



**Review of Child Safeguarding Practice
In the religious congregation of**

The Marist Brothers

Undertaken by

**The National Board for Safeguarding Children in the
Catholic Church in Ireland (NBSCCCI)**

January 2016

Review of Child Safeguarding Practice - The Marist Brothers

CONTENTS

| | |
|---|----------------|
| Background | <i>Page 3</i> |
| Standard 1 <i>A written policy on keeping children safe</i> | <i>Page 7</i> |
| Standard 2 <i>Management of allegations</i> | <i>Page 10</i> |
| Standard 3 <i>Preventing Harm to Children</i> | <i>Page 15</i> |
| Standard 4 <i>Training and Education</i> | <i>Page 18</i> |
| Standard 5 <i>Communicating the Church's Safeguarding Message</i> | <i>Page 19</i> |
| Standard 6 <i>Access to Advice and Support</i> | <i>Page 21</i> |
| Standard 7 <i>Implementing and Monitoring Standards</i> | <i>Page 23</i> |
| Recommendations | <i>Page 25</i> |
| Terms of Reference | <i>Page 26</i> |

Review of Child Safeguarding Practice - The Marist Brothers

Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of child safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review is to confirm that current child safeguarding practice complies with the standards set down within the guidance issued by the Sponsoring Bodies in February 2009, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and that all known allegations and concerns had been appropriately dealt with. To achieve this task, child 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 religious congregation.

This report contains the findings of the *Review of Child Safeguarding Practice in the religious congregation of the Marist Brothers* 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 to the reviewer by the Marist Brothers, along with interviews with selected key personnel who contribute to child safeguarding within the congregation of Marist Brothers. The NBSCCCI believe that all relevant documentation for these cases was passed to the reviewer and the Provincial Leader has confirmed this.

The findings of the review have been shared with a reference group before being submitted to The Provincial Leader, along with any recommendations arising from the findings.

Review of Child Safeguarding Practice - The Marist Brothers

Introduction

The Congregation of Marist Brothers is an international community of Catholic Religious Institute of Brothers. It was founded in 1817 by a French priest named Marcellin Champagnat, with the ethos of educating young people, especially those most neglected. St. Marcellin Champagnat decided to start an institute of consecrated brothers in the Marist tradition, building schools for the underprivileged where they might learn to become “Good Christians and Good people”. He was inspired in this decision when as a Parish Priest he was called to administer the last rites to a dying boy and was concerned that the boy appeared to have no gauge of Christianity or prayer. From this time, Champagnat decided to start training brothers to meet the faith needs of the young people of France.

In 1817 the first Marist community was established in La Valla. Champagnat initially chose to call his brothers Little Brothers of Mary. In 1863 the Institute of Marist Brothers received the approbation of the Holy See, with the order taking the title of the Marist Brothers of the Schools (FMS). They received a particular mandate to follow the Marist Fathers to the Pacific and administer to the new colonies of the Pacific nations and Australia.

Today, the Marist Brothers are involved in educational work throughout the world and now conduct primary and secondary schools, academies, social projects and retreat houses in 79 countries on five continents. There are approximately 3,500 brothers, sharing their mission and spirituality with more than 40,000 lay Marists and together educating close to 500,000 children and young people. The Marists have a fundamental core value of hospitality and and promote Marial values that are part of their way of being as a Congregation.

The international Marist brotherhood is led by a Superior General, currently Br. Emili Turu F.M.S. Together with the Vicar General and a General Council; it is his job to guide the growth and administration of the various ministries of the brothers across the globe, from the General House in Rome. The Marist Brothers are divided into two main administrative units, either "provinces" or "districts", depending on size. Provinces are led by a Provincial, whose job it is to oversee and make deliberations on behalf of the Superior General for the Province he leads. There are presently 26 provinces and 5 districts. Depending on the extent of ministries within a certain country, there may be multiple provinces within the one country. For example, Brazil has three provinces and two districts.

There are currently fourteen members of the order of the Marist Brothers in Ireland based in three communities: Ballsbridge, Clondalkin and Athlone. The brothers are mostly involved in three schools – two in Dublin: Moyle Park (www.moyleparkcollege.ie) and Marian College (www.mariancollege.ie), and one in Athlone: Marist College (www.maristathlone.net).

