this audit will be completed by the end of March 2009.

7 January 2009

**REPORTS OF HSE AUDIT OF CATHOLIC DIOCESES**  
**with**  
**LETTERS FROM MINISTER FOR CHILDREN TO CEO OF HSE**  
**REQUESTING THIS AUDIT.**

- | Section | [SCHEDULE]  |
|---------|---|
| I       | Letter of 26 October, 2005 from Minister for Children to CEO of HSE asking that the HSE commence an audit of child protection practices and compliance with the Ferns Report's recommendations <i>(Page 2)</i>  |
| II      | Letter of 9 November, 2005 from Minister for Children to CEO of HSE linking Terms of Reference of Commission of Investigation, to the request for audit of 26 October, 2005. <i>(Page 4)</i>  |
| III     | Letter of 31 January, 2008 from HSE with Audit Report analysis. <i>(Page 6)</i>   |
| IV      | HSE Audit Report <i>(Page 8)</i> , with the following attachments: <ul style="list-style-type: none"><li>(a) Letter of 15 June, 2006 from CEO of HSE to Minister for Children with update on progress. <i>(Page 23)</i></li><li>(b) Letter of 12 October, 2006 from CEO of HSE to Minister for Children to further advise him of developments. <i>(Page 25)</i></li><li>(c) Letter of May, 2007 from CEO of HSE to Minister for Children with further update on developments. <i>(Page 27)</i></li></ul>  |
| V       | HSE letter of 4 December, 2008 <i>(Page 30)</i> , enclosing Report entitled: <i>"Report on allegations of child sexual abuse in the Diocese of Cloyne and complaints that the investigations of these cases by the Diocese was inadequate"</i> , <i>(Page 33 )</i> with the following attachments: <ul style="list-style-type: none"><li>(i) Letter dated 25 September, 2007 from the organisation One In Four to the Department re: complaint received. <i>(Page 45 )</i></li><li>(ii) Letter dated August 2007 from HSE to a complainant <i>(Page 50)</i></li><li>(iii) Letter dated 8 October, 2007 from Department to HSE notifying them of complaint. <i>(Page 51 )</i></li><li>(iv) Internal HSE letter dated 16 October, 2007 re allegation. <i>(Page 52 )</i></li><li>(v) Letter dated 16 October, 2007 to Department from HSE indicating file has been assigned for follow-up. <i>(Page 53 )</i></li><li>(vi) Email dated 17 April, 2008 from CEO of National Board for Safeguarding Children in the Catholic Church (NBSCCC) to HSE South re: complaint shared by the Department and his investigation with other associated emails <i>(Page 54 )</i></li></ul> |

October, 2005.

Professor Brendan Drumm,  
Chief Executive Officer,  
Health Services Executive,  
Block D, 3<sup>rd</sup> Floor,  
Parkgate Street Business Centre,  
Parkgate Street,  
Dublin 7.

Dear Professor Drumm,

As you are aware, the report of the Inquiry into the handling of allegations of child sexual abuse in the diocese of Ferns was published on 25 October, 2005. At their meeting yesterday, the Government decided that I should write to the Irish Bishop's Conference seeking their confirmation individually and collectively that the Framework Guidelines of 1996 are in place and that the recommendations of the Inquiry will be implemented. The Government also decided that I should write to the HSE requesting you to liaise with individual bishops to ensure that the recommendations are being implemented.

One of the main recommendation in the report is that the inter-agency review group which has worked so effectively in the Diocese of Ferns for the past few years should be introduced in all areas. This group would comprise the Diocese, An Garda Síochána and the HSE and every suspicion or allegation of clerical child sexual abuse would be brought to the attention of the group. In line with the recommendations of the Inquiry, I would be most grateful if the HSE would undertake to convene the meetings of the Inter-Agency Review Group and to record and maintain its records. I am confident that this group will be an important mechanism in improving inter-agency communication so that children can be protected more effectively in the future.

I have written to the Irish Bishops Conference informing them of the Government Decision concerning the role of the HSE in ensuring compliance with the report's recommendations and requesting them to notify the HSE of current child protection practices in each diocese and the additional steps that the church authorities will be undertaking on foot of the report.

There are other recommendations contained in the report which are of importance to the Church. The main recommendations which refer to the Church authorities (and other organisations working with children) are attached.

I would also like to draw your attention to recommendation E6 which states that existing arrangements for joint investigation of suspected child sexual abuse cases should be more firmly established between An Garda Síochána and the HSE in order to ensure efficiency in outcome and sensitivity to victims. My officials will be in contact with you separately in regard to follow-up issues generally for the HSE and to consult you on the legislative recommendations which are being considered as a matter of urgency.

As this matter is one of such importance I would request that the HSE make contact with the individual bishops as a matter of urgency to commence an audit of child protection practices and compliance with the report's recommendations. Please report back to me as soon as possible after initial meetings have been held and liaison arrangements have been put in place. Thank you for your co-operation in putting in place these procedures to try to ensure that children will be protected more effectively in the future.

Yours sincerely,

---

Brian Lenihan, T.D.,  
Minister for Children.

Professor Brendan Drumm  
Chief Executive Officer  
Health Services Executive  
Block D, Third Floor  
Parkgate Street Business Centre  
Parkgate St  
Dublin 7

9 November, 2005

Dear Professor Drumm

I refer to my letter of 26<sup>th</sup> October and to the decision by Government yesterday to set up a Statutory Commission of Investigation into the handling of child sexual abuse cases by the Dublin Archdiocese.

I enclose a copy of the Press Release and proposed terms of reference for the Commission. Please note points 7 and 8 which state:

"7. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious, Child Sexual Abuse: Framework for a Church Response (1996) and any subsequent similar document, the position in that diocese.

8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Ferns Report delivered to the Minister for Health and Children on 25 October, 2005, the position in that diocese."

These provisions provide an express link between my earlier request to you to commence an audit of child protection practice and compliance with the Fern's Report's recommendations in each diocese and the remit of the Commission. This provides an added urgency and importance to the audit function which the Government has entrusted to the HSE.

I have asked my Private Secretary Hugh Drumm to contact your office so that we can meet as soon as possible to discuss the progress to date by the HSE and planned follow up to this important issue. I very much appreciate your co-operation in

strengthening arrangements for the protection of children and look forward to meeting you shortly.

Yours sincerely

---

Brian Lenihan, TD  
Minister for Children



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the National Director of PCCC  
Health Service Executive,  
Room 149, Dr Steevens Hospital,  
Dublin 8.

Tel: 01 6352370

Fx: 01 6352327

Email: Rachel.fitzgerald1@hse.ie

Thursday, 31st of January 2008

Minister Brendan Smith,  
Department of Health & Children,  
Hawkins House,  
Dublin 2.



Dear Minister Smith,

I am pleased to provide a further update in respect of the Ferns Report. This will be the 4<sup>th</sup> Report provided by the Health Service Executive advising previously Minister Lenihan on our progress in implementing recommendations contained in the Report. Enclosed previous 3 updates for ease of reference. In this Report I wish to advise that my officials have analysed information supplied by the Bishops in the form of an audit questionnaire, in order to seek to ascertain compliance with the recommendations of Ferns and the degree to which Church Dioceses are implementing Church Guidelines.

The audit questionnaire was devised following consultation with Child Care Managers and Officials in your own Department. It sought information from Bishops on such matters as child protection policies, procedures, structures, training and selection procedures pertaining to their Diocese. On receipt of completed audit questionnaires from Dioceses a framework was issued to Child Care Managers, designated to individual Bishops, to assist in their analysis of responses. A composite report on the findings arising out of this analysis is enclosed. A parallel process is now underway in respect of the Religious Orders and I would anticipate this exercise being completed in the first quarter of 2008.

It should be noted, as outlined in earlier correspondence to your predecessor of May 2007 that in the face of legal objections in relation to the absence of the legal measures envisaged in the Ferns Report that were intended to ensure confidentiality of information, a section of the Audit was not completed by the Bishops. Following consultation with the Office of the Minister for Children, it was agreed to proceed with the remainder of the audit. While the audit does provide valuable information, without the benefit of completion of this section, it is not possible to retrospectively examine application of the procedures in individual cases.



However in the event that further Reports of clerical abuse whether current or retrospective are brought to the attention of the Health Service Executive the audit process will have provided an invaluable benchmark against which to gauge the compliance of Church Authorities collectively and individually with their own stated policies and procedures. The HSE had recently has a complaint passed to it by the OMC which alleges non-compliance with policies and procedures. This matter is currently being investigated and it is intended to report specifically on this complaint as soon as this investigation is complete.

I would further add that whilst contact between individual Bishops and designated Child Care Managers in furtherance of this process has undoubtedly improved communication between the two constituencies it has not facilitated the exchange of soft information, including rumour and innuendo envisaged by Ferns or indeed the formation of Inter-Agency Committees. I understand from media reporting that the type of provisions to enable such exchange may be addressed in the proposed constitutional referendum.

The review of Children First the National Child Protection and Welfare of Children Guidelines and also the review the statutory and policy provision of child protection committee structures is currently being undertaken by Officials in your own Department.

I wish to assure you of the Health Service Executive's continuing co-operation and assistance in striving to improve the welfare and safety of children and if it would be of assistance HSE officials would be pleased to meet your officials to discuss the content of the enclosed report.

Yours sincerely,

AP 

Laverne McGuinness  
National Director  
Primary Community & Continuing Care

## **Audit of Catholic Church's current Child Protection Policy, Practices and Procedures & compliance with Ferns Report Recommendations**

### **Background:**

On foot of the Ferns Report the HSE established a number of task groups to address:

- Audit of Church Child Protection policies and procedures
- Publicity Campaign and HSE responsiveness.
- Review of Children First and linkages with Departmental review.
- Counselling services for young people and families.
- Treatment services for persons with sexually offending behaviour.

Minister Lenihan in his letter to me of 26<sup>th</sup> October, 2005 requested that the HSE make contact with individual Bishops and commence an audit of Child Care practices in compliance with the Ferns Report Recommendations. Following detailed discussion with Minister Lenihan's Department an audit tool was devised to assist in the assessment on the Church's current protection policy, practices and procedures. An audit questionnaire was formally issued to the Bishops and Religious Conference on 23<sup>rd</sup> October, 2006. (Appendix A)

Consequent to receiving same the Bishops, using identical concerns, advised that whilst anxious to co-operate fully with the HSE, that in the absence of the legislative measures anticipated by the Ferns Report, they were unable to do so in respect of Section 5 of the planned Audit. This Section 5 sought detailed information on complaints and allegations of child sexual abuse against members of the clergy and whether these allegations had or had not been brought to the attention of the civil authorities.

