



**Private and Confidential**

**Review of Safeguarding Practice**

**in the**

**Diocese of Limerick**

**undertaken by**

**The National Board for Safeguarding Children in the**

**Catholic Church in Ireland (NBSCCCI)**

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**March 2012**

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## **Background**

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

This report contains the findings of the *Review of Safeguarding Practice within the Diocese of Limerick* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies. It is based upon the case material made available by the diocese, along with interviews with selected key personnel who contribute to safeguarding within the diocese. The NBSCCCI believes that all relevant documentation for these cases was passed to the reviewers and the diocese has confirmed this.

## **Introduction**

At the request of Father Tony Mullins, Administrator for the Diocese of Limerick, staff from the NBSCCCI engaged in a process of reviewing child safeguarding policy and practice on March 13<sup>th</sup>, March 14<sup>th</sup> and March 15<sup>th</sup> 2012. Over the three day fieldwork period, case files were examined and interviews with key personnel in the diocesan safeguarding structure took place.

The Diocese of Limerick has received significant media attention over the past few years due to the tragic death of a man who complained of clerical abuse in 2006. The reviewers recognise the sensitivity required in mentioning this sad situation and would not in any way wish to intrude into the private grief of the family involved. NBSCCCI also acknowledge the need to examine the practice in the case and were asked to do so. In deference to the family, this review report does not detail the findings of the separate in-depth case review, other than to reference overall findings, alongside the findings of the other cases examined. The case will be reported on privately to the family of the deceased man.

More recently, in 2009, the Bishop of Limerick Dr. Donal Murray resigned, following the publication of the *Murphy Report* into the handling of allegations of clerical abuse in the Archdiocese of Dublin. Bishop Murray has been credited with putting in place in the diocese robust safeguards and prompt responses to allegations of abuse. The vacuum created by his departure is still felt in the diocese, though the presence of the Diocesan Administrator, Father Tony Mullins enables the business of safeguarding children to remain a central focus in the diocese. Significantly, the departure of Bishop Murray had a major influence on the confidence of diocesan staff in carrying out their safeguarding duties. The recent appointment of a lay- person to the role of Director of Safeguarding has done a great deal to rekindle that confidence. However, while it is not within the remit of NBSCCCI to advise on leadership within the diocese, it is very apparent that the continued absence of a bishop in the diocese is not helpful either to the clergy or to the people of the diocese.

The fieldwork team recognise the anxieties of the personnel in the diocese during the process of the review being conducted. It was a spoken desire on the part of the Administrator that practice should be independently examined, so that he could be advised if it met the standards set down in *Safeguarding Children: Standards and Guidance document for the Catholic Church in Ireland*. The loss of a life where abuse by a (non-diocesan) priest was complained of and the loss of an important leader in the person of Bishop Murray, have made personnel fearful, but in another sense more determined, to ensure that child safeguarding practice is of the highest standard. The reviewers wish to acknowledge the assistance to the review given by the administrator, the diocesan secretary, the director of safeguarding, the two trainers, the members of the various committees, the support person for complainants, the priest adviser, the parish representative and priests who gave time and shared their experiences in a very honest fashion.

Limerick Diocese is located in the mid- west of Ireland, bordering Killaloe to the north, Cashel and Emly to the east, Cloyne and Kerry to the south. It has 60 parishes and 170,000 catholic residents.

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

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

The process involved the fieldwork team reading all case management records of living priests incardinated into Limerick Diocese against whom a child safeguarding allegation had been made or a concern raised. This totalled case files relating to twelve priests and one unidentified priest and one person who could not be identified with certainty as a priest. In addition, two cases involving deceased priests were examined at the request of the administrator and director of safeguarding. These were chosen, as the first one involved a deceased male complainant who tragically died by suicide and the second because the diocese wished to examine the appropriateness of the response it had made to one of the complainants.

In addition to the reading and reviewing of case files, an extensive number of personnel were interviewed including the diocesan secretary, the director of safeguarding, the person who has recently been appointed to support complainants, the adviser to priests accused of child abuse, two trainers, chairs of the safeguarding committee, advisory committee and the new human resources and vetting committee, a safeguarding representative, a priest who does not hold a central safeguarding role and one of the two safeguarding administrators.

During the fieldwork, interviews were also held with senior operational managers in An Garda Síochána and HSE.

The final part of the review was an assessment of the draft *Diocesan Safeguarding Policy and Procedures* against the standards set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*.

