



## Presentation for Royal Commission – January 2017

My name is Teresa Devlin and I live in Northern Ireland. I hold a degree in Social Work, an Advanced Diploma in Child Protection and a Diploma in Management. I have been a practising social worker since 1982.

In January 2013 I took up the role of CEO of the National Board for Safeguarding Children in the Catholic Church in Ireland (hereafter the National Board) , having previously worked for 4 years as the Director of Safeguarding in the same organisation.

I have read the Terms of Reference for the Royal Commission into Institutional Responses to Child Sexual Abuse, dated 13 November 2014; and I have also read a copy of the Expert Witness Code of Conduct, set out in Schedule 7 of the Uniform Civil Procedure Rules 2005 (NSW). I agree to be bound by the Code of Conduct in presenting my evidence and opinion on this matter.

In preparing this report, I have relied upon information that is in the public domain in Ireland relating to State Inquiries into child safeguarding practice in the Catholic Church in Ireland; to National Board Reviews of Safeguarding practice; and on my own experience as a social worker, manager and CEO of the National Board.

### Background

Ireland is made up of two legal jurisdictions, Northern Ireland and the Republic of Ireland. The Catholic Church's ministry spans both jurisdictions, with Dioceses and Religious Orders crossing the countries' Border.

The history of the treatment of children within the Catholic Church in Ireland makes for sad reading. Both statutory and Church inquiries into Institutional Abuse and the abuse by clergy and religious of children participating in the life of the Church have exposed failures to recognise and respect the value and dignity of children, who were often treated as usable objects, without feelings, rights or needs. The care of children by some religious institutions was often brutal, leaving these children very damaged and struggling to cope with the trauma and life-long legacy of the physical, sexual and emotional abuse they suffered.

In addition to the abuse perpetrated by priests and religious, Church leaders failed children by their inadequate and negligent response once allegations of abuse were made known to them. The statutory reports of *The Commission to Inquire into Child Abuse*, *The Commission of Investigation into Catholic Archdiocese of Dublin*, and *The Commission of Investigation into Catholic Diocese of Cloyne*, as well as the National Board's reports of reviews of child



safeguarding in dioceses and religious bodies, and then most recently, the *Historical Institutional Abuse Inquiry in Northern Ireland*, have all detailed the appalling stories of the abuse of vulnerable children, and the wholly inadequate responses of both Church and State.

To strike a more positive note, these reports have enabled these victim's stories to be heard and acknowledged for the first time; and they have acted as an impetus for Church bodies to put in place a range of measures –

- to ensure the current safety of children in the Church,
- to respond to allegations,
- to address the needs of complainants, and
- to manage and monitor the behaviour of respondents who have been accused of abusing children through the development of safety plans.

A great deal of work has been done over the last 20 years, but there is absolutely no room for complacency.

This paper sets out the role of the National Board in ensuring that the Child Safeguarding Standards of the Catholic Church in Ireland are complied with by all Church bodies – diocesan and religious

### **The National Board for Safeguarding Children in the Catholic Church in Ireland**

The three main groupings in the Catholic Church in Ireland, the Irish Catholics Bishops' Conference, the Conference of Religious of Ireland (CORI) and the Irish Missionary Union (IMU) decided to come together to establish a new entity to deal effectively with the problem of the abuse of children within the Church and its institutions. They set up a company in 2008 called *Coimirce*, the Gaelic word for *protection*. We generally refer to the three founding groups as the 'Sponsoring Bodies', and to Coimirce as 'the Company'.

Coimirce is a company limited by guarantee, not having a share capital. Its legal 'members' in company law are the four Archbishops, the Episcopal Secretary of the Irish Catholics Bishops' Conference, the Director General of CORI, a nominee of the executive of CORI, the Executive Secretary of IMU, and a nominee of the Executive Board of the IMU.

The first Directors of the Company were appointed by the Members. The Directors of the Company automatically comprise the membership of the National Board for Safeguarding Children in the Catholic Church in Ireland (The Board).



The main objects of the company are:

- To provide advice, services and assistance in the furtherance of the development of the safeguarding of children within the Roman Catholic Church on the island of Ireland;
- To monitor compliance with legislation, policy and best practice; and
- To report on these activities annually

All of these are comprehensively set out in the Memorandum and Articles of Association of the Company.

The National Board for Safeguarding Children in the Catholic Church in Ireland is funded by the three Sponsoring Bodies, insofar as the income generated by the Board's activities is insufficient to fund operational costs. The Sponsoring Bodies are:

- The Irish Catholic Bishops' Conference
- Conference of Religious of Ireland (CORI)
- Irish Missionary Union (IMU)

The National Board for Safeguarding Children in the Catholic Church in Ireland incorporating the National Office for Safeguarding Children (collectively NBSCCCI) was established in **2006** to provide best practice advice and to monitor the safeguarding of children in the Catholic Church in Ireland.