The Bishops identified that Section 5 presented insurmountable difficulties in relation to confidentiality given that appropriate legal arrangements had not been put in place. That in essence the disclosure of such confidential information as required by the Audit could not be actioned.

The HSE, following further consultation with the Department and on foot of independent legal advice obtained by the HSE and shared with the Department, decided to advance completion of the Audit with the exception of Section 5 as it was considered that the information sought would still be of value in determining the degree of compliance with Church guidelines and progress on implementing the recommendations of the Ferns Report. The Audit tool was subsequently forwarded to the Bishop in each diocese and on receipt of completed questionnaires they were forwarded to the local Child Care Manager designated for each diocese. Based on the

information provided by each Bishop the Child Care Managers undertook an analysis of the responses provided and were advised to meet the Bishops if there was insufficient information or if they need to clarify matters of concern. A standard Framework to assist Child Care Managers in their analysis of the Bishop's responses was also devised to ensure consistency nationally in their approach to this analysis.

### **Audit Questionnaire**

The audit tool sought information under a number of main headings:

1. Child Protection Policies and Procedures
2. Procedures
3. Training
4. Structures
5. \* Audit not completed
6. Selection Procedures and Codes of Conduct
7. Observations/Comments

### **Section 1: Child Protection Policies and Procedures**

All Dioceses stated that they operated a Child Protection Policy and furnished copies of their Policies which included:

- Our Children Our Church
- Child Sexual Abuse: Framework for a Church Response (Green Book)
- Children First: National Guidelines for Protection and Welfare of Children
- Working with Children and Young People in the Catholic Church Community in Ireland.

A common theme was that the Dioceses were in transition between the Green Book (Framework for a Church Response 1996) guidelines and Our Children Our Church. The HSE understands that Our Children Our Church is currently being revised by the Church. Bishops confirmed that the above policies had been sanctioned in all Dioceses and that in addition further Church policies that have implications for identification and screening of child sexual abuse include:

1983 Code of Canon Law

Sacramentorum Sanctitatis Tutela Motu Proprio 2001

A detailed response to how policies are disseminated locally and what measures are in place to ensure policies were brought to the attention of all Personnel were provided by each Diocese. There is substantive detail, at a quantitative level on individual procedures within each Diocese and indeed parish. However in the absence of qualitative exploration of how the policies are working in practice, which was removed with the omission of Section 5 of the Audit, there is no way of verifying the efficacy of current arrangements or indeed that simply by virtue of policies existing, they are actually operated.

Internally this issue should be addressed by the Church under the Our Children Our Church framework whereby the National Board for Child Protection will undertake an

annual audit of the implementation of Church policies and procedures and publish an annual report.

Specifically in relation to how each Diocese is going to implement the recommendations of the Ferns Report, (Appendix B) each Diocese provided details on implementation processes and timescale and the written responses showed evidence of advancing the recommendations referred to in Minister Lenihan's letter to Archbishop Sean Brady of October, 2006.

## **Section 2: Procedures**

This section commenced with the question:

"In all instances where it is known or suspected that a child has been, or is being sexually exploited, Is the matter reported to the HSE and An Garda Síochána without delay", that is "within the next working day"?

A number of issues were raised by Bishops in relation to this matter. Some Bishops indicated that Children First, the National Guidelines for the Protection and Welfare of Children (1999) does not instruct the phrase "without delay" as to always mean "within the next working day" rather that the test for reporting knowledge or suspicion of child sexual abuse is the existence of "reasonable grounds for concern". (Children First P. 38, ss 4.3.2). As an extenuation of the clarification a number of Bishops stated their support for a system of mandatory reporting as evidence by their presentation to the Oireachtas All-Party Committee.

Notwithstanding the above clarification all Bishops affirmed that cases of suspected or known abuse are notified "without delay". Furthermore each Diocese reported that they have a designated person to whom allegations or suspicions of child sexual abuse are reported and the name/office/title of the person was provided. Confirmation was also provided that written records are kept. The Bishop affirmed further that where reasonable grounds exist action is taken to protect children from possible abuse by the alleged perpetrator.

We were advised that the procedures invoked in relation to an alleged abuser if a HSE and/or An Garda Síochána investigation denotes that there is insufficient evidence for prosecution but reasonable grounds for concern continue to exist, were those contained in the Framework guidelines and Our Children Our Church procedures. Replies evidenced that Bishops take action following advice from his Advisory Panel and/or HSE and/or Gardai. Where an alleged abuser refuses to step aside Canon Law procedures and Our Children Our Church procedures are invoked. Counselling services / support are offered to all alleged victims and all allegations are notified to the Gardai and / or HSE.

### **Section 3: Training**

The majority of dioceses stated they had a child protection training programme but it was disappointing to note that a minority do not, although plans to undertake training were stated to be underway. Dioceses supplied copies of training programmes essentially on the Volunteer Development Agency format. We were advised that the Training Programme contained the main elements recommended in the Ferns Report.

### **Section 4: Structures**

In this section of the Audit Questionnaire Bishop's outlined diocesan structures currently in place and how they relate to the designated personnel for handling and receiving allegations or suspicions of child sexual abuse and referral to HSE and / or An Garda Síochána. Replies varied between accordance with Chapter 4 in the Framework document to compliance with Our Children Our Church recommendations reflecting the transition that is currently in process. All dioceses were reported to have a Child Protection Advisory Panel or a Child Protection Management Committee. In essence the written replies of the Bishops provided evidence of structures in line with stated policy.

The historical managerial division or autonomy of Dioceses, Religious and Missions which entailed the HSE conducting separate audit questionnaires, in essence means that a Bishop may be unaware of reports to the HSE and An Garda Síochána of known or suspected child abuse in respect of a religious operating within the diocese. This is a situation which the HSE feels should be addressed by Church Authorities.

### **Section 6: Selection Procedures and Codes of Conduct**

Questionnaire replies demonstrated safe recruitment procedures as referenced in Our Children Our Church, Chapter 4. A protocol on selection procedures and codes of conduct was evidenced in the replies.

### **Section 7: Observations/Comments**

In the final Section of the Audit Bishops were invited to make any observations or comments. A substantial number of observations/comments were received with the most consistent themes identified below for your information.

- State Guidelines (Children First) require an accompanying implementation strategy in order to support organisations in the work of safeguarding children.
- The State needs to urgently consider the legislation required in order to provide for adequate monitoring of offenders. No vetting system in place as in Northern Ireland.

- Necessary resources for vetting personnel should be provided.
- What steps are being taken by the HSE and Gardai to implement recommendations directed towards their own personnel.
- Establishment of out-of-hours social work service and additional counselling services urgently required.
- State funding should be provided for training monitoring and other initiatives.
- Does the State, through the HSE seek to bind the Catholic Church to standards and practices different to those that apply to other citizens (e.g. Inter-Agency committees)?

A number of the issues raised by the Bishops are matters which we note are being addressed by Government or other agencies such as the recent developments in vetting. The HSE, for its part is working with your Department on the issue of out of hours and will during 2008 provide a report on counselling services.

**Conclusion:**

The audit has provided a substantial information base on the Church's child protection policies, practices and procedures. Information provided does serve as a reference point or baseline for Child Care Managers which heretofore did not exist. In response to the Ministers request of the HSE to audit the Dioceses and conduct that on the basis of the information provided by each Bishop, I wish to advise that on the basis of the analysis by Child Care Managers of the replies received, there is no prima facie case of serious non-compliance with the Ferns Report recommendations. On that basis therefore, I would not recommend to the Minister that any particular diocese should be referred to the Dublin Commission at this point in time. The HSE have however concern in respect of one particular diocese on foot of a recent complaint alleging non-compliance with procedures, received from the Office of the Minister for Children which is currently under investigation. HSE will notify your department of the outcome of this investigation and any implications as soon as it is complete. A number of issues require to be resolved including the Church's review of their own guidelines Our Children Our Church which were subjected to an independent review by the Office of the Minister for Children. The HSE welcomes the Church review as consistency with Children First National Guidelines for Protection and Welfare of Children is imperative.

Appendix A

**Audit of Catholic Church's Current Child Protection Policy, Practices and Procedures in compliance with Ferns Report Recommendation**

**1) Child Protection Policies and Procedures**

1.1 Does the Diocese operate a Child Protection Policy?  
Please furnish a copy of that policy with your response.

Yes  No

1.2 Has the above policy been sanctioned by the leadership of the Catholic Church and are all members of the Clergy bound by its procedures?

Yes  No

1.3 Are there any other Church policies / instructions which have any implications for the identification and processing of child sex abuse allegations?

Yes  No

If so please furnish a copy of all relevant documents

1.4 How is the policy disseminated locally and what measures are in place to ensure that the policy is brought to the attention of all personnel and members of the public who have contact with the Diocese on an ongoing basis?

1.5 What specific mechanisms are in place to ensure that all personnel of the Diocese are aware of and have implemented the Diocesan Child Protection Policy?

1.6 Please describe how your Diocese is going to implement the recommendations of the Ferns Report which refers specifically to the Church Authorities and is detailed above? Please provide indicative timescale.

1.7 Does the Diocese follow a specific set of guidelines, e.g. Child Sexual Abuse: Framework for a Church Response Guidelines, or Our Children Our Church, or Duty to Care?

Yes  No

If Yes, which one?

If No, what child protection procedures are in use  
(please furnish a copy with your response if the procedures differ from  
the three identified above))

- 1.8 If it has not already done so, does the Diocese plan to implement Our Children Our Church: Child Protection Policies and Procedures for the Catholic Church in Ireland and in what timescale?

Yes  No

- 1.9 Who will ensure the implementation of the Child Protection Policies and Procedures contained in Our Children Our Church and will there be a review mechanism of their efficacy and within what timescale?

## 2) Procedures

- 2.1 In all instances where it is known or suspected that a child has been, or is being, sexually abused by a Priest or Religious is the matter reported to the HSE and/or An Gardaí Síochána (\*) without delay, that is within the next working day?

Yes  No

If no, why not? Please give a description of how the procedure in place operates.

- 2.2 Does the Diocese have a designated person to whom allegations or suspicions of child sexual abuse are reported?

Yes  No

Who is that person? What training or qualifications does this person have in relation to their role as the designated person? How exactly does this person relate to the Diocesan delegate?