As with all previous reviews, this one has concentrated on an evaluation of current risk. Therefore an examination of case files relating to allegations against living priests, as well as the diocesan practices relating to the creation of safe environments for children, took priority during the fieldwork. The review process uses the seven standards outlined within *Safeguarding Children: Standards and Guidance Document for the Catholic*

*Church in Ireland* as an assessment framework. The report below, therefore, highlights findings under each standard and draws conclusions regarding the effectiveness of policies and practices to prevent abuse in the diocese, as well as the readiness of the relevant personnel within the diocese to co-operate with the civil authorities in the assessment and management of risk presented by clergy incardinated into the Diocese of Limerick. Where appropriate, recommendations for improvements are made.

## **STANDARDS**

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

**Standard 1** A written policy on keeping children safe

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

**Standard 3** Preventing harm to children:

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

**Standard 4** Training and education

**Standard 5** Communicating the Church's safeguarding message:

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

**Standard 6** Access to advice and support

**Standard 7** Implementing and monitoring the standards

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

## Standard 1

### *A written policy on keeping children safe*

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

#### Criteria

Number	Criterion	Met fully or Met partially or Not met
1.1	The diocese has a child protection policy that is written in a clear and easily understandable way.	Met fully
1.2	The policy is approved and signed by the bishop of the diocese.	Met fully
1.3	The policy states that all Church personnel are required to comply with it.	Met fully
1.4	The policy is reviewed at regular intervals no more than three years apart and is adapted whenever there are significant changes in the organisation or legislation.	Met fully
1.5	The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays.	Met fully
1.6	The policy states how those individuals who pose a risk to children are managed.	Met fully
1.7	The policy clearly describes the Church's understanding and definitions of abuse.	Met fully
1.8	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.	Met fully
1.9	The policy should be created at diocesan. If a separate policy document at parish or other level is necessary this should be consistent with the diocesan policy and approved by the relevant diocesan authority before distribution.	Met fully

#### Policy & Procedures

The Diocese of Limerick has a very clear policy, which sets out its commitment to safeguarding children. In addition, there are brief procedures for responding to allegations, which require and are currently in the process of being updated. The diocese also has resources for the recruitment and vetting of personnel, codes of behaviour, guidance on trips away from home and amongst other helpful resources, a booklet on child protection for Lourdes pilgrimage workers. All of the resources are written in a simple, easy to read style and set out clearly the requirements to report allegations to the



civil authorities. The information booklets, posters and leaflets developed by the diocese are colourful, clear and easy to read.

The Limerick Diocese website [www.limerickdiocese.org](http://www.limerickdiocese.org) which sets out the current policy and procedures in relation to safeguarding is easy to navigate and has a good clear poster on who to go to with concerns or allegations of abuse.

As stated above, the director of safeguarding is currently undertaking a review of the policies and procedures and he has initiated a redrafting to ensure that the diocesan procedures are in line with *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. NBSCCCI note that the redrafted procedures are in line with the national standards and would encourage the diocese to display the full redrafted final procedures on its website, and ensure that awareness of these is raised throughout the diocese amongst clergy, religious, safeguarding personnel and the lay faithful.

#### **Recommendation 1**

- **The Administrator and the Director of Safeguarding should consult with NBSCCCI to ensure that the redrafted policy and procedures adhere to national guidelines.**
  
- **The Administrator and the Director of Safeguarding must ensure that awareness-raising of the diocesan policy and procedures takes place, and that implementation of the redrafted procedures is audited on an annual basis.**

The review team met two diocesan priests, one directly involved in safeguarding and one a parish priest with responsibilities within his parish for safeguarding children. They both stated their continued commitment to ensuring the safety of children in the Church, but felt that the scandals of the last few years, the loss of their bishop and constant negative media attention contributed to their lack of confidence in working with children. They feel that the appointment of a lay safeguarding director has helped give them an assurance that the policies, procedures and systems in the diocese are effective, but that it will take time before both they and the lay faithful have confidence that their practice is safe.

**Standard 2**

***Management of allegations***

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

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

**Criteria**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>2.1</b>	There are clear child protection procedures in all Church organisations that provide step-by-step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current).	Met fully
<b>2.2</b>	The child protection procedures are consistent with legislation on child welfare civil guidance for child protection and written in a clear, easily understandable way.	Met fully
<b>2.3</b>	There is a designated officer or officer(s) with a clearly defined role and responsibilities for safeguarding children at diocesan or congregational level.	Met fully
<b>2.4</b>	There is a process for recording incidents, allegations and suspicions and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation.	Met fully
<b>2.5</b>	There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.	Met fully
<b>2.6</b>	There is guidance on confidentiality and information-sharing which makes clear that the protection of the child is the most important consideration. The Seal of Confession is absolute.	Met fully
<b>2.7</b>	The procedures include contact details for local child protection services e.g. (Republic of Ireland) the local Health Service Executive and An Garda Síochána; (Northern Ireland) the local health and social services trust and the PSNI.	Met fully