The majority of the brothers in Ireland are retired with only three remaining in active ministry. One brother is employed on a full time basis in the secondary school in Moyle Park, Clondalkin; one brother is employed as a part time guidance counsellor in the same

Review of Child Safeguarding Practice - The Marist Brothers

school; another brother maintains a voluntary chaplaincy role in the Marian College in Ballsbridge. The brothers are trustees of the schools and they fulfill their role of patron under the terms of the 1988 Education Act.

The review of the child safeguarding practice of the Marist Brothers in Ireland took place over a two day period on the 2nd and 3rd of December 2015. Further follow up work by email and telephone was conducted at the report writing stage of the review process. The reviewer met with the Provincial Leader, the designated liaison person (DLP) for Ireland and the former Provincial Leader / DLP for Ireland. The reviewer had access to all files pertaining to allegations against brothers and all safeguarding documents. The following report is based on the process as outlined above.

Review of Child Safeguarding Practice - The Marist Brothers

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 Congregation of Marist Brothers. 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.

Review of Child Safeguarding Practice - The Marist Brothers

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.

Compliance with Standard 1 is only fully achieved when the Congregation of Marist Brothers meets the requirements of all nine criteria against which the standard is measured.

Criteria

| Number | Criterion | Met fully or Met partially or Not met |
|---------------|--|--|
| 1.1 | The Church organisation has a child protection policy that is written in a clear and easily understandable way. | Fully met |
| 1.2 | The policy is approved and signed by the relevant leadership body of the Church organisation (e.g. the Bishop of the diocese or provincial of a religious congregation). | Fully met |
| 1.3 | The policy states that all Church personnel are required to comply with it. | Fully met |
| 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. | Fully met |
| 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. | Fully met |
| 1.6 | The policy states how those individuals who pose a risk to children are managed. | Partially met |
| 1.7 | The policy clearly describes the Church's understanding and definitions of abuse. | Fully met |
| 1.8 | The policy states that all current child protection concerns must be fully reported to the civil authorities without delay. | Fully met |
| 1.9 | The policy should be created at diocese or congregational level. If a separate policy document at parish or other level is necessary this should be consistent with the diocesan or congregational policy and approved by the relevant diocesan or congregational authority before distribution. | Fully met |

The Marist Brothers in Ireland have a child safeguarding policy titled *Keeping Children Safe-Setting Standards for Child Protection: Policy Document for the Marist Brother in Ireland*, dated July 2015 and signed by Provincial Leader Brendan Geary. It is a forty-two page A4 formatted

Review of Child Safeguarding Practice - The Marist Brothers

document structured with nine standards and twelve appendices. It is clear, easy to read and practical. Criterion 1.1 and 1.2 are considered fully met.

The Congregation initially drafted a policy in the early 2000s but this did not develop further. In 2010 the completion of a child safeguarding policy was cited by the Provincial Leader as a priority and this was achieved in 2013. The revised 2015 policy is closely aligned to a publication of the same title produced by a number of agencies across the UK and Switzerland in 2006. The Marist Brothers' policy also recognises the child safeguarding policy document of the Edmund Rice Christian Brothers and the seven standards of the NBSCCCI as outlined in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*.

The policy document for the Marist Brothers in Ireland contains a statement on its Guiding Principles:

Our Safeguarding policy reflects the Gospel values of freedom, justice and respect for all children and young people. It promotes our underlying belief that the rights of all children must be promoted and protected, that all children are to be treated equally with love and respect and that their dignity as a person is never diminished. Children are among the most vulnerable in society and can be easy targets of victimisation, exploitation and abuse. Their safety and protection, along with the safety of all persons in situations of vulnerability, will always be the priority while under our care.

It then outlines three principles that underpin the standards:

1. No standards can offer complete protection for children, but following these standards minimises the risk to children of abuse and exploitation.
2. By implementing these standards, all representatives of the Marist Brothers will be clear about how they are expected to behave with children and what to do if there are concerns about the safety of a child.
3. By implementing these standards the Marist Brothers make clear their commitment to keeping children safe. The standards will help them to move towards best practice in this area and deter potential abusers from being employed by or involved with the Marist Brothers.

