

## Appearance as a witness at the public hearing of Case Study 50

Ms Kathleen McCormack

### Answers to Issues raised by the Royal Commission

In this section, in my role as a member of the Pontifical Commission, I provide additional comments following from or updating factual information similar to that provided by Professor Sheila the Baroness Hollins.

#### **1. The establishment of the Pontifical Commission for the Protection of Minors (the Pontifical Commission), the scope of its responsibilities and capacities, membership and structure (including plenary assemblies, working groups and engagement with external experts and collaborators).**

I am one of the new members who was added to the Pontifical Commission for the Protection of Minors (PCPM) in the second round of appointments made in 2015.

I am Chair of the Education Working Group, one of the six working groups described by Professor Hollins. This group is focused on the necessity and best means of educating the laity of the church, including minors and vulnerable people, on the risks that exist and the means of them remaining safe from abuse. I say more about this prevention strategy below.

The PCPM is experiencing difficulties in reaching the 'performance' stage of its development as a result of infrequent meetings of the whole PCPM (twice a year), limited resources, and both structural and cultural barriers both in the Church and across nations.

There is still much to do and time to elapse before the PCPM will make a positive contribution to protecting minors and vulnerable people internationally.

#### **2. The relationship between the Pontifical Commission and the Congregation for the Doctrine of the Faith (CDF).**

Recently the Chair of the PCPM, Cardinal Sean O'Malley, has been appointed by the Pope to the CDF. This means there is now a direct link between the CDF and the PCPM. In addition, there was an opportunity at the last Plenary Session of the PCPM in September 2016 for consultation between PCPM and CDF members in the development of the final draft of the Guidelines (see further discussion below).

#### **3. The role of the Pontifical Commission as it relates to local Catholic Church authorities, such as the Catholic Church in Australia, in responding to child sexual abuse.**

As the Royal Commission is aware, the draft Guidelines are now available.

The policies of the Catholic Bishops in the US, Ireland and other countries on the protection of minors and vulnerable people will be taken into account in the work of the PCPM, as will

the policies of the Australian Bishops and Institute Leaders arising from this Royal Commission.

**4. Developments in the work of the Pontifical Commission, in particular on:**

**a. the legal aspects of the protection of children from child sexual abuse, including the disciplining of offenders and transparency around canonical trials;**

No additional comments.

**b. education efforts within local Catholic Church authorities, including the offering of education to new bishops;**

I have contributed to several of the educational events mentioned by Professor Hollins which have taken place in Australia and New Zealand.

**c. activities in relation to establishing leadership and best practice for Church and other authorities in the protection of minors, including the Pontifical Commission's template Guidelines for policies and procedures for the protection of minors and vulnerable adults from sexual abuse and for responding to abuse in the Church with integrity;**

I address the content of the Guidelines below.

**d. the proposal to create a Vatican tribunal to judge cases of bishops accused of failing to protect victims of child sexual abuse;**

Concerns have been raised in the media overseas that the Vatican is moving too slowly in calling the bishops and religious leaders who enabled the abuse during their watch to account. Professor Hollins has recently written a response to this criticism, a view with which I concur –

*“The abuse of children and vulnerable adults is a crime and one which is taking far too long for both civil and church authorities to address with rigour and understanding. The members of the pontifical commission for the protection of minors welcome constructive criticism and evidence to inform its advice to the pope, and are acutely aware of how long it could take to implement adequate protection measures and responses to suspicions of abuse to protect children throughout the world.*

*The advisory work of the commission is a start, but my colleague Peter Saunders (Letters, 21 January) and many others understandably comment that it is too slow and too late. The pope has instructed church leaders to have zero tolerance of abusers and of those who cover up crimes of abuse. For many years bishops have been advised to cooperate fully with civil authorities on matters of child abuse. That some still fail to do so is a matter of huge concern, which is why the pope in September established a panel of jurors to hear cases against bishops and religious superiors. Emiliano Fittipaldi has criticised this, saying the pope has always had the power to remove a bishop. What seems to be different is that there is now a process for collecting the evidence and putting a considered case to the pope so that he can make an informed decision about an errant bishop. Pope Francis will depend on*

*receiving competent advice and so until the panel of jurors is seen to deal publicly with bishops and religious superiors, it will not be taken seriously.*

*I am not naive enough to think that this alone will solve the problems that are embedded in the complex hierarchical structure of the global Catholic Church. Cultural change is difficult and leaders – mainly men – find it hard both to listen to survivors and to learn from other countries' errors, perhaps thinking it doesn't apply to them. How wrong they are".*

I have included further comments on the problem of the Church structure and culture elsewhere in this submission.