**Table 1**

**Incidence of safeguarding allegations received within the Diocese of Limerick against incardinated priests, from 1<sup>st</sup> January 1975 up to March 2012.**

<b>LIMERICK DIOCESE</b>		
<b>1</b>	Number of priests incardinated into the Diocese of Limerick against whom allegations have been made since the 1 <sup>st</sup> January 1975 up to the date of the Review.	<b>18</b>
<b>2</b>	Number of allegations reported to An Garda Síochána involving priests of the diocese since 1 <sup>st</sup> January 1975.	<b>34</b>
<b>3</b>	Number of allegations reported to the HSE (or the Health Boards which preceded the setting up of the HSE,) involving priests of the diocese since 1 <sup>st</sup> January 1975.	<b>41</b>
<b>4</b>	Number of priests against whom an allegation was made and who were living at the date of the Review.	<b>12</b>
<b>5</b>	Number of priests against whom an allegation was made and who are deceased.	<b>14</b>
<b>6</b>	Number of priests against whom an allegation was made and who are “Out of Ministry” or who have left the priesthood.	<b>8</b>
<b>7</b>	Number of priests of the diocese who have been convicted of having committed an offence or offences against a child or young person since the 1 <sup>st</sup> January 1975.	<b>0</b>
<b>8</b>	Number of priests against whom an allegation was made and who are in ministry or retired.	<b>4</b>
<b>9</b>	Number of priests who are not of the diocese but who reside within it, and who are known to be the subject of an allegation arising from their past ministry.	<b>1</b>

## **Management of allegations**

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

On the Limerick Diocese website there is reference to how allegations and concerns of a child abuse nature will be notified to the civil authorities. The current redraft of the policy and procedures allows for a fuller explanation of how allegations against diocesan clergy and personnel will be managed. The diocese has held interagency meetings since 1996, when Bishop Murray liaised with An Garda Síochána and HSE to ensure that both statutory agencies were fully briefed on all allegations made to the diocese. In the early days of these meetings, An Garda Síochána were concerned about the appropriateness of sharing information with the diocese, so the meetings took the form of separate bi-lateral meetings, with the diocese and HSE meeting, the HSE and An Garda Síochána having separate meetings and finally a third meeting between An Garda Síochána and the diocese. Thankfully, in the interests of safeguarding children, leadership was shown by the Chief Superintendent of an Garda Síochána in the area and by Bishop Murray, which resulted in tri-partite meetings where appropriate information on allegations and the management of abuse was and continues to be shared.

As part of this review, the reviewers met both the previous and the current Chief Superintendent of An Garda Síochána in Limerick as well as the HSE Area Manager and Principal Social Worker for Child Protection. The NBSCCCI was very impressed by the collaborative approach these two agencies have adopted with the Diocese of Limerick. The NBSCCCI was assured that as well as prompt notification of allegations, where there are reasonable grounds for concern, all reports are shared and a regular review of risk is undertaken collectively. The diocesan secretary has worked extremely hard to ensure co-operative working and has earned the professional respect of both agencies as a result.

While interagency meetings were a recommendation of the *Ferns Report*, this is the first time NBSCCCI has seen them work so successfully and would commend both the diocese and the local HSE and An Garda Síochána for ensuring that they are productive meetings which focus on safeguarding children and management of risk.

In terms of a review of all current risk, the reviewers examined sixteen case files. Of these, twelve related to living priests, two related to deceased priests, one unidentified priest and one person who could not be identified with certainty as a priest.

The statistics maintained by the diocese would suggest that most allegations relate to the abuse having taken place in 1960s, 70s and 80s. The last known date of abuse having taken place was in 1994. Allegations are still being notified, with the most recent being brought to the attention of the diocese in January 2012.

In general there are some noteworthy comments about the case files, which must be drawn to the diocese's attention as follows:

- Prior to Bishop Murray, practice was very poor and in our view, in one case potentially dangerous. There is documentary evidence relating to a former bishop, whilst apparently having knowledge of a priest's abusive behaviour in England, giving faculties to him to minister in Limerick, where it is believed he may have gone on to abuse again.
- As stated above, as far back as 1996, at the initiation of Bishop Murray, there were meetings with An Garda Síochána and HSE (formerly Health Boards) to share information on allegations received by the diocese. The NBSCCCI commends this practice.
- In almost all cases there was prompt referral to the statutory authorities. However there were notable exceptions (in cases of deceased priests), where the complainants did not wish An Garda Síochána to be notified and a delay of some months resulted. Current standards dictate that even where there is reluctance on the part of the complainant for the civil authorities to be informed, in the interests of safeguarding children, the Church reports the allegation promptly. The reviewers found that to be the practice currently in Limerick Diocese.
- There are some significant gaps in the case records in at least two files. In one case, a priest was removed from ministry in 2000, there follows a number of further allegations and then an absence of any record between June 2001 and May 2006. During this period, there clearly was activity relating to criminal prosecution and assessment of risk, but this is not well recorded. This particular priest appears to have been difficult to manage, but a written precept was not put in place until last year. A supervision plan was put in place in 2011. However, this is eleven years after the initial allegation was received.
- In 2002 Bishop Murray, as a consequence of a particular case, invited anyone who had been abused to come forward and a number did approach the diocese, but others, whom the diocese was aware of through the Commission to Inquire, did not respond to Bishop Murray's invitation.
- In other cases there are no copies of precepts on file, no records of meetings between priests and bishop and no supervision or management plans. The absence of any documentary evidence to confirm the issuing of a precept would indicate that none was given, although there was evidence that the bishop did remove capacity for public ministry.
- In general, in the opinion of the reviewers the narrative records do not accurately reflect the amount of work that appears to have gone into managing the cases. There are however very useful summaries at the beginning of each file, compiled by the diocesan secretary, which enabled the reviewers to understand the overall account

of actions. This, in addition to other information contained in the files, e.g. correspondence acknowledging notification from An Garda Síochána, allowed the reviewers to check dates of notifications to civil authorities.

- Following previous discussions with NBSCCCI about recording, the diocese did put in place the national template for recording and there was an initial effort made to compile narratives in each case so that the account of the management of the allegation and subsequent risk could be easily understood. More recent records appear not to consistently follow this template, making the reading of some of the records difficult.

## **Recommendation 2**

**NBSCCCI recommend that all new cases follow the national case file template and in particular that narrative accounts of all actions are recorded within a reasonable timeframe.**

- The response to complainants appears to have been compassionate in the main, with counselling and support offered. It is clear from the records that the distress of the abuse for some complainants continues and the diocese's response is unable to meet their expectations. In these cases, the diocese is considering how best to make fresh attempts at conciliation.
- In addition, the diocese has made two recent settlements through a mediated process. This is in part influenced by a wish to avoid unnecessary distress to the complainant.
- While there is good evidence of priests being asked to step aside from ministry once an allegation has been deemed as credible, there is an absence of decisive canonical processes in almost all cases. The new NBSCCCI *Leave from Ministry* guidance sets out how canon law should assist the Ordinary in managing allegations, while allowing for the statutory inquiries to take precedent. It is important that the respondent is notified in writing that a canonical inquiry has been initiated and that any restrictions placed on the ministry of the priest during the criminal/civil and canonical inquiries are clearly set out. More recent practice would conform to this aspect of canon law.
- Historically substantial cases were notified to the Congregation for the Doctrine of the Faith (CDF) in the Vatican. More recently, following a review of cases by the Diocesan Director of Safeguarding, all cases are being notified. In future the Diocesan Administrator must notify the CDF, in line with the *Interim Leave from Ministry Guidance* that an allegation has been received and ensure that all canon law processes are followed.
- Following initial prompt referrals to An Garda Síochána and HSE and removal from ministry, there appears to have been drift in a number of cases. While there are no national standards on risk assessment and management, increasingly dioceses and

religious congregations are recognising their need to put in place robust measures to minimise risk. Within the Diocese of Limerick, there was limited evidence of risk management/supervision plans in the past. The NBSCCCI have been advised by the Director of Safeguarding that these are now in place, following a review by him, though the review team did not see these plans.

- The reviewers would recommend a more strategic approach to the commissioning of risk assessments. In some cases there were two assessments of the respondents carried out, with a third being planned. While not an issue related to this diocese alone, there is an urgent need for a greater understanding by Church authorities of their use of assessment and management of risk processes for clergy who are believed to have abused. This issue was discussed during the fieldwork for the review with the representatives of the health service that clearly have a remit under section 3 of the *Child Care Act* to undertake these important tasks.
- The review team were advised by the diocesan team that circumstances of each priest who is out of ministry have been discussed at the interagency forum referred to earlier and the assessments being undertaken are in accordance with the recommendation of the HSE who specifically recommended the clinician who is undertaking the assessment. The Director of Safeguarding has advised that he meets all priests out of ministry on a regular basis.