The Marist Brothers are committed to adopting the revised national one Church policy: "*Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* when it becomes available in 2016, and will produce a Marist Brothers procedures document to compliment it.

Appendix Two of the Marist Brothers policy provides clear definitions of child abuse and Appendix 7 provides detailed guidance on the standards of conduct for ministry with minors, including direction with regards to transportation. Appendix 8 outlines the Province DLP's responsibilities in relation to recording and reporting suspicions of abuse and follow up procedures. Criterion 1.5, 1.7 and 1.8 are fully met.

Review of Child Safeguarding Practice - The Marist Brothers

Criterion 1.6 is partially met. The policy does reference action to be taken when an allegation is made against a brother, staff member or volunteer such as reassignment of duties or increased supervision. Earlier in the policy document it is written that the Provincial “arranges support for a Brother, employee, aspirant or volunteer accused of abuse”. However, there is no procedural description on the monitoring, management and support of an individual who may pose a risk to children. The reviewer is aware from discussion with the DLP and former DLP that there is substantial experience and good practice in this area that should be reflected in the policy document. Given the plans of the Congregation to adopt the revised Safeguarding *Children: Standards and Guidance Document for the Catholic Church in Ireland* early in 2016, there is no necessity to make a recommendation in relation to this criterion as it will be covered in the revised policy.

Although it falls outside of the remit of this review, the reviewer acknowledges that Standard 9 of the Marist Brothers safeguarding policy relates to the Protection of Adults in Situations of Vulnerability, and highlights the Institute’s commitment to progressive practice.

Review of Child Safeguarding Practice - The Marist Brothers

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 the Marist Brothers meet the requirements of all seven criteria against which the standard is measured.

| Number | Criterion | Met fully or Met partially or Not met |
|---------------|---|--|
| 2.1 | 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). | Fully met |
| 2.2 | The child protection procedures are consistent with legislation on child welfare civil guidance for child protection and written in a clear, easily understandable way. | Fully met |
| 2.3 | There is a designated officer or officer(s) with a clearly defined role and responsibilities for safeguarding children at diocesan or congregational level. | Fully met |
| 2.4 | 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. | Partially met |
| 2.5 | 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. | Fully met |
| 2.6 | 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. | Fully met |
| 2.7 | 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. | Fully met |

The reviewer is satisfied that the policy document for the Marist Brothers in Ireland meets all of the criteria in Standard 2, with the exception of 2.4. The document provides

Review of Child Safeguarding Practice - The Marist Brothers

thorough guidance on managing allegations, which is consistent with current legislation and guidelines.

The reviewer met with the former and current safeguarding delegates who demonstrated a clear understanding and competency in their roles. The role of the safeguarding delegate is outlined on Pages 7 and 8 of the policy document for the Marist Brothers in Ireland and is consistent with the expectations of *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. Each of the countries in the Province has designated an individual brother responsible for safeguarding in their country. A child safeguarding meeting is held on a yearly basis and attended by the safeguarding delegate of each of the five countries. Given the profile of the Marist Brothers in Ireland, the Provincial Leader has outlined future plans to move towards the employment of a lay person as a Child Safeguarding Manager who would function for a number of small congregations.

In relation to Standard 2.4, the files are structured around allegations that generate from particular schools. The absence of a consistent structure and the lack of clear narrative accounts often made the assessment of current situations difficult. It is important that the file reflects the high level of work that has been accomplished. The reviewer had access to an accompanying file that details every allegation within a recording structure that has been devised by the Marist Brothers. This is a four page historical review form which includes all key pieces of information. This is an excellent and progressive tool and the reviewer suggests that a copy of each is kept in the corresponding case file. The files could be significantly improved by following the NBSCCCI's template for recording, having detailed narrative accounts of all actions taken, having separate third party sections for Complainants' information and support offered, and by having the author clearly identified through the placing of names at the end of each page and having the records signed.

Recommendation 1

The Provincial should ensure that all records relating to case management are consolidated into the appropriate case file and that in future all records are assembled according to the NBSCCCI template with authorisation clear on all records.