- 2.3 Following an allegation of child sexual abuse what written records are kept and what procedures are followed in relation to same?

- 2.4 If reasonable grounds for concern exist in relation to an allegation of child sexual abuse what action is taken by the Diocese to protect children from possible sexual abuse by the alleged perpetrator?



- 2.5 What procedures are invoked in relation to an alleged abuser if an investigation by the HSE and/or An Garda Siochana determines that there is insufficient evidence for a prosecution but reasonable grounds for concern continue to exist?
- 2.6 If following an allegation of child sexual abuse it is determined that the alleged abuser should step aside or take administrative leave but adamantly refuses to do so, what procedures are followed?
- 2.7 What action is taken by the Diocese in relation to the alleged victim or victims when an allegation of sexual abuse has been made and reasonable grounds exist?
- 2.8 Following an allegation of sexual abuse what procedure is followed by the Diocese if the alleged victim or the alleged victim's parent(s) does not wish his/her name revealed to the HSE or An Garda Siochana (\*) ?
- 2.9 What norms and procedures exist in relation to the sharing of information between all the relevant parties such as the civil authorities, the alleged victim and the alleged perpetrator when an allegation of child sexual abuse has been made?

### 3) Training

- 3.1 Does the Diocese have a Child Protection Training Programme?  
 Yes  No
- 3.2 If yes please give a short description of the Training Programme. Please provide a copy of the Programme and please also specify who delivers the Programme?
- 3.3 Are all personnel in the Diocese required to attend the training programme?  
 Yes  No
- And who do you consider personnel for this purpose?
- 3.4 Is the Training Programme consistent with the Keeping Safe Programme? (The Keeping Safe training programme is a modular programme developed by the Volunteer Development Agency designed to raise awareness on issues of child protection.)  
 Yes  No

If 'no' what recognised model is the programme based on?

- 3.5 Does the Training Programme contain the main elements recommended in the Ferns Report i.e.

The nature of child sexual abuse including the fact that it may be perpetrated by persons whose outward appearance is one of professionalism and respectability;

Yes  No

it's compulsiveness, meaning that an abuser is likely to re abuse,

Yes  No

the grave psychological damage caused to victims;

Yes  No

the difficulty in believing it and personal responsibilities in relation to it?

Yes  No

- 3.6 Does the training programme specifically address the personal responsibility of the staff in the Diocese working with Children of their obligation to report all allegations and suspicions of child sexual abuse to the Health Service Executive and An Garda Siochana (\*) to ensure the protection of Children?

Yes  No

- 3.7 Has the Diocese clear codes of conduct regulating the way in which inter-action with children should occur particularly in relation to those persons who have unsupervised access to Children?

Yes  No

If yes please supply copy.

#### 4) Structures

- 4.1 Describe the Child Protection Structures that the Diocese currently have in place and how these relate to the designated personnel for handling and receiving allegations and suspicions of child sexual abuse and referring to the HSE and/or An Gardai Siochana (\*)? Please include a diagrammatic representation of the structure if possible?

- 4.2 Does the Diocese have a Child Protection Advisory Panel or a Child Protection Management Committee?

Yes  No

If yes how is this constituted in terms of membership, selection qualifications and experience for the role?

- 4.3 Does the Diocese have any other structure or personnel involved in Child Protection?

Yes  No

If yes please specify.

**5) Audit**

- 5.1 Please provide, from your records, the number of complaints or allegations against individuals of child sexual abuse made to the Diocese and which have been brought to the attention of the civil authorities, that is, Health Boards/Health Service Executive and/or An Garda Siochana (\*). (please note that this question only requires a numeric answer e.g. Allegations against A = 2, allegations against B = 3, allegations against C = 1)

- 5.2 Have all complaints or allegations of child sexual abuse made to the Diocese been brought to the attention of the HSE and An Gardai Siochana (\*)?

Yes  No

If no why not and who made the determination?

- 5.3 Can you confirm, from your records, the following:-

- (a) The number of Religious from the Diocese convicted for Child Sexual Abuse.
- (b) The number of Religious from the Diocese currently under investigation by the civil authorities for child sexual abuse.
- (c) The number of allegations of child sexual abuse against Religious from your Diocese investigated.
- (d) The number of child sexual abuse allegations made against Religious from the Diocese which were not deemed reportable to the civil authorities, and the reason why they were not deemed reportable.
- (e) The number of child sexual abuse allegations made against Religious from the Diocese for whom the allegation (s) have been deemed unfounded by the civil authorities?
- (f) By whom were they deemed unfounded in each case?

- (g) What monitoring arrangements if any are in place in respect of such Religious? concerning (a) to (f) above
- (h) Are there any allegations that you are aware of which are not being investigated by the Garda and/or the HSE?
- (i) In the event of an allegation of child abuse against a Religious proving to be unfounded, what steps are taken to restore that person's good name and reputation?

5.4 Please specify, from your records, the following in respect of Religious who have taken up ministry/retired /resided within the Diocese and who originally came from outside the Diocese.

- (a) The number of such Religious from the Diocese who have been convicted of child sexual abuse.
- (b) The number of such Religious from the Diocese currently under investigation by the civil authorities for child sexual abuse?
- (c) The number of child sexual abuse allegations made against these persons from the Diocese which were not deemed reportable to the civil authorities, and the reason why they were not deemed reportable in each case.
- (d) The number of child sexual allegations against such Religious where the allegation (s) of child sexual abuse has been deemed unfounded by the civil authorities?
- (e) By whom were they deemed unfounded in each case?
- (f) Are there any allegations that you are aware of which are not being or have not been investigated by the Garda and/or the HSE?

5.5 Please provide the following information:

- (a) The number of Religious who have left the Diocese and were the subject of allegations or suspicions or conviction of child sexual abuse?
- (b) The number of such Religious who have been convicted for child sexual abuse?
- (c) The number of such Religious currently under investigation for child sexual abuse?
- (d) The number of allegations of child sexual abuse against such Religious from your Diocese investigated but no conviction ensued.

- (e) The number of child sexual abuse allegations against such Religious where the allegation(s) of child sexual abuse has been deemed unfounded? In each case by whom were they deemed unfounded and who made the determination?
- (f) What monitoring arrangements are in place for Religious who have been convicted of child sexual abuse?
- (g) Are there any allegations that you are aware of which are not being (or have not been) investigated by the Garda and/or the HSE?

5.6 Are there any Religious from your Diocese who have stepped aside or are on administrative leave and are awaiting the outcome of an investigation into child sexual abuse? If yes how many and what are their living arrangements and what procedures are in place to monitor their potential risk to children in the local community? If such procedures are in place who is monitoring them?

Yes  No

(a) From your records, how many Religious from your Diocese, who were convicted for child sexual abuse or against whom there were allegations of child sexual abuse, have subsequently left the Diocese or have been laicised?

(b) In relation to (a) above how many convicted? How many not convicted but with allegations made against them?

(c) Do you know where these individuals currently reside?

Yes  No

(d) Are the HSE and/or An Garda Síochána (\*) aware of these persons' circumstances?

Yes  No

5.7 (a) Has the Diocese consulted with the HSE on treatment services the Diocese has used and currently uses for personnel when it is believed they have abused or are a risk to children?

Yes  No

(b) Please state what treatment services the Diocese currently uses in this regard including the name and location of such services?

5.8 What support and/or services has the Diocese offered/provided to victims of sexual abuse and their families including any therapies that have been arranged and/or paid for?

**6) Selection Procedures and Codes of Conduct**

- 6.1. What protocols or procedures are currently used by the Diocese to assess the suitability of Religious, and Lay Personnel to work with children from a child protection perspective?
- 6.2. What protocols or procedures, including vetting, are currently used by the Diocese from a child protection perspective to assess the suitability of candidates for the Diocese?

**7) Other Observations or Comments**

- 7.1. Are there any other observations or comments you wish to make or to bring to the attention of the Health Service Executive as part of this audit?

\* For those Diocese with a Cross Border Dimension please state whether reports have been made to the Health Service Executive and/or An Garda Síochána or to Health & Social Services Trusts and/or Police Service Northern Ireland or all agencies.

Signed .....

Bishop

Date .....

## APPENDIX B

### Recommendations from Ferns Report Referred to in Minister Lenihan's letter to Archbishop Sean Brady of October 2005

- F5. The Church Authority must have proper management systems and processes to ensure that their priests are performing effectively and safely and are supported in their development and work within the community.
- F6. Appointment of managers of national schools which is at the discretion of the Bishop should be made with the utmost care and diligence.
- F7. All organisations including the Catholic Church, whose operations bring their employees into unsupervised contact with children should ensure proper systems are in place to protect children from abuse from employees.
- F8. Organisations engaged in working with children at any level must be alert and have systems in place which allow them deal with any problems immediately.
- F9. Organisations and employees who work with children should have clear norms of behaviour regulating the way in which interaction with children should occur.
- F10. The community can co-operate in tackling this heinous crime by reporting relevant information to An Garda Síochána and to those exercising authority or control over the alleged or suspected abuser i.e. the Bishop of the Diocese in relation to priests.
- F11. Information must be maintained and transmitted to the appropriate authority.
- F12. Every effort should be made to encourage victims of child sexual abuse to come forward and invoke the legal process.
- F13. One of the principal lessons learned from the enquiry is that child abuse may be perpetrated by people of apparent charm, intelligence and high repute. Frequently it is the respect in which the abuser is held which affords the opportunity of perpetrating the crime and protects him from subsequent detection.
- F15. The Diocese and every organisation exercising control over persons having unsupervised access to children must educate their priests and members to understand their personal responsibility (including reporting their concerns or suspicions) to ensure the protection of children.

- G3. The Diocese and any organisation which employs, qualifies or appoints persons to positions of significant unsupervised access to children should have a code of conduct dealing with interacting with young people.
- G4. Formal channels for reporting complaints should exist in each organisation.
- G6. Bishops should be supported by management training.

Signed .....  
Bishop

Date .....



15<sup>th</sup> June 2006

Minister Brian Lenihan  
Department of Health & Children  
Hawkins House  
Dublin 2

Dear Minister Lenihan,

I wish to advise you of the steps the HSE has taken on foot of your correspondence of 26<sup>th</sup> October 2005 and to update you on our progress in relation to the implementation of the Ferns Inquiry recommendations as they relate to the HSE.

I am pleased to report that on receipt of your letter we set up a National Steering Committee and appointed a Project Manager. The committee was charged with addressing all recommendations requiring action by HSE and set about its business by forming five project teams to address:

- 1) Publicity Campaign
- 2) Review of Children First
- 3) Treatment Services for Children and Families
- 4) Treatment Services for Abusers
- 5) Inter-Agency Committee and Audit of Church Child Protection Practices and compliance with the reports recommendations.