### **Recommendation 3.**

**The Director of Safeguarding must put in place risk management plans/covenants of care in each case where a priest who is not in ministry still presents a risk to children. To assist with this, the Director of Safeguarding, in consultation with the Administrator and HSE should develop a more strategic approach to the commissioning of risk assessments.**

- All cases are presented in an anonymised way to the Advisory Panel. The Limerick panel was previously combined with the Advisory Panel of the Diocese of Cloyne. This panel was stood down by Bishop Murray following concerns about safeguarding practice in the Diocese of Cloyne. As is the case with most panels, the information is presented in redacted form. The chair of this committee has recently been taken by a retired senior member of the An Garda Síochána. As with other personnel who hold safeguarding roles in the diocese, the NBSCCCI were very impressed by the competence and knowledge of this person. It is the view of the NBSCCCI that he will undertake his role well while keeping a clear focus on the paramount consideration, which is the safety of children. The NBSCCCI met a second member of the Advisory Panel and were struck by her abilities, experience and evident interest in ensuring the safety of children. It is clear that the diocese has sought to and succeeded in appointing quality personnel to these posts. It is important that they receive training and support to enable them to fulfil the demanding task of offering advice to the Ordinary.

- There have been no convictions of Limerick diocesan priests against whom allegations have been made. There was one case where a prosecution was recommended, but this did not proceed.
- While the issues highlighted above are detailed to improve the response to allegations and to more effectively manage those who seek to harm children, the reviewers believe that Bishop Murray understood his obligations to safeguard children. There were times when priests who subjects of complaints, were very demanding and sought to thwart the restrictions of the bishop. He should have been more forceful in challenging them and should have imposed restrictions in writing.
- The current personnel in the diocese fully understand their obligations in relation to managing child abuse. The NBSCCCI would particularly like to pay tribute to the diocesan secretary who has supported Bishop Murray, the diocesan administrator and the director of safeguarding, in a most conscientious, serious and compassionate way. It is noteworthy from the records that the diocesan secretary also appears to have the respect of complainants and external agencies and is often called upon to provide a pastoral response at difficult times.

**Recommendation 4.**

**The Diocesan Administrator must ensure that a diocesan policy should be developed which sets out an approach to be taken in future cases, which both recognises the distress felt by complainants who have been abused, and provides a practical response that accurately supports them so that healing may begin.**

**Recommendation 5.**

**The Diocesan Administrator must notify the respondent in writing that a canonical inquiry has been initiated, and state by way of a written precept, any restrictions placed on the ministry of the priest during the criminal/civil and canonical inquiries.**

**Recommendation 6.**

**The Diocesan Administrator must notify the CDF, in line with the *Interim Leave from Ministry Guidance* that an allegation has been received and ensure that all canon law processes are followed.**



**Standard 3**

***Preventing Harm to Children***

*This standard requires that all procedures and practices relating to creating a safe environment for children be in place and effectively implemented. These include having safe recruitment and vetting practices in place, having clear codes of behaviour for adults who work with children and by operating safe activities for children.*

Compliance with Standard 3 is only fully achieved when a diocese meets the requirements of all twelve criteria against which the standard is measured. These criteria are grouped into three areas, safe recruitment and vetting, codes of behaviour and operating safe activities for children.

**Criteria – safe recruitment and vetting**

Number	Criterion	Met fully or Met partially or Not met
3.1	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.	Met fully
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	Met fully
3.3	All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded.	Met fully

**Criteria – Codes of behaviour**

Number	Criterion	Met fully or Met partially or Not met
3.4	The diocese provides guidance on appropriate/ expected standards of behaviour of, adults towards children.	Met fully
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Met fully
3.6	There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers ('whistle-blowing'), confidentially if necessary.	Met partially
3.7	There are processes for dealing with children's unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment.	Met fully

<b>3.8</b>	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.	Met fully
<b>3.9</b>	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Met partially

**Criteria – Operating safe activities for children**

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

**People and Structures**

The most striking aspect of the review undertaken in Limerick was the competence of the personnel involved in both case management and in safeguarding. The NBSCCCI were impressed by the diocesan staff and the many volunteers who expend a huge amount of time in ensuring that safeguarding is a major priority for the diocese. If there is to be a concern, it is that the new director of safeguarding is trying to take on too many roles himself and needs to now delegate some of this workload to others. The NBSCCCI also believes that in order to be effective, all those who hold safeguarding responsibilities must be accountable by way of management structures, but must also have access to supervision and support.

**(i) Committees**

The Diocese of Limerick has recently reviewed how their committees operate and has now established three committees to undertake the range of tasks managed in other dioceses by the Advisory and the Safeguarding Committees. The three committees, recently constituted are: Safeguarding Committee – responsible for policy, training and auditing; the HR and Vetting Committee – responsible for recruitment, vetting and staff difficulties; and the Advisory Committee – responsible for case management advice.