Review of Child Safeguarding Practice - The Marist Brothers

Table 1

Incidence of safeguarding allegations received within the Religious Congregation against priests and brothers, from 1st January 1975 up to time of Review

| Name of Congregation - Marist Brothers | | |
|---|--|----|
| 1 | Number of Congregational brothers against whom allegations have been made since the 1 st January 1975 up to the date of the review. | 15 |
| 2 | Total number of allegations received by the Congregation since 1 st January, 1975. | 39 |
| 3 | Number of allegations reported to An Garda Síochána/PSNI involving brothers since 1 st January 1975. | 39 |
| 4 | Number of allegations reported to the TUSLA/HSE/HSC (or the Health Boards which preceded the setting up of the HSE,) involving brothers of the Congregation since 1 st January 1975. | 39 |
| 5 | Number of brothers (still members of the Congregation) against whom an allegation was made and who were living at the date of the review. | 1 |
| 6 | Number of brothers against whom an allegation was made and who are deceased. | 8 |
| 7 | Number of brothers against whom an allegation has been made and who are in ministry. | 0 |
| 8 | Number of brothers against whom an allegation was made and who are 'Out of Ministry', but are still members of the Congregation | 1 |
| 9 | Number of brothers against whom an allegation was made and who are retired | 1 |
| 10 | Number of brothers against whom an allegation was made and who have left the Congregation | 6 |
| 11 | Number of brothers (including former brothers) of the Congregation who have been convicted of having committed an offence or offences against a child or young person since the 1 st January 1975 | 3 |

Review of Child Safeguarding Practice - The Marist Brothers

There have been fifteen Marist Brothers against whom there have been thirty nine safeguarding concerns or allegations. Of these fifteen, eight Brothers are deceased and six have left the Congregation. Three former brothers have a total of twenty seven allegations against them, and all three served prison sentences.

A Marist Brother was the first religious to be convicted of child sexual abuse in Ireland. The Marist Brothers had to address the issue of reporting allegations, working with the statutory authorities and offering a pastoral response, very early on and have learned to deal appropriately with allegations as a consequence.

All of the cases brought to the attention of The Marist Brothers were examined by the reviewer and relate to allegations of sexual abuse. There is a single allegation in relation to physical abuse and this file was also made available for review.

The most recent allegation was received from An Garda Siochana in the late 2000s and there was initial confusion in relation to the identity of the Brother and it has since been concluded that the named Brother did not teach the complainant. After a thorough investigation involving an interview with the brother against whom the allegation was made, the Gardai concluded that there were no grounds upon which to pursue further inquiries. The Marist Brothers have appropriately communicated with the civil authorities in all matters relating to this case. The reviewer is satisfied with the management of this case.

Former Brothers.

Former Brother B

There are seven allegations against Brother B dating to children in a primary school in the 1970s. There are a further five allegations against Brother B in relation to a separate school that date to the late 1970s and early 1980s. Brother B left the Institute in the 1980s prior to any of the allegations against him being known to the Marist Brothers. In this sense, the files relate mostly to information from compensation claims. Former Brother B was subject of a Garda investigation and served a prison sentence.

Former Brother C (deceased).

There are two allegations against former and deceased Brother C that relate to children in a school in the 1970s. In the early 1990s an initial allegation against Brother C while he was teaching in a school resulted in a further eight children being identified. The reviewer interviewed the former Provincial Leader who provided a detailed account of how the Marists managed this situation at the time. The Provincial Leader worked closely with the school and civil authorities and offered an immediate apology and pastoral response to the families and children. There is evidence on the file of a plan and commitment to managing Brother C and the seeking of appropriate professional support and assessment. Brother C was subject of a Garda investigation and served two prison sentences. After his first sentence he signed an indult of separation from the Institute and

Review of Child Safeguarding Practice - The Marist Brothers

left the Marist Brothers. Consequently, responsibility for his management transferred to the civil authorities.

Former Brother D (deceased).

There are four allegations against the former and deceased Brother D that relate to one school in the 1970s. This former brother was convicted and served a prison sentence. All concerns were appropriately notified to the civil authorities.