Substantive progress has been made and our Ferns Governance arrangements are robust. The Working Party on the publicity campaign has additionally sought evidence of international best practice in relation to centralised intake systems and is proactively considering capacity issues within the HSE to respond to the anticipated demand any campaign is likely to engender. Our internal review of Children First in the light of our implementation experience is being conducted in conjunction with liaison with your own Office's review. An analysis of current service provision for counselling services for the abused and abusers is in the process of evaluating and identifying the requisite services required and need for service provision.

The HSE has convened and chairs a National Inter-Agency Committee comprising of Church Representatives and Gardai which meets on a regular basis to work through the issues and to improve communication between our respective organisations. Senior HSE Staff, namely Child Care Managers have been designated to liaise with Bishops on a diocesan basis and, as you requested, have made contact with the bishops advising them of their support and advice. We have also secured the Diocesan representatives and Gardai nominations to populate the local inter agency committee. So as for the membership of the committees we are virtually there except for Congregation of Religious of Ireland (CORI) and the Irish Missionary Union (IMU) who are seeking to identify representatives as they are not locally managed within Diocese.

The challenge we face is in the function of the inter agency committees as requested by the Ferns Report. We have encountered significant legal impediments to establishing inter-agency committees as envisaged by the Ferns Inquiry Recommendations.

At an early stage Departmental guidance was sought in respect of legal issues identified by our own staff, Church authorities and the gardai. In particular the risk that any discussion of alleged abuse in which no formal complaint has been made and without reference to the alleged abuser will be seen as a breach of natural justice. In addition the proposed requirement that the Inter-Agency Committee note and record all allegations of abuse even where they are demonstrably untrue or made by persons known not to be credible was likely to give rise to additional legal problems.

Subsequently the HSE sought independent legal advice from senior counsel which was shared with the Department. In essence that advice was that the proposed work of the committees could not be undertaken by the HSE in the absence of a clear legislative basis without exposing the HSE and the other agencies to legal liability. As a development of this point it is of course open to yourself Minister, if you do not wish to introduce statutory change to provide the framework to do this work by indemnifying all parties in respect of legal action. Unfortunately I have to advise that at this juncture it would therefore appear that legally the HSE is not in a position to establish inter-agency committees as envisaged by the Ferns Inquiry and I would welcome your further advisement on this matter.

In relation to the Audit of Church Child Protection Policies and Procedures and Church compliance with Ferns Inquiry Recommendations a draft audit tool is under active consideration by the HSE and Departmental Officials and will be finalised shortly. Independent evaluation of audit proposals was sought by departmental officials and clarifications sought and recommendations made have been incorporated in the audit tool and it is envisaged that the actual audit process will be instigated in the very near future. Designated Child Care Managers have been assigned to individual bishops in this regard.

In conclusion I wish to assure you of the HSE's commitment to improving safeguarding and protective measures in relation to Children and Young People and our willingness to engagement with all parties in pursuit of this objective. Unfortunately the Ferns roadmap to achieving this end may well have to be substantially modified in the light of legal restraints identified and indeed my officials have made proposals to your Department in this regard. I would be obliged if you would further consider these matters and advise me accordingly.

Yours sincerely

---

**Professor Brendan Drumm**  
**Chief Executive Officer**

Posted 15/10/06 from  
CEO's office



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the CEO  
Health Service Executive  
Block D, Parkgate Business Centre  
Parkgate St  
Dublin 8

Tel: 01 635 2500  
Fax: 01 635 2899

12<sup>th</sup> October 2006

Minister Brian Lenihan  
Dail Eireann  
Kildare Street  
Dublin 2

Dear Minister Lenihan

I am mindful that it will be a year on the 25<sup>th</sup> October since the publication of the Ferns report. As you know the HSE has been working on the recommendations since that date. You may recall my letter of 13<sup>th</sup> June 2006 in respect of HSE implementation of the Ferns Inquiry Recommendations which was intended to update you at the time on our progress. Given the anniversary of the publication of the report is this month I would like to take this opportunity to further advise you of developments in the intervening period.

As you are aware the HSE is advancing the recommendations under the aegis of a National Steering Committee and the process is being advanced by five project teams. The Inter-Agency Committee and Audit of Church Child Protection Practices project team has, following detailed consultation with your own Department, recently finalised the Audit Tool which will shortly be issued to individual bishops and provincials across the country. Both the HSE and An Garda Síochána have designated personnel at senior level to liaise with individual bishops at a diocesan level in relation to this process. Our plan is that, on receipt of the completed audit questionnaire, the HSE will convene Diocesan Inter-Agency Committees to evaluate responses and address any issues or concerns that may have arisen. Simultaneously an audit of Religious Orders under the auspices of Irish Missionary Union and Congregation of Religious Institutions will be undertaken. This particular aspect is much more complex as there is no neat way of engaging with approximately 155 Religious Orders in the Republic; however we are endeavouring to work through these issues.

The National Inter-Agency Committee comprising of Church Representatives, Gardai, Officials from your own Department and the HSE continue to meet on a regular basis. Significant legal issues which were encountered early on in the process have prevented us from advancing to the Interagency Committee structure as Ferns envisaged. However we are through the Audit process able to engage on concrete issues.

In addition North South inter-departmental meetings with HSE representation and HSE meetings with officials from the Department of Health & Social Services and Public Safety (NI) have been convened to address concerns regarding the Church's Child Protection Guidelines, Our Children Our Church, Audit of those Dioceses with cross border dimension,

the sharing of information and indeed the promotion of child protection and safeguarding of children on an all Ireland basis.

An advertising agency has been appointed in respect of the Publicity Campaign and it is envisaged that this will be advanced on a two tiered approach. Our first phase, which is endorsed by our research, will be geared towards assisting parents around communication with and listening to children and that in essence keeping children safe and good parenting are synonymous. This approach will be supported by an accompanying Parenting Guide which will be developed for general distribution. The second phase next year will focus on children in a more direct way, in line with the specific recommendation of Ferns. Throughout this process we will be working closely with your Office in our testing of the campaign with young people and we will be consulting with HSE staff and indeed key voluntary agencies to make sure that as many people are on board with the design. We are still targeting the campaign to be launched by end of year subject to a satisfactory engagement and outcome with the Advertising Agency.

I look forward to the feedback from your own Department's Review of Children First. For our part, the HSE has undertaken its own review in the light of our experiences of the implementation of Children First, the National Child Protection Guidelines. This process is continuing and will be finalised within a month or so. I look forward to learning from your Review, and our own experiences, and using the opportunity to work co-operatively to improve and enhance protective measures and family support in relation to Children and Young People. Currently the HSE is also reviewing treatment services for abusers and treatment services for children and families. The Project Teams' remit is to analyse current service provision and make recommendations in relation to existing services and new services to address any deficits. A similar piece of work is still ongoing regarding Counselling Services. The work of these committees will be finalised in a matter of months.

HSE reform has also afforded the opportunity to review the efficacy of existing committee structures in relation to Child Protection, namely Local Child Protection Committees, and Regional Child Protection Committees as well as the Child Care Advisory Committees under the former Health Boards. I am pleased that discussions have been instigated with officials from your own Department in this regard with a view to establishing an effective national child protection committee structure that will reflect international best practice and the experience of staff here in Ireland. We are examining the research and have just completed canvassing the views of staff which will help inform these discussions with your Department.

Finally, I look forward to the impending launch of the Expert Advisory Groups and the opportunity that these groups will bring to further enhancing the way we provide services. In this regard I note that the Department has nominated Mr Charlie Hardy to the Children's Expert Advisory Group.

In conclusion Minister, may I once again assure you of the HSE's commitment to advancing the Ferns Recommendations in particular and in general continuing to strive to improve the welfare and safety of all our Children and Young People.

Yours sincerely

---

Prof. Brendan Drumm  
CEO

NCC / 23/ 1

May , 2007

**Minister Brian Lenihan T.D.,  
Minister for Children,  
Department of Health and Children,  
Kildare Street,  
Dublin 2.**

**Re: Audit of Catholic Church's Child Protection Practices and  
Compliance with the Recommendations of the Ferns Report**

Dear Minister Lenihan,

Further to my letter of the 12<sup>th</sup> October, 2006, (copy attached) in respect of the Ferns Report, I wish to advise you of developments in the intervening period in relation to the audit process.

As you know the HSE was requested to undertake an audit of child protection practices and compliance with the Ferns Report's recommendations. Amongst the objectives of this audit was to advise and inform the Minister for Children in considering whether or not to refer dioceses to the Commission of Investigation set up by the Government. Parallel with the development of the audit significant legal issues were encountered which prevented the Health Service Executive from advancing the Interagency Committee structures recommended in the Ferns Report. Following detailed consultation with your own Department, it was decided to progress the audit of practices while the examination of the complex legal issues attaching to the Interagency Committees continued to be examined by the Department, in association with the Office of the Attorney General.

A detailed audit tool was devised to ensure a consistent and comprehensive assessment of the Church's current child protection policy, practices and procedures. (Copy attached for reference.) The Audit Questionnaire was formally issued to the Bishops and Religious Orders on 23<sup>rd</sup> October, 2006. While much of the information sought has been received, it has not been possible in practice to progress one Section (i.e. Section 5) of the audit. The majority of Bishops have raised identical concerns and advised the Health Service Executive that, whilst they were anxious to co-operate fully, in the absence of the legislative measures anticipated by the Ferns Report they were unable to do so in respect of Section 5 of the Audit. This Section sought

detailed information on complaints and allegations of child sexual abuse against members of the clergy, whether these allegations had or had not been brought to the attention of the civil authorities and the arrangements pertaining to those concerned. The information sought did not necessitate reference to individuals by name.

The Bishops advised that Section 5 presented insurmountable difficulties in relation to confidentiality and, in the absence of appropriate arrangements being put in place to ensure confidentiality of information disclosed in the Audit and subsequent Inter Agency Review Group meetings, they were unable to complete that section of the audit questionnaire. Whilst not explicitly saying so the similarities in the Bishops' individual correspondence implied that their stance was based on collective legal advice.