The reviewers met the chairs of all committees and diocesan staff who report to those committees. While it is too early to assess the effectiveness of the new committee structure, the indicators are that the chairs are people of ability and commitment and who are dedicated to ensuring best practice in the diocese. The chairs of these committees form a fourth, Governance Committee, with the Administrator, Diocesan Secretary and Director of Safeguarding.

**(ii) Parish Representatives:**

The sixty parishes that comprise the Limerick Diocese are grouped into nine pastoral areas. Traditionally Limerick Diocese has operated a system of having two safeguarding representatives in each pastoral area. The Administrator advised that this system is currently under review. The Administrator and Director of Safeguarding are considering recruiting volunteers to take on this role within each individual parish, as is the practice in other dioceses. The NBSCCCI were advised that the safeguarding representatives have been met on two occasions in the last twelve months and it is a requirement of the diocese that all of the priests attend safeguarding training on an annual basis. The Pastoral Area Leaders have also been met on two occasions in 2011 regarding safeguarding.

However in discussion with one safeguarding representative, who was interviewed by the review team, while she clearly demonstrated her interest in supporting the diocese in its work with safeguarding children, it was apparent that there is some confusion about the role of the safeguarding representative, so the NBSCCCI believes that there needs to be greater clarity around the role of this important person in the safeguarding structure. The *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* sets out the proposed role of the local safeguarding representative in Resource 1. NBSCCCI recommends that the Director of Safeguarding meets with all safeguarding representatives and parish priests to ensure they all understand the full extent of their role in creating safe environments in all parishes.

**Secretarial support**

In an effort to get a complete picture of all personnel involved in the diocese, the reviewers had brief discussions with the two secretarial support people. It is these lay people who make life easier for the Administrator and Director of Safeguarding, not just by their efficient practice, but also by their willingness to support the work of the diocese.

**Policy and Procedures**

The diocesan website contains good information on resources developed within the diocese to keep children safe, including the full range of recruitment forms, codes of behaviour, consent and trips away from home. In addition, as already mentioned there is an excellent booklet on Lourdes pilgrimages and in the redrafted policies and procedures there will be guidance on all aspects of prevention. The new suite of procedures and guidance will be very comprehensive and will include a whistle-blowing procedure, use of information technology, guidance on the use of photography and on intimate care.

**Recommendation 7.**

**A review of the effectiveness of all committees should be undertaken one year after becoming operational and appropriate adjustments made to Terms of Reference and operation if required.**

**Recommendation 8.**

**NBSCCCI recommend that the Director of Safeguarding meet with all safeguarding representatives and parish priests to ensure each understands the full extent of their role in creating safe environments in all parishes.**

**Standard 4**

***Training and Education***

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

**Criteria**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>4.1</b>	All Church personnel who work with children are inducted into the Church's policy and procedures on child protection when they begin working within Church organisations.	Met fully
<b>4.2</b>	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Met fully
<b>4.3</b>	Training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as designated person.	Met fully
<b>4.4</b>	Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice.	Met fully

Training in relation to safeguarding is well established in Limerick. The diocese was formerly part of the Munster initiative, trained under the Belfast based Volunteer Development Agency (VDA). More recently one of the trainers has become a tutor with NBSCCCI and is currently training other trainers across the Cashel and Emly Metropolitan Area in the new church-specific training materials. Both trainers are extremely competent and enthusiastic about their role in creating safe environments and the contribution training makes to that aim. The NBSCCCI would encourage them to deliver the new training to all who hold safeguarding responsibilities, beyond priests and parish representatives. In discussion with the chairs of the committees and diocesan staff, the reviewers were of the view that they would benefit from awareness-raising through the current training programme.

In addition to the training developed by NBSCCCI, the Limerick trainers have developed and are piloting training which seeks to create greater understanding amongst children of their right to protection within the church settings. The NBSCCCI applaud this initiative and look forward to learning nationally from this local development.

## Standard 5

### ***Communicating the Church's Safeguarding Message***

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

#### **Criteria**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>5.1</b>	The child protection policy is openly displayed and available to everyone.	Met fully
<b>5.2</b>	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.	Met fully
<b>5.3</b>	Everyone in the diocese knows who the designated person is and how to contact them.	Met fully
<b>5.4</b>	Church personnel are provided with contact details of local child protection services, such as the Health Service Executive, An Garda Síochána, telephone helplines and the designated person.	Met fully
<b>5.5</b>	The diocese establishes links with statutory child protection agencies to develop good working relationships in order to keep children safe.	Met fully
<b>5.6</b>	The diocese has an established communications policy which reflects a commitment to transparency and openness.	Met partially

### **Child Protection Policy Display and Availability**

One of the roles identified by the safeguarding representative was to ensure that all Church property displays the diocesan policy and contact details for those who wish to make a complaint/allegation.