Former and Deceased Brothers with single allegations:

There are a further eight single allegations relating to former or deceased Brothers (one of whom is not named) who were working as teachers in National Schools in Ireland.

There is an allegation that relates to incidents that occurred within a complainant's home in the 1960s. There is clear evidence on this file of good management and pastoral support from the safeguarding delegate.

There are four allegations against deceased or former brothers from secondary schools. Two of these complainants are unnamed. All of these cases are known to the civil authorities and there is evidence on the file of pastoral support being offered to the complainants.

Overall Summary of management of allegations

Where there is an initial or direct contact with the complainant there is evidence on file of good management, pastoral support and resolution. All allegations have been reported to the statutory authorities with full co-operation from the Marist Brothers.

In the case files where there are initial contacts from solicitors or compensation claims are on-going there is little recorded evidence of connection with the complainant or of pastoral support. The Marists have expressed their concern about the challenges of offering pastoral support when they find themselves in litigation and have indicated an on-going concern for these complainants. In some cases, contact was made through solicitors to meet with the complainants after the award of compensation. This offer was accepted in one instance and the Marist Brothers were able to repeat their apology to the complainant. Unfortunately, there is no record of this meeting in the files and it would be important to document such offers and meetings in the future.

Review of Child Safeguarding Practice - The Marist Brothers

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 the Marist Brothers meet 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. | Fully met |
| 3.2 | The safe recruitment and vetting policy is in line with best practice guidance. | Fully met |
| 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. | Fully met |

Criteria – Codes of behaviour

| Number | Criterion | Met fully or Met partially or Not met |
|---------------|---|--|
| 3.4 | The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children. | Fully met |
| 3.5 | There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy). | Fully met |
| 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. | Fully met * |

Review of Child Safeguarding Practice - The Marist Brothers

| | | |
|------------|--|------------|
| 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. | Fully met |
| 3.8 | 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. | Fully met |
| 3.9 | Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch. | Fully met* |

Criteria – Operating safe activities for children

| Number | Criterion | Met fully or Met partially or Not met |
|---------------|--|--|
| 3.10 | There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home. | Fully met |
| 3.11 | When operating projects/ activities children are adequately supervised and protected at all times. | Fully met |
| 3.12 | 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. | Fully met* |

It is recognised that the range of activities relating to children and young people performed independently by the Congregation is very limited, and the criteria has limited application. On Page 8 of the policy document for the Marists in Ireland there is reference to the recruiting of staff and volunteers and how to assess their suitability to work with children. Forms outlined in Appendix 4, 5 and 6, Confidential Application form, Confidential Reference Form and Confidential Application Form are to be used by all Marist Brothers ministries in Ireland when engaging staff. As previously stated the Congregation are patrons of their secondary schools and colleges and are specifically responsible for the ethos of the institutions. The day to day running of the schools is governed by the Department of Education and Skills (DES) and in this regard the Marist Brothers adhere to the policy and procedures set by the DES which is in line with current legislation. All of the above criteria can be met through these policies and procedures which are implemented through the Boards of Management of Marist Colleges in Ireland who are required to follow the statutory and ecclesiastical requirements related to child safeguarding in schools.

Review of Child Safeguarding Practice - The Marist Brothers

While the policy document for the Marist Brothers in Ireland may involve members of the religious community, and indicates a need for action in those cases, it does not provide direction or procedure in “whistleblowing”. Again, the reviewer acknowledges the limited application of this criterion given the profile of the Marist Brothers in Ireland, and as the Congregation plans to adopt the revised standards for the Catholic Church in Ireland in early in 2016, there is no necessity to make a recommendation in relation to this deficit as it will be covered in the revised policy.

During the summer months the Marist Brothers facilitate a summer school on the Moyle Park school grounds for children from Marist schools around the world to come and learn English. The school is run by a lay teacher and the Marist Brother who is employed as a teacher. Child Safeguarding is discussed with the children as part of the introduction to the school.

The children range in age between thirteen and eighteen years of age and are housed with families in the local community. To date, the households have signed a declaration from outlining that there is no one present within their household that has been subject of a Garda conviction in relation to children. After consultation with the NBSCCCI the Marist Brothers are to introduce mandatory Garda vetting for these households from the summer of 2016.