The Health Service Executive, following consultation with your own Department, decided to advance completion of the Audit with the exception of Section 5. The balance of the questionnaire sought information on such matters as policies, procedures, structures and training. An analysis of the 163 questionnaires received from Bishops and Provincials of Orders is currently being undertaken and my officials will forward a report on the results/findings to your Department on completion. However, it should be noted that at this stage this report will provide a stock take of policies, procedures, structures and training. Section 5 of the Audit Questionnaire was envisaged as a basis upon which to elicit further detailed evidence as to compliance with enunciated procedures. In the absence of the information sought in this Section it will not be possible to retrospectively examine the application of the procedures in relevant cases.

On receipt of the Bishop's correspondence the Health Service Executive sought its own legal advice which I attach. The legal advice sets out possible options up to and including legislative change. Counsel did offer an alternative to legislative change in the form of a confidentiality agreement. However, it should be noted in this regard that Church authorities have been consistent in numerous meetings attended by the Gardai, the Health Service Executive and your own Officials, of adamantly seeking the legislative provisions that the Ferns Report proposed. In the light of this it is a very real concern that to embark on the confidentiality agreement route would entail prolonged legal discussions, dependent on unanimous approval of Bishops and Provincials, with no guarantee of a satisfactory outcome. Such an approach would, as with engagement to date, lack the powers of compellability perhaps possible under other approaches. Notwithstanding the position set out in the legal advice, the HSE is conscious that there may be other options - perhaps through use of the Commission or other bodies - which might address the outstanding information sought in the Audit. It may also be that in addressing the wider issues of ensuring inter agency collaboration and information sharing in the interest of child welfare and protection that your Department may identify alternate ways of addressing the particular difficulties encountered in respect of Section 5 of the audit.

In conclusion, I considered it important to update you on developments so that it would facilitate the fullest consideration of the matters involved at an early stage. Meanwhile, we will continue to progress the analysis of the returned questionnaires and, where necessary, meet with the Bishops and Provincials to address their answers. We envisage concluding this as speedily as possible over the summer period following which we will be in a position to provide you with a full report on our findings.

**Yours sincerely,**

---

**Professor Brendan Drumm,  
Chief Executive Officer.**



Feidhmeannacht na Seirbhíse Stáite  
Health Service Executive

Office of the National Director of PCCC  
Health Service Executive,  
Room 149, Dr Steevens Hospital,  
Dublin 8.

Tel: 01 6352370

Fx: 01 6352327

Email: Rachel.fitzgerald1@hse.ie

December 4<sup>th</sup>, 2008

Ms. Sylda Langford,  
Assistant Secretary,  
Department of Health & Children,

Re: Diocese of Cloyne

Dear Ms. Langford,

I refer to previous correspondence and discussions concerning the above. I have today received the report of the Child Protection practices in the Diocese of Cloyne from Mr. Pat Healy, Assistant National Director HSE South.

I have accepted the report and agreed with Mr. Healy arrangements for implementation and oversight of the actions required. I am submitting the report to the Department of Health and Children for consideration.

Yours sincerely,

Laverne Mc Guinness  
National Director  
Primary Community & Continuing Care





Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director,  
South,  
PCCC Directorate,  
Floor 2,  
Abbeycourt House,  
George's Quay,  
Cork.

Tel. (021) 4923818  
Fax. (021) 4923829

December 4<sup>th</sup>, 2008

Ms. Laverne McGuinness,  
National Director,  
PCCC Directorate,  
Dr. Steeven's Hospital,  
Steeven's Lane,  
Dublin 8.

**Re: Diocese of Cloyne**

Dear Laverne,

I refer to previous correspondence and discussions with regard to the allegations of child sexual abuse in the Diocese of Cloyne by members of the clergy and complaints made that the investigations of these cases by the Diocese was inadequate and were not carried out in accordance with the appropriate guidelines.

I arranged for these matters to be investigated by the Child Protection services in HSE South and a review was undertaken led by Mr. Mike Van Aswegen Child Care Manager in collaboration with Mr. Eamon Collier, Principal Social Worker, together with other HSE professional staff. The review is now completed and I attach final report received from Mr. Van Aswegen today.

The report indicates that the Diocese were not fully in compliance with procedures as set out in the report of the Irish Catholic Bishops Advisory Committee on Child Sexual Abuse by Priest and Religious – Framework for a Church Response (1996). Whilst the Gardai were informed in respect of each case, the HSE was not notified in respect of any of the cases. The report outlines the reasons why this error occurred.

In addition, the report outlines significant progress having been made between the HSE and the Diocese in addressing shortcomings in practice and procedure and the report outlines the range of actions which have been agreed with the Diocese to ensure full compliance and which are currently in the process of implementation.

I have accepted the report as presented by Mr. Mike Van Aswegen, Child Care Manager and arrangements have been made for the monitoring of effective implementation of the arrangements now agreed involving monthly and quarterly meetings between the HSE and the Diocese at the appropriate levels. The recent appointment of Fr. Bermingham as Delegate has also given increased impetus to the implementation of the agreed arrangements. I am satisfied that on the basis that these arrangements are fully implemented as agreed and that the HSE can be assured that adequate child protection practices are in place in the Diocese of Cloyne.

I will arrange for the submission to you of the outcome of the audit when fully completed in March 2009.

Yours sincerely,

PAT HEALY,  
Assistant National Director,





Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

**Report on allegations of child sexual abuse in  
the Diocese of Cloyne and complaints that the  
investigations of these cases by the Diocese  
was inadequate**

Date of report

28/11/2008

## Table of Contents

<b>Introduction</b>	<b>Page 3</b>
<b>Section 1</b> Complaints made in respect of the management of allegations within the Diocese of Cloyne.	<b>Page 5</b>
<b>Section 2</b> Review of concerns regarding the actions taken by the Diocese, as raised by Mr. Ian Elliot	<b>Page 7</b>
<b>Section 3</b> Revised Arrangements in place with the Diocese of Cloyne	<b>Page 9</b>
<ul style="list-style-type: none"><li>• Quarterly meetings with the Interdiocesan Case Management Advisory Committee</li><li>• Audit of all Child Sexual Abuse allegations made against clergy since 1996</li><li>• Development of a Supervision Policy</li></ul>	
<b>Section 4</b> Conclusions and Recommendations	<b>Page 11</b>
<b>Appendix 1</b> Correspondence from One in Four	
<b>Appendix 2</b> Correspondence from Mr. Ian Elliott	

## Introduction

This report is generated as a result of a review undertaken by the HSE Child Protection services arising from:

1. Correspondence received from the DOHC arising from a complaint made by [REDACTED] One in Four in letter to Minister Mary Harney dated 25<sup>th</sup> September 2007 (See appendix)
2. Information provided by the Diocese of Cloyne
3. Concerns raised by Mr. Ian Elliot CEO The National Board for Safeguarding Children in the Catholic Church and subsequent report received through the DOHC on this matter.

### **1. Information arising from the correspondence from One in Four**

The concerns raised in the correspondence from One in Four stated that the Diocese of Cloyne failed to report an allegation to the HSE of sexual abuse by a member of the clergy as made by [REDACTED]

Concerns were raised that failure to report an allegation to the HSE was a breach of *Child Sexual Abuse: framework for a Church Response(1996)* and of the more recently introduced child protection policy of the Catholic Church, *Our Children, Our Church (2005)*

In the matter of the reporting of child sexual abuse, *Child Sexual Abuse: framework for a Church Response(1996)* has a recommended reporting policy as follows:

"2.2.1 In all instances where it is known or suspected that a child has been, or is being, sexually abused by a priest or religious the matter should be reported to the civil authorities. Where the suspicion or knowledge results from the complaint of an adult of abuse during his or her childhood, this should also be reported to the civil authorities.

2.2.2 The report should be made without delay to the senior ranking police officer for the area in which the abuse is alleged to have occurred. Where the suspected victim is a child, or where a complaint by an adult gives rise to child protection questions, the designated person within the appropriate health board/health and social services board should also be informed. A child protection question arises, in the case of a complaint by an adult, where an accused priest or religious holds or has held a position which has afforded him or her unsupervised access to children."

### **2. Information provided by the Diocese of Cloyne**

As part of the review being undertaken by the HSE the Diocese of Cloyne identified a total of four cases of clergy in the Diocese against whom allegations were made, including the case referred to above. The HSE Child Protection services in carrying out the review have addressed the process undertaken by the Diocese in respect of each of these cases.

3. **Concerns raised by Mr. Ian Elliot CEO The National Board for Safeguarding Children in the Catholic Church and subsequent report received through the DOHC on this matter.**

In the course of the review Mr. Ian Elliot CEO The National Board for Safeguarding Children in the Catholic Church raised concerns with the DOHC which were brought to the attention of the HSE, arising from which a meeting was arranged with Mr. Elliot to discuss his concerns. Subsequently a report was provided by Mr. Elliot to the DOHC. The report was made available to the HSE by the DOHC and this report has also been fully considered as part of the review process.

The review has been led by Mr. Mike Van Aswegen, Childcare Manager in collaboration with Mr. Eamonn Collier, Principal Social Worker, North Cork Childcare & Protection services and other HSE staff.

This report summarises the outcome of the review process and outlines the actions being taken by the HSE in conjunction with the Diocese of Cloyne to ensure that the various child protection guidelines are fully implemented in line with "The Children First National Guidelines" and "Our Children, Our Church", Child Protection Policies and Procedures for the Catholic Church in Ireland.

## Section 1

### Complaints made in respect of the management of allegations within the Diocese of Cloyne.

#### 1.1 Complains in relation Fr. W

In collaboration with Mr. Eamonn Collier, Principal Social Worker, North Cork Child Care & Protection Services a comprehensive search of the HSE files was undertaken in order to establish whether, in fact, contact had been made by the Diocese of Cloyne with regard to the specific allegations as raised by [REDACTED]

It was subsequently confirmed that no contact had been received in this matter from the Diocese of Cloyne.

Supt. [REDACTED] and Bishop Magee were invited separately to meet with the Child Care Manager North Cork, Mr. Mike van Aswegen and the Principal Social Worker, North Cork Child Protection Services, Mr. Eamonn Collier in order to examine the information available and actions taken by the Diocese.

In a meeting with Supt. [REDACTED] the specific matter of [REDACTED] allegations were discussed, as well as the confirmation of the general business processes linking An Garda Siochana with the North Cork Child Care & Protection Service in matters relating to allegations of sexual abuse and the subsequent reporting thereof.

Bishop Magee was contacted in order to establish the processes undertaken by the Diocese in this matter.