As mentioned earlier, the diocesan website is very comprehensive and sets out a range of helpful information in relation to structures, training, resources, codes of behaviour and news. It is very clear from the prominent position of information on the website that safeguarding is considered a significantly important aspect of ministry in the diocese.

As stated above, NBSCCCI met both the HSE and An Garda Síochána as part of the review process. Personnel in both agencies were very supportive of the safeguarding work in the diocese, stating that the working relationships were good, regular and are focussed on ensuring that risk is identified and managed. They share information appropriately and their joint experience of working on the management of allegations against priests dates back to the Framework Document in 1996 and continues on a very regular basis to the present. Both An Garda Síochána and HSE representatives expressed their satisfaction and confidence in these working relationships.

One area where communication has not been openly addressed relates to the removal of priests from ministry. There does not appear to have been any public announcements in the past either when priests have taken leave from ministry, or upon their return, for those priests where the allegations have not been deemed credible.

NBSCCCI recognises that communication at the stage of leave from ministry is often contentious and is the responsibility of the Ordinary to determine. However, an important aspect of the communication is the desire to be open and honest about the absence of the priest, and to allow any other complainant to come forward. If a priest seeks an opportunity to minister in another diocese, protection comes from the requirement for him to show his in-date *Celebret*, in effect his licence for public ministry.

The recent *Interim Guidance on Leave from Ministry*, adopted by the Irish Episcopal Conference, sets out issues for consideration around public announcements, which may be useful for Limerick Diocese to consider in the event of any future cases.

### **Recommendation 9**

**The Diocesan Administrator in the future should take account of the recent *Interim Guidance on Leave from Ministry*, which sets out issues for consideration around public announcements.**

## Standard 6

### *Access to Advice and Support*

*Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives.*

*Those who have harmed others should be helped to face up to the reality of abuse, as well as being assisted in healing.*

### Criteria

No.	Criterion	Met fully or Met partially or Not met
6.1	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.	Met fully
6.2	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and helplines that can provide information, support and assistance to children and Church personnel.	Met fully
6.3	There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers.	Met fully
6.4	Information is provided to those who have experienced abuse on how to seek support.	Met fully
6.5	Appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children's safety.	Met fully

There is evidence on the case management records of support people being offered to complainants. Every complainant is offered referral to both the dedicated Church counselling service and to relevant statutory services. As is their right, some complainants have chosen not to accept the support from the diocese. In one notable case, the complainant did appear to lean heavily on the support person who at times may not have been equipped to manage the extensive needs of this person. The current Director of Safeguarding has re-engaged with some complainants to review their support needs and their level of satisfaction with the diocesan response. This action is to be commended.

A recent review of personnel and structures has meant that the former deputy designated person has moved into the role of support person for complainants. It would be appropriate for the Director of Safeguarding to identify for this support person his role and responsibilities during induction and training.



The appointment of a religious order priest as a spiritual adviser for priests in the diocese, who are the subject of a complaint, adds another new member to the safeguarding team. As with other personnel who hold safeguarding roles, the reviewers were impressed by the competence and clarity of thinking of this person. While not yet tried and tested, there are good indicators that this person will bring much wisdom to this role.

The diocese has sought specialist advice in relation to conducting assessments of risk. It would be constructive if the diocese could agree a process with the HSE around risk assessment as that agency has primary responsibility for assessing and managing risk to children.

The designated person indicated that he is part of a peer supervision group with other diocesan and religious order designated people. NBSCCCI welcomes all opportunities for those who hold this important role to receive support. In addition the NBSCCCI feel that individual supervision and accountability is essential and would encourage a more local arrangement for the Director of Safeguarding, which allows for more specific discussion of professional practice in relation to the management of cases and other relevant diocesan issues, which could not be shared with a national group.

**Recommendation 10.**

**The Director of Safeguarding should identify roles and responsibilities of the support person during induction and training.**

**Recommendation 11.**

**The Director of Safeguarding should set up supervision and accountability arrangements within the diocese.**

**Standard 7**

***Implementing and Monitoring Standards***

*Standard 7 outlines the need to develop a plan of action, which monitors the effectiveness of the steps being taken to keep children safe. This is achieved through making a written plan, having the human and financial resources available, monitoring compliance and ensuring all allegations and suspicions are recorded and stored securely.*

**Criteria**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>7.1</b>	There is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed.	Met fully
<b>7.2</b>	The human or financial resources necessary for implementing the plan are made available.	Met fully
<b>7.3</b>	Arrangements are in place to monitor compliance with child protection policies and procedures.	Met fully
<b>7.4</b>	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.	Met fully
<b>7.5</b>	All incidents, allegations/ suspicions of abuse are recorded and stored securely	Met fully

One of the trainers interviewed and the safeguarding representative confirmed that an annual audit of practice has taken place in parishes last year. The findings are currently being assessed and referred to the Policy and Governance Committee for their review.