Recommendation 2:

The Provincial must ensure that all persons providing accommodation to children and young people for the purpose of the Marist Summer School will be Garda Vetted before the summer of 2016.

Review of Child Safeguarding Practice - The Marist Brothers

Standard 4

Training and Education

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

Criteria

| Number | Criterion | Met fully or Met partially or Not met |
|--------|---|---------------------------------------|
| 4.1 | 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. | Fully met |
| 4.2 | Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge. | Fully met |
| 4.3 | 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. | Fully met |
| 4.4 | Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice. | Fully met |

The Marist Brothers have a comprehensive and early history of commitment to child safeguarding training. Following the allegations that became apparent in the 1990s the congregation received training and debriefing in relation to child protection matters which was sourced independently by the Congregation. A further meeting of the Brothers was held in November 2010 when the challenges in relation to child sexual abuse were discussed; and when the then delegate facilitated a forum where child safeguarding issues and his responsibilities were addressed. In 2012 a workshop for the Province child safeguarding delegates was held in Germany. In November 2015 the Marist Brothers held a gathering in Ireland where the morning schedule was dedicated to the issue of Child Safeguarding. The Brothers invited a survivor of clergy abuse to talk to them and they then discussed the Marist Brothers policy and procedures document and the pending review by the NBSCCCI.

The former and current safeguarding delegates have completed a number of training courses with the NBSCCCI. All Brothers in ministry have taken part in child safeguarding training within the school structure that was organised by the Department of Education and Skills, with each school producing an annual report outlining their responses to child protection issues.

The reviewer is satisfied that all criteria under standard 4 are fully met.

Review of Child Safeguarding Practice - The Marist Brothers

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

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

For Marist Brothers' ministries in Ireland the Safeguarding Delegate relies on the Board of Management for each school or ministry to ensure that staff and volunteers are aware of the structures, policies and procedures for child protection. The Boards of Management in their annual report to the Trustees and the Education Commission of the Marist Brothers in Ireland provide an audit of safeguarding matters that relate to the year that is subject of the report. Once again, consideration is given to the active independent application of this standard given the profile of the Marist Brothers in Ireland. This

Review of Child Safeguarding Practice - The Marist Brothers

standard is met through the application of the Department of Education and Skill's child safeguarding policy and procedures adopted in Marist schools.

The gathering of the Marist Brothers in Ireland in November 2015 provided an opportunity for the policy document for the Marist Brothers in Ireland to be discussed. As previously stated there are only three brothers who are active in ministry. This provided the Child Safeguarding delegate with an opportunity to address current issues and fulfil his responsibilities in safeguarding matters.

Review of Child Safeguarding Practice - The Marist Brothers

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

| Number | 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. | Fully met |
| 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. | Fully met |
| 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. | Fully met |
| 6.4 | Information is provided to those who have experienced abuse on how to seek support. | Fully met |
| 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. | Fully met |

Appendix 12 of the policy document for the Marist Brothers in Ireland describes the role of the support person and Page 15 outlines clear, practical advice on how to respond to children who are disclosing an incident of abuse. As previously stated in this report, within many of the case files there is coherent evidence of a pastoral response to complainants. However, a pastoral response is not as apparent in the allegations that are received straight from the complainant's solicitor and in the case files dealing with compensation claims, and the Marists Brothers have expressed their concern about the on-going care of these complainants.

The task of dealing with all allegations, acting as support persons to both complainants and respondents, and developing safeguarding policies and procedures has largely rested with two individual Brothers in Ireland. The duplication of roles within the Province has

Review of Child Safeguarding Practice - The Marist Brothers

been a necessary reality for the Congregation. In 2013 the Congregation employed an experienced child safeguarding consultant who visited every country in the Province and provided an assessment and report on the standards of safeguarding within the Province. The provincial Leader has described this as providing a “seriousness of purpose” and consolidating the Marists’ commitment to achieving best practice in the area of safeguarding.

All criteria in this standard are fully met.

.