In his initial responses to the Childcare Manager regarding the matter at hand, (dated 7<sup>th</sup> December 2007) the Bishop made it clear that any actions taken by the Diocese were in keeping with the 1996 Framework Document (2.21-2.2.2). Bishop Magee went on to state that the following actions were taken:

- The matter was reported
- The accused was removed from ministry
- The complainant was afforded pastoral care and counselling.
- The priest that was the subject of the allegation, Fr. W, was professionally assessed by the Granada Institute. Bishop Magee noted that despite the fact that the DPP elected not to proceed, the Diocese utilised canonical processes by which the accused has not been reinstated to post.

The Bishop emphasised the centrality of Pastoral Care in the actions of the Diocese.

In his correspondence the Bishop notes "The Diocese may not dispense itself from its duty of pastoral care, above all where children may be at risk. The Diocese will be glad to collaborate with other bodies in providing more effective care".

The Bishop confirmed that the matter had been reported to the Gardai, in accordance with the Framework Document and acknowledged that he had misunderstood the structures in place between the Gardai and HSE. The Bishop stated that this misunderstanding arose from his belief that there was a joint protocol in place between the HSE and Gardai in these matters and that he would in future undertake that all reports would be made directly to the Gardai and HSE.

[REDACTED] case was discussed with the Diocese in order to establish the actions taken. Mr. Collier advised the Bishop that in order for North Cork Child Protection Services to be satisfied regarding risk assessment and risk management in the matters specifically relating to Fr. W, the HSE would be seeking the assessment report and recommendations of the Granada Institute and the actions that were subsequently taken by the Diocese to create a protective environment in this matter. It was confirmed that Fr.W remained subject to supervision and had

been removed from ministry. A discussion then ensued relating to Fr. W's legal team and whether permission for release could be obtained regarding the Fr. W report. Monsignor [REDACTED] assured Mr. Collier that he would explore this matter and provide the HSE with the fullest response possible.

In written correspondence Monsignor [REDACTED] (the Designated Delegate of the Diocese) informed the Child Care Manager of the outcomes of the Granada Assessment of Fr. W stating as follows "Their (The Granada Institute) conclusion reads:  
"This assessment has produced no evidence that Fr. W has an erotic interest in children....His level of risk for future sexual offending has been judged to be low".

Monsignor [REDACTED] went on to state that he would be willing to give sight of the assessment in full if it was required. The full assessment report was requested and produced by Monsignor [REDACTED]

During the ongoing process of review, Monsignor [REDACTED] provided the HSE with information relating to all ongoing cases within the Diocese.

Monsignor [REDACTED] confirmed the following four cases of priests that had been accused of child sexual abuse and the actions taken in each case:

#### 1.2 Fr. C

The case of Fr. C was referred on to the Gardai . The DPP chose not to pursue prosecution in this matter. Fr. C was assessed by the Granada Institute, the conclusions of this assessment advised that Fr.C not be returned to ministry.

Fr. C is currently resident in a religious institution where he is under constant supervision.

#### 1.3 Fr. D.

The matter was referred to the Gardai. The DPP chose not to proceed with a prosecution in this matter. Fr. D. has been risk assessed by a suitably qualified psychologist arranged by the diocese and has been removed from Ministry. A civil case is currently proceeding against Fr.D. He is monitored by the Parish priest and under the supervision of the Delegate.

#### 1.3 Fr. T.

The matter was referred to the Gardai and the DPP has chosen not to prosecute. He is an individual in his late eighties who is retired and lives in his parish residence. He remains under the supervision of the Delegate and is effectively confined to his home.

In examining the information provided to the HSE South in the matter of all priests that had been the subject of allegations of Child Sexual Abuse, the following conclusions were reached:

1. The actions taken by the Diocese in the reporting of the allegations were not fully in keeping with the 1996 Framework Document in that, whilst a report was made to the Gardai, this was not supported with a separate report to the Child Protection Services, HSE South.
2. The priests that had been the subject of allegations were all assessed as a means of determining the levels of risk posed to children. The assessment of risk is an appropriate response to allegations. Such an assessment provides the baseline for all future actions in respect of safeguarding children.
3. An examination of procedures relating to supervision of alleged perpetrators was required in order to secure appropriate ongoing monitoring of alleged perpetrators of abuse. (This is further outlined in Section3)



## Section 2

### Review of concerns regarding the actions taken by the Diocese, as raised by Mr. Ian Elliot

In the course of the review the DOH&C brought to the attention of the HSE that Mr. Ian Elliot, (CEO) National Safeguarding Board for Children had raised concerns with regard to the practices in the Cloyne Diocese

A meeting was held between Mr. Elliot, Mr. Pat Healy (Assistant National Director) HSE South and Mr. M. van Aswegen (Child Care Manager) HSE South in order to discuss Mr. Elliot's concerns regarding the Diocese of Cloyne.

At this meeting Mr. Elliot relayed his concerns that he had not, in his view, been afforded full co-operation from the Diocese and had not received all the documentation that he requested from the Diocese. Mr. Elliot outlined his concerns as regards the manner in which the Diocese managed complaints relating to child protection. Mr. Elliot stated he was concerned that there may be other complaints made against priests in the Diocese of which we were not aware.

At the conclusion of the meeting Mr. Healy asked Mr. Elliot to provide to the HSE South with any further information which would enable the HSE to take action on the concerns being raised by Mr. Elliot. In subsequent communication (copy email attached) Mr. Elliot re stated his position as follows:

- Mr. Elliot had responded to [REDACTED] complaint and immediately made arrangements to visit the Diocese in order to speak to the Bishop and resolve the issues raised.
- Access to the complete file was not forthcoming from the Diocese.
- Mr. Elliot stated his deep concerns regarding some of the practices of the Diocese and outlined the need for a further visit, which would include the Chairman of the National Safeguarding Board for Children.
- Mr. Elliot stated that the focus of the Board was the safety of children and that a requirement was full and immediate reporting of allegations. Mr. Elliot stated that he would continue to keep the HSE fully briefed on any developments.

Subsequent to this the National Board for The Safeguarding of Children in the Catholic Church submitted a report to the DOH&C into the management of 2 cases relating to child protection within the Diocese of Cloyne.

The "Report on the management of two child protection cases in the Diocese of Cloyne" concludes with the following recommendations:

1. The Diocese of Cloyne adopts immediately a safeguarding policy for children that meets the standards expected of it within the Church as a whole.
2. One of the essential elements of this safeguarding policy will be the sharing of all information held on any alleged abuser within the Diocese with the appropriate statutory authorities, in a timely way.
3. The development of an open and collaborative working relationship with the key statutory agencies in the area should be seen as a priority. This should be based on a sound understanding of the role and remit given to each body under the legislation that applies in this country.
4. The current child safeguarding structure within the Diocese is reviewed to confirm that it can provide high quality safeguarding advice that appropriately recognises the need for protecting the vulnerable child, rather than concentrating on the management of the accused.
5. Any other cases that have been identified within the Diocese should be urgently reviewed to establish if current risk has been adequately assessed. This should be progressed

independent of the Diocese until confidence is restored in the ability of those involved to take required actions.

6. Preventative actions should be reviewed and implemented in all cases that are known to the Diocese to protect other children from potential further abuse. (These should include addressing the question as to whether a person should be placed on administrative leave or stood aside from active ministry and the strictures that should be imposed pending investigation and whether the priest remain in the priesthood at all. Such action must be taken at the earliest opportunity.)
7. Child protection training should be sourced and provided for those involved in child protection in the Diocese, to improve their ability to recognise risk and to record their practice appropriately.
8. All present and future safeguarding practice in the Diocese should be recorded in case files that allow for the easy retrieval of key information on actions taken and decisions made.

Before concluding the review the HSE has been advised by the Diocese of Cloyne that Bishop McGee has accepted the recommendations of the report outlined above from Mr. Elliot and that these will be implemented as part of the overall process of work underway with the HSE

### Section 3

#### Revised Arrangements in place with the Diocese of Cloyne arising from the Review and the report issued by the National Safeguarding Board for Children

The relevant representatives of the Diocese of Cloyne have made themselves available and have engaged fully with the HSE.

In our meetings with representatives from the Diocese of Cloyne we were able to identify interventions that would avoid any future misunderstandings regarding roles and responsibilities and strengthen lines of communication. These actions would thus provide enhanced capacity for the adequate protection of children.

The actions that were agreed were as follows:

1. Make provision for quarterly meetings between the local HSE and the Interdiocesan Case Management Advisory Committee.
2. Monthly meetings to be arranged between the local HSE and the Delegate.
3. Develop, in collaboration with the Delegate, an agreed supervision policy for those priests that have been subject to child sexual abuse allegations.
4. Request an audit of all child sexual abuse allegations made against clergy since 1996.

#### Quarterly meetings with the Interdiocesan Case Management Advisory Committee

The Interdiocesan Case Management Advisory Committee has the following membership:

- Mr. [REDACTED]
- Mr. [REDACTED]
- Mr. [REDACTED]
- Ms. [REDACTED]
- Mr. [REDACTED]
- Sr. [REDACTED]
- Sr. [REDACTED]
- Fr. [REDACTED]
- Fr. [REDACTED]
- Monsignor [REDACTED]
- Fr. [REDACTED]

The Interdiocesan Case Management Committee will meet with the Child Care Manager and a representative of the North Cork Child Protection service on a quarterly basis.

The dates for these meetings are set as follows:

15/01/2009  
16/04/2009  
16/07/2009  
15/10/2009

In addition to the Interdiocesan Case Management Committee meetings, it is agreed that there will be a monthly Diocesan Liaison Meeting between the Child Care Manager and the Cloyne Delegate for Clerical Sexual Abuse Complaints. The dates for the remainder of 2008 are set as follows:

31/10/2008  
21/11/2008

12/12/2008

It is expected that these meetings will afford the opportunity not only for consultation around general matters relating to child protection, but will provide regular opportunities for relaying information that is relevant to child protection and allegations of sexual abuse by members of the clergy. These meetings will also specifically review progress on implementation of the recommendations of Mr. Elliot's report together with the other actions agreed with the HSE

#### **Audit of all Child Sexual Abuse allegations made against clergy since 1996**

An audit is being undertaken of all allegations made against clergy in the Diocese of Cloyne dating back to 1996. It is envisaged that the audit will be completed by the end of March 2009.

The appointment of a new Delegate, Father Bill Bermingham has been communicated to the HSE. Upon meeting with Father Bermingham, the HSE were informed that The Bishop had accepted fully the recommendations of the National Safeguarding Board for Children. The delegate has also advised that the current Inter Diocesan Case Management Advisory Committee is having its membership reviewed and that the office of the National Safeguarding Board For Children will temporarily be assuming the role of the Case Management Committee. Father Bermingham welcomes the ongoing development of the relationship with the HSE as a means of improving safe practice within the Diocese.