#### **e. policies for the safeguarding of minors in Catholic schools.**

As noted above, I chair the PCPM working group on Education of Children, Families, and Communities.

### **My Summary of Views**

#### **The theme for my contribution to the Royal Commission is - Child Safety, Complaint Handling and Risk Management**

##### **Australia**

The TJHC submission to this Hearing informs readers of the structure and culture of the church and the challenges these aspects pose to the development and implementation of a sound, uniform, effective approach to the issues of child safety, complaint handling and risk management. Those challenges in my view are –

- a. The pastoral approach to management often taken within the church - reflected in the soft-handed approach adopted by many bishops and church leaders in using their authority over uncooperative and errant clergy and religious.
- b. The autonomy bishops have in running their dioceses – reflected in the twin approaches that have been taken in the Australian Church in not providing guidelines for handling complaints; the lack of enforcement of any accountability by church leaders on individual bishops and religious leaders who were remiss in their response; and the same lack of accountability by many clergy where clericalism was alive and well and affected the attitude of individual priests and religious, and many laity, to the problem of sexual abuse by clergy and religious. These structural and cultural aspects are still present in the Church, and take the form of resistance to the reform efforts being made.
- c. Clericalism, as discussed in Dr Roger Austin's paper, which affects the attitude of individual clergy to their place and role in the church where power dominates their calling to service of the people.
- d. Secrecy and Silence – a cultural practice that has been used to protect the clergy and religious offenders in the past from the consequences of their abuse, and in vain to protect the reputation of the Church. This culture is likely to present a barrier to the

education of the laity and minors, and to efforts to hold bishops to account in their handling of past and future abuse cases and their efforts to protect the laity and minors from abuse in the future.

It can therefore be expected that sound policies and practices adopted by the collective church leadership with good intentions may be thwarted in their implementation by particular individuals holding to the traditional structures and cultures of the church, and affected by clericalism.

Without structural and cultural change in the Church, responsibility for dealing with child sexual abuse will continue to lie with the bishops and religious leaders.

In my view, the best chance for a diocese in Australia to prevent future abuse will be the appointment of a bishop who understands the risk of abuse within the church, has been educated about historic abuse and the causes of it, puts the interest of the minors and vulnerable people first (before the interests of the institution and its adult members), prioritises the adoption and implementation of best practice child safety policies and practices, provides the resources necessary to screen and undertake the education of all adults employed or engaged as volunteers by the church, and the education of the laity of the church and all minors, about the problem of abuse and how to respond to it.

The system set up in Ireland and the US seem to be transparent and accountable in its methods of implementing the policies and practices necessary to protect minors (and, where relevant, vulnerable adults). The publication annually of reports is, in my view, an effective means of reducing the secrecy and silence that has been present around the abuse in the Church.

With the establishment of the company, Catholic Professional Standards Ltd, a diocese will have access to professional support to handle complaints of abuse, and will be supported by structures and resources. It is to be hoped that Dioceses will report on abuse cases and their strategies for prevention, both nationally and to the community at diocesan level. With this and the recommendations flowing from the Royal Commission, the Australian Church will be well placed to adopt and implement best practice.

### **International**

The PCPM has been established by Pope Francis to advise him on the best means of protecting minors and vulnerable people from abuse by clergy, religious and lay people in the church.

The PCPM is aware that the challenges to be faced in addressing the child sexual abuse problem in the Church internationally is far greater than tackling the problem in a single country.