The diocese has also drafted an annual report on safeguarding for the first time covering the period 2010-2011. This report sets out the structural arrangements in the dioceses, and sets priorities for the year ahead.

**Recommendation 12.**

**NBSCCCI considers that the Administrator of the diocese should review on an annual basis all audit and reports so that he can be satisfied that all action to safeguard children is taking place, that areas for improvement are identified and that best practice is acknowledged.**

At the request of HSE Limerick Diocese completed a return to them in January 2012. This sets out their up to date policy and procedures and activity under each of the seven standards.

## **Recommendations**

### **Recommendation 1**

- **The Administrator and the Director of Safeguarding should consult with NBSCCCI to ensure that the redrafted policy and procedures adhere to national guidelines.**
- **The Administrator and the Director of Safeguarding must ensure that awareness-raising of the diocesan policy and procedures takes place, and that implementation of the redrafted procedures is audited on an annual basis.**

### **Recommendation 2**

**NBSCCCI recommend that all new cases follow the national case file template and in particular that narrative accounts of all actions are recorded within a reasonable timeframe.**

### **Recommendation 3**

**The Director of Safeguarding must put in place risk management plans/covenants of care in each case where a priest who is not in ministry still presents a risk to children. To assist with this, the Director of Safeguarding, in consultation with the Administrator and HSE should develop a more strategic approach to the commissioning of risk assessments.**

### **Recommendation 4**

**The Diocesan Administrator must ensure that a diocesan policy should be developed which sets out an approach to be taken in future cases, which both recognises the distress felt by complainants who have been abused, and provides a practical response that accurately supports them so that healing may begin.**

### **Recommendation 5**

**The Diocesan Administrator must notify the respondent in writing that a canonical inquiry has been initiated, and state by way of a written precept, any restrictions placed on the ministry of the priest during the criminal/civil and canonical inquiries.**

### **Recommendation 6**

**The Diocesan Administrator must notify the CDF, in line with the *Interim Leave from Ministry Guidance* that an allegation has been received, and ensure that all canon law processes are followed.**

### **Recommendation 7**

**A review of the effectiveness of all committees should be undertaken one year after becoming operational and appropriate adjustments made to Terms of Reference and operation if required.**

**Recommendation 8**

The NBSCCCI recommend that the Director of Safeguarding meet with all safeguarding representatives and parish priests to ensure each understands the full extent of their role in creating safe environments in all parishes.

**Recommendation 9**

The Diocesan Administrator in the future should take account of the recent *Interim Guidance on Leave from Ministry*, which sets out issues for consideration around public announcements.

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The Director of Safeguarding should identify roles and responsibilities of the support person during induction and training.

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## **Review of Safeguarding in the Catholic Church in Ireland**

### **Terms of Reference**

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

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

## **Accompanying Notes**

### ***Note 1***

#### **Definition of Child Sexual Abuse:**

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this report was that which was adopted by the Law Reform Commission in 1990<sup>1</sup> and later developed in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 1999) which state that ‘child sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or that of others’. Examples of child sexual abuse include the following:

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

### ***Note 2***

#### **Definition of Allegation:**

The term allegation is defined as an accusation or complaint where there are reasonable grounds for concern that a child may have been, or is being sexually abused, or is at risk of sexual abuse, including retrospective disclosure by adults. It includes allegations that did not necessarily result in a criminal or canonical investigation, or a civil action, and allegations that are unsubstantiated but which are plausible. (NB: Erroneous information does not necessarily make an allegation implausible, for example, a priest arrived in a parish in the Diocese a year after the alleged abuse, but other information supplied appears credible and the alleged victim may have mistaken the date).

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<sup>1</sup> This definition was originally proposed by the Western Australia Task Force on Child Sexual Abuse, 1987 and is adopted by the Law Reform Commission (1990) *Report on Child Sexual Abuse*, p. 8.

**Note 3**

**False Allegations:**

The National Board for Safeguarding Children in the Catholic Church in Ireland wishes to examine any cases of false allegation so as to review the management of the complaint by the diocese / religious congregation.

**Note 4**

**Random sample:**

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

**Note 5**

**Civil Authorities:**

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