One of the key issues which arises in this context is the reliance of the HSE as Statutory Authority, on full disclosure from the Church authorities within the Diocese, in line with nationally agreed guidelines, in respect of:

- (i) Cases where allegations have been made in respect of Clergy in the Diocese (including historical cases which pre-dated any national guidelines).
- (ii) Clarity on the specific arrangements in place within the Diocese for supervision of Clergy against whom allegations have been made.

Based on the information provided by the Diocese the HSE is satisfied that the cases identified in this report are the only known cases currently within the Diocese. The Diocese has confirmed that this is the position and that any further information which comes to hand either as part of the audit or through any other means will be made available to the HSE South in line with National Guidelines.

#### **Development of a Supervision Policy**

"Our Children, Our Church" identifies the matter of supervision of those convicted of child abuse and outlines the role of the relevant religious authorities in this area.

A supervision policy is also required that will address the matter of members of the clergy that have not been subject to prosecution, but have been otherwise removed from ministry.

In relation to the specific cases as now identified to the HSE, the Diocese has confirmed the arrangements in place for their ongoing supervision. While these arrangements are welcome, it is apparent that existing supervision practices will require strengthening to meet current best practice and to ensure that children will be safeguarded to the maximum possible degree within the communities in which the alleged perpetrators are resident.

The North Cork Child Protection Services are assisting in the development of a comprehensive Supervision Policy. This matter is currently being addressed by North Cork Child Protection Services and the Delegate. It is envisaged that the agreed supervision policy will be in active operation by the end of the first quarter of 2009.

## Section 4

### Conclusions and Recommendations

Having carried out the review the Child Protection Services are of the view that the existing Child protection Practices within the Diocese will need to be strengthened to comply with existing national guidelines.

The Diocese have confirmed that that they have now identified all known cases and passed on the information to the HSE. The commissioning of the Audit has been a mechanism for confirming that no case remains unidentified.

This report concludes that the actions taken by the Diocese of Cloyne were not fully compliant with the procedures as set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious; Framework for a Church Response (1996). Whilst the Gardai were informed in each case, the HSE was never notified in respect of any of the cases as outlined above.

The Bishop has acknowledged his error in this respect, stating that the matter was reported to the Gardai and that his misunderstandings relating to roles and responsibilities led to a failure to report the matter to the HSE. The Bishop has assured the HSE that this matter has been corrected.

The actions taken by the Bishop included the removal of the alleged perpetrators from ministry, affording pastoral care to the complainants and risk assessment of the alleged perpetrators by a recognized Agency within the field of risk assessment of sexual offenders. In addition, the alleged perpetrators became subject to ongoing supervision.

The examination by the HSE of the actions taken by the Diocese highlighted the need for ongoing liaison with the Diocese as a means of assisting the Diocese in refining its response to matters relating to child protection.

The recommendations of the report issued by the National Safeguarding Board for Children clearly addresses the actions required by the Diocese in order to develop robust systems of child protection within the Diocese.

These recommendations reinforce and support the work that is currently being undertaken by the HSE and the Diocese in the matter of developing systems of child protection that will adequately reflect the rigors of all appropriate National Guidelines, including *Children First*.

The HSE has put in place a number of actions to assist the Diocese in this matter as follows:

1. Monthly meetings with the Delegate with responsibility for Child Protection within the Diocese.
2. Quarterly meetings with the Interdiocesan Case Management Advisory Committee upon its re- establishment.
3. Assistance in the development of an effective supervision policy.
4. An audit of all allegations made against the Clergy within the Diocese dating back to 1996.

The Diocese has engaged fully with the process and contact is ongoing. The appointment of a new Delegate, Fr. William Bermingham demonstrates the commitment of the Diocese to continue to refine its responses to issues relating to Child Protection.

Fr. Bermingham has informed the HSE of the commitment of the Diocese to the change process. The Diocese has advised that Bishop Magee has accepted the findings of the Report issued by the National Safeguarding Board for Children and is committed to addressing the recommendations as outlined.

It is understood that the current Interdiocesan Case Management Advisory Committee is under review and that the function will be carried out in the interim by the offices of the National Safeguarding Board for Children.

In the course of the review the issue has arisen as to whether the complaints in relation to the Diocese would warrant submission to the Commission of Investigation into Clerical Abuse in the Dublin Archdiocese.

It is noted that the following actions have been taken by the Diocese:

- The appointment of a new Delegate.
- Acceptance in full of the recommendations as set out by the National Safeguarding Board for Children.
- Full cooperation with the HSE and agreement as regards the need for ongoing collaboration with the HSE in refining Child Protection practices.

The HSE in context of the completion of review and the engagement now being provided by the Diocese is of the opinion that a referral to the Commission of Investigation into Clerical Abuse in the Dublin Archdiocese is not warranted.

The HSE will continue to work with the Diocese on the implementation by the Diocese of all the actions agreed and will continue to monitor the position to ensure full compliance in line with National Guidelines.

M. van Aswegen  
Child Care Manager

Minister Mary Harney,  
Minister for Health & Children,  
Department of Health & Children,  
Hawkins House,  
Hawkins Street,  
Dublin 2,  
Ireland

2 Halls Street,  
Dublin 2  
01 662 4070  
01 611 4050  
info@womenandour.org  
www.womenandour.org

25<sup>th</sup> September 2007.

**Re: Commission of Investigation into Clerical Abuse in the Dublin Archdiocese**

Dear Minister,

We would like to draw your attention to the following case in the Diocese of Cloyne.

██████████ made a formal complaint against a priest from the Diocese of Cloyne, to church and state authorities in 2005 (see enclosed document of timeline). According to the North Cork Child Care and Protection Team they have not received either a formal or informal child protection notification from An Garda Síochána or any other Ecclesiastical Authority, in relation to the said priest (copy of letter from HSE enclosed).

This failure to report the allegation to the HSE constitutes a clear breach of the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious: *Framework for a Church Response* (1995) and of the recently introduced Catholic Church Child Protection Policy: *Our Children, Our Church* (2005).

We would appreciate if you could give this matter your attention with regard to the Terms of Reference of the Commission of Investigation into Clerical Abuse in the Dublin Archdiocese.

7. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not have established the structures or may not be operating satisfactorily the procedures set out in the Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious: Child Sexual Abuse: Framework for a Church Response (1995) and any subsequent similar document, the position in that diocese

8. To examine, following a notification from the Minister for Health and Children that a Catholic diocese in the State may not be implementing satisfactorily the recommendations of the Family Review conducted by the Minister for Health and Children on 21 October, 2010, the position in that diocese

If you or your officials need further clarification of this case, please do not hesitate to contact me on: 01 662 4070. We look forward to hearing from you

Yours sincerely



Advocacy Director



September 2007.

4 <sup>th</sup> December 2004	met with Bishop of Cloyne, John Mc Gee. told Bishop Mc Gee that he was sexually abused by a priest of the Diocese when he was a teenager. did not disclose the name of the priest. Bishop Mc Gee said that he could come back to him when he needed to. Bishop Mc Gee gave the two Diocesan Delegates names: Monsignor [redacted] Parish Priest, [redacted], Cork; and Canon [redacted] Parish Priest, [redacted] Cork. asked for counselling and Bishop Mc Gee said he would speak to other Bishops for a referral. This did not happen.
2 <sup>nd</sup> February 2005	began counselling and the Diocese of Cloyne funded this.
18 <sup>th</sup> May 2005.	met with Canon [redacted]. He disclosed that he was sexually abused by Fr. X for two years from 1982/83. He also gave Canon [redacted] a copy of a letter that he received from this priest, as additional evidence. Canon [redacted] told he would speak to the Bishop and come back to him.
7 <sup>th</sup> June 2005	received a letter from Canon [redacted]
2 <sup>nd</sup> September 2005	Monsignor [redacted] met with [redacted] and he made a statement to him outlining details of the alleged abuse. [redacted] was unsatisfied with this meeting and the manner that the Monsignor handled it. Monsignor [redacted] told him that the statement would be sent to the Cloyne-Limerick Inter-Diocesan Committee and he said the Bishop would advise them. The Committee was to meet in October 2005.
7 <sup>th</sup> September 2005	met with Bishop Mc Gee in Cobh and he was angry with the Bishop the priest was still in Ministry.
29 <sup>th</sup> September 2005	met with Canon [redacted] following a letter he received seeking a meeting. The Canon informed [redacted] that the Bishop had met with Fr. X the previous Thursday and put the allegation to him. Fr. X resigned his position as [redacted] and admitted the allegations to the Bishop and apologised for it. Canon [redacted] asked [redacted] if he wished to pursue the matter with the Gardaí and [redacted] told him he could not face it at that time. Canon [redacted] asked [redacted] to write and sign a note to that accord for the Inter-Diocesan Advisory Committee. [redacted] was not give time to think about it and Canon [redacted] gave him a piece of paper. [redacted] wrote that he did not wish this to have this matter reported to An Garda Síochána and he signed it.
October 2005	met with Canon [redacted] and he told [redacted] that the Inter-Diocesan Committee met on 4 <sup>th</sup> Oct 05 to discuss complaint and had available the written note of September. This Committee was to advise the Bishop.
Late October 2005.	went to see Canon [redacted] after the publication of the Ferns Report publication. Following this [redacted] felt ready to make a statement to the Gardaí. Canon [redacted] told [redacted] that in light of the Ferns Report they were going to contact [redacted] anyway. Canon [redacted]