The NBSCCCI has three functions:

1. To provide advice and support on all aspects of child safeguarding case management within the Catholic Church in Ireland
2. To develop policy, procedures and practice on all aspects of child safeguarding within the Catholic Church in Ireland
3. To monitor the child safeguarding practice of constituent members within the Catholic Church in Ireland (the *constituent members* are the Church bodies that comprise the Sponsoring Bodies)

The Church has had child sexual abuse guidelines in place since 1996; however, it was not until the establishment of the National Board that Safeguarding Standards were put in place. The National Board commissioned the assistance of the National Society for the



Prevention of Cruelty to Children (NSPCC) in Northern Ireland and relevant church personnel to deliver the initial standards. These were *Safeguarding Children - Standards and Guidance Document for the Catholic Church in Ireland* (2009).

Apart from developing an initial standard response to child sexual abuse, the 1996 framework document, had other areas of influence, in so far as it described the sort of safeguarding architecture, structures and roles that should be developed; and much of what we have in place today follows from it.

The current child safeguarding structure provides great clarity, not just in relation to process matters such as reporting allegations and creating safe environments, but also it identifies responsibilities. While clearly the Church Authority (Bishop or Major Superior) has overall responsibility for child safeguarding and reporting allegations of abuse, there is now in place a body of expertise in the role holders to support him/her in decision making. Each Church body has a designated liaison person (DLP), usually a lay person, who is entirely responsible for case management. This role involves reporting allegations, putting in place safety plans for those accused of abuse, monitoring their behaviour and ensuring that following criminal and civil authority action that penal processes are initiated.

Support people are offered to complainants to advocate for their needs for counselling and support and to provide a communication channel to the Church Authority. Similarly Advisors are offered to respondents (those accused of abuse). Each Church Authority has access to an advisory panel to offer advice on all aspects of case management, but more recently many Church bodies have now disbanded these panels in favour of the [National Case Management Committee](#). – a dedicated committee of the National Board.

The purpose of this case management structure is to ensure that quality advice and support is provided to the Church Authority, the complainant and respondent and to ensure that all activities are conducted in a transparent and accountable way.

All aspects of Child Safeguarding – creating safe environments, training, communication and monitoring practice are equally supported by specifically identified personnel and committees, constituted for their expertise in civil and canon law, pastoral ministry and in caring for children.

In 2016, in the light of experience and following an extensive period of consultation - with a wide-range of stakeholders, most notably survivors of abuse, children, statutory service providers and all role holders in the Catholic Church safeguarding structure - the Standards were revised, updated and replaced with [Safeguarding Children - Policy and Standards for the Catholic Church in Ireland](#) (2016).



To support the implementation of the Standards, the National Board has developed **extensive comprehensive web-based Guidance** which is updated regularly to ensure the guidance reflects best practice.

Prior to *Safeguarding Children - Policy and Standards for the Catholic Church in Ireland (2016)*, there remained an opportunity for Church bodies to develop individualised and local policy and procedures. Given the size of Ireland, the existence of two separate jurisdictions on the island, the movement of Church personnel, and the need for greater consistency, the National Board decided to promote a one-Church approach, encouraging all Church Authorities to commit to one policy and standards.

A Church Authority adopts *Safeguarding Children - Policy and Standards for the Catholic Church in Ireland (2016)* by signing a Memorandum of Understanding (MOU) - with the National Board, which commits them and their Church body to implement and comply with the Child Safeguarding Standards.

The seven Standards comprised in the revised *Safeguarding Children - Policy and Standards for the Catholic Church in Ireland (2016)* relate to all aspects of safeguarding children, including the creation of a safe Church environment for children, reporting allegations, and responding compassionately and effectively to complainants and to respondents. The Standards are underpinned by Indicators which, when adhered to, ensure the standard is met.

It is useful to examine in more detail the three separate but related roles of the National Board:

- **To provide Advice and Support on all aspects of child safeguarding case management within the Catholic Church in Ireland**

Advice on all aspects of child safeguarding is provided by officers of the National Board as well as by the Board's National Case Management Committee (NCMC). There are two professionally qualified social workers who offer case management advice; and a Director of Training and Support who offers advice and support on creating and maintaining safe environments, and training in good child safeguarding practice. This small team in the National Office is supported by two excellent administrators and a volunteer family therapist who also provide invaluable advice and support to constituent members. All team members have worked hard to build trust with constituent members through demonstrating their expertise in all matters relating to child safeguarding (for more information on the staff of the NBSCCCI follow this link <http://www.safeguarding.ie/index.php/about>).



As CEO, I offer advice and support on both case management and creating safe environments. Advice can be offered at the time I receive a notification of an allegation from a diocese or religious order; and this advice often relates to the correct steps for referral to the statutory authorities, as well as to the appropriate canonical processes to follow.