Review of Child Safeguarding Practice - The Marist Brothers

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

| Number | Criterion | Met fully or Met partially or Not met |
|---------------|--|--|
| 7.1 | 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. | Not met * |
| 7.2 | The human or financial resources necessary for implementing the plan are made available. | Fully met |
| 7.3 | Arrangements are in place to monitor compliance with child protection policies and procedures. | Fully met |
| 7.4 | Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe. | Not met * |
| 7.5 | All incidents, allegations/ suspicions of abuse are recorded and stored securely. | Fully met |

The reviewer accepts that the criteria contained within Standard 7 holds little practical application to the independent profile and ministry of the Marist Brothers in Ireland. Again, most of these criteria are met through the Marists' role within the three secondary schools and their adherence to policy and procedures implemented by the Department of Education and Skills.

The Marist Brothers do not have a child safeguarding committee of their own in Ireland. Given their membership profile the Marist Brothers delegated responsibility to the Education Commission to take responsibility for child safeguarding in Ireland. This is reflected in the policy document for the Marist Brothers in Ireland. On Page 15 it details that an allegation made against a Brother will be brought to the Education Commission for the Marist Brothers in Ireland. On Page 16 it outlines that the Education Commission of the Marist Brothers in Ireland will monitor the implementation of policies and procedures. A self-audit tool is provided in Appendix 9 of the policy document for the Marist Brothers in Ireland, for use by the Education Commission to monitor implementation of the Child Safeguarding policy.

The reviewer is satisfied that the files detailing all incidents, allegations and suspicions of abuse are recorded and stored securely. Criterion 7.5 is fully met.

Review of Child Safeguarding Practice - The Marist Brothers

Overall Assessment and Conclusion:

The Marist Brothers in Ireland have a significant number of allegations given the size of the Congregation in Ireland. The allegations mostly relate to a number of primary schools within the three decades of the 1970s, 1980s and early 1990s. There no recent allegations.

Two Brothers have navigated most of the roles associated with managing these allegations and in developing child safeguarding policies and procedures in Ireland. This has been a mammoth task and there is evidence of good child safeguarding practice and commitment within the community. As stated in a number of the standards, the reviewer accepts that some criteria hold little independent and practical application to the current profile and ministry of the Marist Brothers in Ireland. Many criteria are met through the Board of Management of Marist Colleges in Ireland requirement to follow the statutory and ecclesiastical requirements related to safeguarding in schools.

Review of Child Safeguarding Practice - The Marist Brothers

Recommendations

Recommendation 1

The Provincial should ensure that all records relating to case management are consolidated into the appropriate case file and that in future all records are assembled according to the NBSCCCI template with authorisation clear on all records

Recommendation 2:

The Provincial must ensure that all persons providing accommodation to children and young people for the purpose of the Marist Summer School will be Garda Vetted before the summer of 2016.

Review of Child Safeguarding Practice - The Marist Brothers

Review of Safeguarding in the Catholic Church in Ireland

Terms of Reference

(Which should be read in conjunction with the accompanying Notes?)

1. To ascertain the full extent of all complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Diocese and examine/review and report on the nature of the response on the part of the Diocese.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Diocese and examine/review and report on the nature of the response on the part of the Diocese.
3. To ascertain all of the cases during the relevant period in which the Diocese:
 - knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
 - had strong and clear suspicion of child sexual abuse; or
 - had reasonable concern;

And examine/review and report on the nature of the response on the part of the Diocese.

4. To consider and report on the following matters:
 - Child safeguarding policies and guidance materials currently in use in the Diocese and an evaluation of their application;
 - Communication by the Diocese with the Civil Authorities;
 - Current risks and their management.

Review of Child Safeguarding Practice - The Marist Brothers

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 1990¹ 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.

¹ 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.

Review of Child Safeguarding Practice - The Marist Brothers

Note 2 Definition of Allegation:

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

Note 3 False Allegations:

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

Note 4

Random sample:

The random sample (if applicable) must be taken from complaints or allegations, knowledge, suspicions or concerns of child sexual abuse made against all deceased Catholic clergy/religious covering the entire of the relevant period being 1st January 1975 to 1st 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.