12 <sup>th</sup> November 2005	██████ told ████████ that the Diocese would contact the Gardaí. ██████ received a letter from Monsignor ████████ stating that he would be contacting the Gardaí that week and he gave him contact details of a solicitor.
6 <sup>th</sup> December 2005	██████ telephoned Monsignor ████████ and asked if he had contacted the Gardaí and he said he dropped in a note to Supt. ████████ but did not give Fr. X's name.
7 <sup>th</sup> December 2005	██████ called Supt. ████████ and left a message.
9 <sup>th</sup> December 2005	██████ spoke with Supt. ████████. He told ████████ that a Sergeant ████████ had been assigned to investigate the case.  Sgt. ████████ called ████████ and told him that Detective Garda ████████ would be taking his statement. He also told ████████ that he had been in contact with Monsignor ████████ and ████████ who was Fr. X's support person.
21 <sup>st</sup> December 2005	Provisional date booked for the Garda statement but cancelled by ████████.
13 <sup>th</sup> January 2006	██████ made his Garda statement to Det. Garda ████████.
23 <sup>rd</sup> January 2006	Sgt. ████████ met with ████████ and sought additional information. They told ████████ that they had contacted the Bishops Secretary Fr. ████████ and told him that ████████ had made a statement.
3 <sup>rd</sup> March 2006	Det. Garda ████████ took over the criminal investigation.
11 <sup>th</sup> March 2006	██████ met with Bishop Mc Gee after he sent ████████ a text.
28 <sup>th</sup> March 2006	██████ met with Det. Garda ████████ and he told ████████ that he was finding it difficult to contact Monsignor ████████ as he was not returning calls.  ██████ spoke with ████████ Acting Director, Child Protection Office, Conference of Bishops of Ireland.
4 <sup>th</sup> April 2006	██████ met with ████████ Child Protection Office, NCH and told her of his dissatisfaction with the way in which the Diocese of Cloyne has dealt with the case.
8 <sup>th</sup> May 2006	██████ spoke to Bishop Mc Gee to arrange to meet with his parents.  ██████ spoke to Fr. ████████ from Cork, who was studying child protection in Maynooth and ████████ told about his case.
25 <sup>th</sup> May 2006	Bishop Mc Gee met with ████████ and his parents.
15 <sup>th</sup> September 2006	Det. Garda ████████ called ████████ and told him he had taken a statement from Bishop Mc Gee.
20 <sup>th</sup> September 2006	██████ met with Bishop Mc Gee and tendered his resignation.
17 <sup>th</sup> October 2006	Det. Garda ████████ phoned ████████ and said he had taken a statement from Fr. X.
27 <sup>th</sup> March 2007	Det. Garda ████████ called ████████ and told him that the DPP did not prefer charges in the case.

1 <sup>st</sup> May 2007	[redacted] met a HSE Social Worker in Mallow called Ava Gilliam. He asked her if the HSE had received a child protection referral from the Clonyc Diocese or An Garda Síochána.
8 <sup>th</sup> August 2007	[redacted] received a letter from HSE Cork stating that "the South Coast Child Care and Protection Team have not received either a formal or informal Notification from An Garda Síochána or any other Ecclesiastical Authority with regards to the named individual we quote above."

COPY



Health Service Executive  
Health Service Executive

Child Care & Protection Services  
North Cork Community Services  
134 Bank Place  
Mallow  
Co. Cork

Tel: 022 24 100  
Fax: 022 24 100

[Redacted]

August 2007

[Redacted]

Further to our most recent telephone conversation, I can confirm that following a search of Departmental records, the HSE North Cork Child Care and Protection Team have not received either a formal or informal Notification from An Garda Síochána or any Ecclesiastical Authority with regards to the named individual we spoke about.

Apologies for the lengthy delay you experienced in receiving this confirmation.

Yours sincerely

*Eamonn Collier*

Eamonn Collier  
Principal Social Worker

August 2007

Further to our most recent telephone conversation, I can confirm that following a search of Departmental records, the HSE North Cork Child Care and Protection Team have not received either a formal or informal Notification from An Garda Síochána or any Ecclesiastical Authority with regards to the named individual we spoke about.

Apologies for the lengthy delay you experienced in receiving this confirmation

Yours sincerely

Eamonn Collier

Principal Social Worker



October 2007

OFFICE OF ASST. NATIONAL DIRECTOR  
CHILDREN'S SERVICES

12 OCT 2007

HSE, MERLIN PARK, GALWAY

Seamus Mannion  
Assistant National Director  
Children's Services  
Office of the CEO  
HSE  
Merlin Park  
Galway

Dear Seamus,

Please find attached a letter and enclosures to Minister Brendan Smith from the One In Four organisation in relation to the Catholic Church's response to an allegation of child abuse.

I would be grateful if you would consider the issues raised and prepare material for a reply by the Minister.

Yours sincerely,

*Charlie Hardy*  
Charlie Hardy  
Principal Officer  
Child Welfare and Protection Unit



Teicneanach na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Merlin Park  
Galway  
☎ (091) 775 414  
☎ (091) 752 828

Ref: NCC 8/5

16<sup>th</sup> October, 2007

Mr. Jim Dreslin  
Assistant National Director PCCC  
Dublin Mid-Leinster  
Millennium Park  
Naas  
Co. Kildare

Dear Jim,

Please find attached correspondence from Mr. Charlie Hardy, Office of the Minister for Children, regarding a case involving an allegation of sexual abuse against a member of the Clergy, for your attention.

Yours sincerely,

Matt Hurley  
Matt Hurley  
On Behalf of Seamus Mannion  
Asst. National Director for Children  
Office of the CEO

To: LHM North Cork  
Please see correspondence  
attached for will see  
that Minister Brendan Smith  
is seeking material which  
would allow him to reply on  
this matter I would be grateful  
if you could have such material  
prepared and submitted to this  
Office at your earliest convenience

13: Copy to Seamus Mannion

Seamus

You will see from the  
attached that I have forwarded  
the correspondence you sent to  
me to the relevant local  
Health Office seeking relevant  
information.  
Since this correspondence  
also raises national issues  
regarding the audit of dioceses  
and possible referral to the  
Dublin Commission I would  
appreciate if you could review  
and advise on how you might  
wish to process any relevant  
issues in this context

TS 22/10



Trídúineacht na Seirbhíse Sláinte  
Health Service Executive

Office of the Assistant National Director  
Children Services  
Office of the Chief Executive Officer  
Health Service Executive  
H.S.E. West  
Merlin Park  
Galway  
☎ (091) 773 414  
☎ (091) 752 028

Ref: NCC 8/5

16<sup>th</sup> October, 2007

Mr. Charlie Hardy  
Principal Officer  
Child Welfare & Protection Unit  
Department of Health & Children  
Office of the Minister for Children  
Hawkins House  
Dublin 2

Dear Charlie,

I am writing to acknowledge your letter of 8<sup>th</sup> October last, regarding correspondence to Minister Smith from One in Four.

I have forwarded the file to Mr. Jim Breslin, Assistant National Director, for attention and follow-up by the local Child Care Manager.

I trust this is satisfactory.

Yours sincerely,

Matt Hurley  
On Behalf of Seamus Mannion  
Asst. National Director for Children  
Office of the CEO

Appendix 15

**Rachel Fitzgerald**

**From:** Mary Moynihan (Administrative Officer) [MaryC.Moynihan@hse.ie] on behalf of Pat Healy (Assistant National Director) [Pat.Healy1@hse.ie]  
**Sent:** 09 May 2008 17:41  
**To:** Mike VanAswegen (Child Care Manager)  
**Subject:** FW: Diocese of Cloyne and response to allegations  
**Importance:** High

Mike,

Please see correspondence re the above from Mr. Ian Elliott. You might review and give me a call on Monday.

Regards,

Pat Healy,  
 Assistant National Director,  
 South,  
 PCCC Directorate  
 021-4923818  
 Please note change of email address to Pat.healy1@hse.ie

---

**From:** Mary Moynihan (Administrative Officer) **On Behalf Of** Pat Healy (Assistant National Director)  
**Sent:** 09 May 2008 12:05  
**To:** 'ann.doyle@ococ.ie'  
**Subject:** RE: Diocese of Cloyne and response to allegations  
**Importance:** High

Dear Ian,

I rang Ann this morning looking for correspondence which you had promised to send on after Pat met with you on the 17th as we had not received same. I have since received it and thanks very much for that - Ann spoke to me again this morning and confirmed that in fact the email address was incorrect as it included an "e" in my surname and Ann re-sent it a 3rd time today with the correct email address - See below:  
[pat.healy1@hse.ie](mailto:pat.healy1@hse.ie)

I will draw the correspondence to Pat's attention as a matter of urgency.

Regards,

Karen Foley,  
 On behalf of  
 Pat Healy,  
 Assistant National Director,  
 PCCC South,  
 021-4923818

Please note change of mail address to [karenc.foley2@hse.ie](mailto:karenc.foley2@hse.ie)  
 Please note change of email address to [pat.healy1@hse.ie](mailto:pat.healy1@hse.ie)

---

**From:** [ann.doyle@ococ.ie](mailto:ann.doyle@ococ.ie) [mailto:[ann.doyle@ococ.ie](mailto:ann.doyle@ococ.ie)]  
**Sent:** 09 May 2008 11:01  
**To:** Pat Healy (Assistant National Director)  
**Subject:** FW: Diocese of Cloyne and response to allegations

05/12/2008

54



**From:** Ian Elliott  
**Sent:** 09 May 2008 10:56  
**To:** 'pat.healey1@hse.ie'  
**Cc:** Ann Doyle  
**Subject:** FW: Diocese of Cloyne and response to allegations

Dear Pat,

I am resending the email that I sent to you on 17<sup>th</sup> April. I did put the correct address on it. If you need something more from me, please let me know.

Kind regards  
Ian

---

**From:** Ian Elliott  
**Sent:** Thursday, April 17, 2008 2:12 PM  
**To:** pat.healey1@hse.ie  
**Cc:** aidancanavan@hotmail.com  
**Subject:** Diocese of Cloyne and response to allegations

Dear Pat,

I would like to confirm to you the actions taken on receipt of the complaint shared with me by the Department of Health and Children on 15 February 2008. As you know, this complaint had been made by [redacted] and concerned how the Diocese had failed to respond appropriately to allegations that he had shared with them, concerning a priest. When I received this information, I made immediate arrangements to visit the Diocese and to speak to the Bishop in the hope that by so doing, it would be possible to resolve the issues raised within the complaint. However, I have not yet been able to do this.

I did visit the Diocese on 20 February and was given access to what I believed, was a copy of the complete file papers. This proved not to be the case and I have not been able to complete to my satisfaction, an assessment of the issues raised by [redacted] in his complaint.

The position that I now hold is one of being deeply concerned about some practice in this Diocese. Along with my Chairman, a further visit to the Diocese is planned in a further attempt to raise with individuals there what actions were taken, by whom, and for what reason.

The focus of the National Safeguarding Board for Children within the Church has always been the safety of children. Critical to maintaining that is adherence to best practice in the field of safeguarding children. Full and immediate reporting of allegations when they arise, is an essential part of that process. I will continue to keep you fully briefed on any developments.

Yours sincerely,

Ian Elliott

Chief Executive Officer  
National Safeguarding Board for Children  
Catholic Church in Ireland