The National Case Management Committee is chaired by a retired High Court Judge and consists of three social workers, a probation officer, a civil lawyer, a canon lawyer, a person who supports complainants and a psychotherapist.

The Committee offers advice to Church Authorities who apply to join the service and to specific personnel in their Church body; currently 56 Church Authorities are members.

The remaining Church Authorities have either established independent Advisory Panels, or have not had to deal with any allegations of abuse. The NCMC has proven to be very successful in freeing up cases that have not moved on satisfactorily since the initial notification of allegations was received.

The policy in Ireland is that all allegations **must** be reported to the statutory authorities – the Police and the Child Protection Services. Thereafter, Church canonical action must be deferred pending the outcome of any criminal investigation. A Church Authority however can and must make a decision about removing a priest or religious from ministry, as long as this decision and consequent action does not interfere with any criminal investigation; so statutory agencies are consulted before removing a priest or religious from ministry.

- **To develop policy, procedures and practice on all aspects of child safeguarding within the Catholic Church in Ireland**

The current *Safeguarding Children - Policy and Standards for the Catholic Church in Ireland (2016)* were iterated in March of 2016, and training is being rolled out by the National Office to support its speedy implementation. The aim of the Policy and Standards is to ensure consistency in Catholic Church child safeguarding practice across the island of Ireland. Ireland has two jurisdictions with two different sets of legislation and practice guidance. So, for example, Northern Ireland has Mandatory Reporting of child abuse allegations to the statutory authorities, while in the Republic of Ireland, while legislation to compel Mandatory Reporting has been introduced, its implementation has been deferred. That said, the Catholic Church in Ireland does require Mandatory Reporting, and Church



Authorities are expected to confirm to me as CEO that all allegations have been referred to the Police and Child Protection Services.

As I have stated, to support implementation of the Standards, the National Board has produced very comprehensive Guidance. <http://www.safeguarding.ie/guidance> This Guidance is not mandatory, but most Church Authorities have agreed to follow it. What is important is that the Church Authority can demonstrate that the practice in relation to each of the seven Standards has been met, whether National Board Guidance or locally generated guidance has been followed. (See monitoring section below).

The National Board provides very comprehensive Training Programmes to each child safeguarding role holder, and to other personnel - staff and volunteers - across the Catholic Church in line with a [National Training Strategy](#). As part of this strategy, we have developed a network of Trainers and Tutors who undertake a comprehensive Train-the-Trainers Programme. They are independently assessed and, if they have attained a suitable standard, are then registered for a three-year period: so common and basic Child Safeguarding Training is provided by these National Trainers, while targeted and more specialised programmes are delivered by National Board staff, sometimes supported by experts in the field.

More recently the National Board has developed training for priests and religious in formation. We view this development as a critical component in preventing those who would seek to harm children entering the priesthood and religious life, as well as an imperative in forming priests and religious in their understanding of and commitment to children's right, including children's rights to be safe and to be involved in ministry which keeps them safe.

- **To monitor child safeguarding practice of constituent members within the Catholic Church in Ireland**

When constituent members sign a MOU with the National Board they commit to following the seven Standards contained in [Safeguarding Children - Policy and Standards for the Catholic Church in Ireland \(2016\)](#). The final standard, Standard 7, relates to quality assurance and monitoring of child safeguarding practice. This is achieved through a combination of internal self-audits and external independent audits.

In 2010 the National Board began a process of reviewing child safeguarding practice across all 175 Church bodies in Ireland. Reviewers were recruited and trained; these eight people were professional practitioners who understood child protection policy and practice. They



undertook fieldwork to examine practice in each diocese or religious congregation by scrutinising all case records, and by interviewing child safeguarding personnel, including every Church Authority, both paid staff and volunteers. They also read all written records on policy development, training, communicating the safeguarding message, police clearance and the minutes of Advisory Panels and Safeguarding Committees. All data collected was then assessed against the Standards to establish the degree of compliance that had been achieved. All of these Reviews were conducted using the 2009 Standards as their template.

A written report was prepared for each Church Authority who committed to making their report public. Terms of reference for National Board Reviews have already been forward to the Royal Commission. All Church Authorities whose diocese or congregation had ministry with children committed to being audited by the National Board; and all Review Reports have now been made public -with the exception of four which will be released in early 2017. They can be accessed via <http://www.safeguarding.ie/publications>.

A revised Review Methodology is currently being developed, which will more accurately fit with the 2016 Standards. It will also take into account the extent of ministry with children, if any, that Church Authorities now have, as it is recognised that priests and religious in Ireland are increasing in age and decreasing in numbers, and that most no longer manage children's services and institutions. The new methodology will continue to be suited to examine the management of allegations by any Church Authority that has to do so, as well as the creation and maintenance of safe environments by all.

There is an expectation that Church Bodies who still have ministry with children and are managing allegations will continue to be reviewed by the National Board; and the revised Review Methodology that is being drafted will become operational in 2018.

The Reviews undertaken by the National Board have ensured for the first time both transparency and accountability across all Church bodies in Ireland. Many examples of poor practice were uncovered and corrective action has been put in place. Church Authorities have spoken to us about their anxiety and stress at being reviewed and at making their review reports public. However, they have also talked of the benefits to their practice that followed being reviewed by the National Board.

Reviewers engaged by the National Board need to retain a level of independence and so are not employed to provide general advice and support to Church Authorities. This is important to avoid any conflict of interest that could arise from someone being asked to review the application of their own advice.

As a quality assurance mechanism of the National Board all Review Reports are legally proofed by the Board's solicitor; and they are also scrutinised by a Reference Group made



up of three social workers expert in child protection, one from each jurisdiction, and one a Professor of Social Work from Trinity College Dublin.

When all Reviews of dioceses had been completed, the National Board commissioned an independent researcher to “review the reviews”, so that the National Board could learn from any mistakes that would be highlighted and apply this learning to improve future review methodologies.

The review by the independent researcher has had the added benefit of recommending potentially beneficial revisions of the Standards, with recommendations fed into that consultation process already mentioned above.

In addition to the formal Reviews by the National Board, there are other monitoring processes in place. In particular there is a requirement, as set out in *Safeguarding Children - Policy and Standards for the Catholic Church in Ireland (2016)* that Church Authorities will share with the National Board information on all allegations received. They are expected to confirm that the allegation has been reported to the statutory authorities and inform the National Board of child safeguarding action taken, e.g. leave from ministry; support provided to the complainant; support and monitoring of the respondent etc.

## Strengths

The strength of having a National Board which sets standards and monitors practice is due in no small part to the National Board having independence. Accountability rests with Board Directors, who are not members of the Catholic Church Hierarchy. A small number of Directors are members of clergy or religious orders, but the National Board is chaired by a lay-person and the majority of members are lay-people who work in the legal profession, social work, psychiatry, and health care. The National Office staff, who are the professional officers of the National Board, are all lay people. The National Board has a budget and is responsible annually for setting its objectives and for reporting publicly on its work. The Annual Reports of the National Board can be accessed at <http://www.safeguarding.ie/publications> . With independence also comes an ability to speak and act responsibly without interference from or reference to the Church hierarchy.

Credibility in the work of the National Board has built up based on staff members’ expertise and the quality of their practice while promoting excellence of child safeguarding practice, and providing clear guidance, accessible and tailored Training Programmes, and support for all those who hold assigned roles in the Church’s child safeguarding structure.



The National Board is recognised as a professional body with integrity and a track record of hard work; and it is largely credited with moving the child safeguarding agenda forward in the Catholic Church in Ireland, by the Church itself, and by State bodies, the lay faithful and interestingly, by some of the media. At the National Board's direction, the development of a standardised approach to policy and practice has brought clarity and accountability to the complexities of ensuring the best standards of child safeguarding in the Catholic Church in Ireland.

In particular the quality assurance approach of independent audits introduced by the National Board in 2009 has ensured that poor practice has been addressed; and that the Church's own policy framework sets out standards which are in line with legislation and statutory guidance.

### **Weaknesses/Challenges**

The National Board is funded by three Church Sponsoring Bodies – The Irish Catholic Bishops, CORI and the IMU (recently amalgamated into the Association of Missionary and Religious Institutes, AMRI). Members of these Sponsoring Bodies make up the Company Coimirce. This legal foundation and structure can give the impression that the National Board's accountability is to the Sponsoring Bodies. There is a need for such accountability, but the neutrality and the independence of the National Board has to be and is carefully guarded.

In addition the National Board has no statutory powers vested in it, and therefore all aspects of our work are based on achieving consent and on negotiating agreements. This can be difficult, as the National Board has to conform to very rigorous data protection legislation - which exists in both jurisdictions - when accessing information from Church Authorities.

### **Conclusion**

The safety of children should have been the focus for Church Leaders in Ireland when allegations of abuse emerged over the past seventy or more years; sadly that was not the case. Lessons can be learned and I believe that they have been in Ireland. Developments in child safeguarding practice have required commitment from leadership and a cultural shift across the Catholic Church. In particular the following initiatives have assisted in bringing about change:

- A centralised national board of experts who can offer advice and guidance on all aspects of child safeguarding
- A common Church Policy and expected standards of practice
- Quality Assurance processes, including self-audits and external independent reviews.



It is important, in conclusion to state that there is no room for complacency and that all within the Church must remain ever vigilant to the possibility that a child may be harmed, and ready to take decisive action to safeguard children.