As mentioned earlier, there are 6 current working groups in the PCPM addressing -

1. Guidelines
2. Healing and Care for victims, survivors and their families
3. Education of families and communities
4. Formation & Education of church leadership
5. Theology and Spirituality
6. Canonical and Civil Norms

The Guidelines prepared by the PCPM for adoption in the Church in 2017 cover the following points -

#### **The Policy Statement of the National Church -**

- ▶ A clear statement of the commitment of the Catholic Church to safeguard all children, young people and vulnerable adults
- ▶ The intention to establish safe caring communities where there is informed vigilance
- ▶ The provision of safe recruitment – good training – of all Church clergy, religious, workers and volunteers
- ▶ An effective response to complaints
- ▶ Ministry to those who have suffered abuse
- ▶ A fair and effective means of handling offenders
- ▶ A requirement of compliance with civil and canon law

#### **The need for International Adoption -**

- ▶ The Commission will strongly recommend that the ideal to be obtained is one set of guidelines to which all dioceses, religious orders and Catholic organisations adhere within a particular country, with variances taking into account the national culture and legal systems, particularly the role and requirements of governments.

#### **Leader Responsibility on Screening -**

- ▶ Reinforcement of the requirement that Bishops and Religious Superiors have “a specific responsibility for assuring a proper discernment of vocations” - Set out previously in the CDF Letter in 2011
- ▶ Requirement for the Identity verification, vetting for criminal record, screening, assessment, referees for all Church personnel, including
  - ▶ Full information sharing – transfers between countries, dioceses, orders, seminaries

- ▶ Thorough processes for those employed by the Church and volunteers – including identity verification, vetting, interview, assessment, references.

### **Formation and Training of new Clergy and Religious–**

- ▶ Commitment to healthy human and spiritual formation for clergy and religious.
- ▶ Training to include specific modules on sexual abuse – the damage to individuals & communities, signs of abuse, ministry to those who been abused, safe environments
- ▶ Emphasis on their own personal responsibility in protecting minors and vulnerable people in both civil and canon law

### **Training for all Employees and Volunteers who work with children, young people and adults at risk –**

- ▶ Ongoing formation for priests, religious and those employed in ministry.
- ▶ Understanding that “there is no place for creating training schemes without making absolutely sure that everyone participates in them. There is no place for the view that once in a lifetime is enough training.” (McLellan Commission).
- ▶ Standards of ministerial behaviour including appropriate boundaries in pastoral relationships – priests, religious, teachers, staff and volunteers. Due to the breadth of pastoral relationships and the ease with which they can overlap with other relationships, the need to set and maintain clear boundaries”.
- ▶ Codes of conduct which may properly require higher standards than state law in particular countries.
- ▶ Safe environment training programmes.

As noted above, I am Chair of the PCPM Education Working Group. This group is focused on the necessity for and best means of educating the laity of the church, including minors and vulnerable people, on the risks of abuse and the means of them remaining safe from such abuse.

The Guidelines propose that there will be education of the community in parishes and schools on a culture of safety and prevention of child sexual abuse.

This education of the laity and minors is well advanced in the US. From its 2015 audit, the Catholic Church in the United States has already -

- ▶ Trained 98% of their two million volunteers, employees, educators, clergy and candidates in parishes in how to create safe environments and prevent sexual abuse
- ▶ Prepared more than 4.3 million children to recognise abuse and protect themselves

(Source: USCCB Child & Youth Protection 2015 Annual Report)

### **Responding to Complaints –**

- ▶ Establishment of appropriate structures and resources nationally and in dioceses to respond to complaints
- ▶ Adoption of transparent, robust procedures – by suitably experienced and skilled lay people
- ▶ Appropriate support to the person reporting
- ▶ Appropriate support to the person accused
- ▶ Procedures for temporary withdrawal from ministry
- ▶ Procedures will follow ‘Motu Proprio Sacramentorum Sanctitatis Tutela’ (SST) in respect of clergy (deacons, priests, bishops)
- ▶ Outcomes for complainants
- ▶ Outcomes for accused (including referral to CDF in accordance with SST if clergy)

### **Ministry to Victims -**

- ▶ Attention will be given to the lessons from the 2014 Anglophone Conference, in particular “Hurt by Abuse” – Diocese of Hallam, England (presented at the conference), and “Towards Healing” providing support services to victims of institutional, clerical or religious abuse in Ireland.
- ▶ Recognition that a listening leadership is required and that value is placed on the insight of survivors

### **Monitoring the performance of Bishops and Dioceses -**

- ▶ The PCPM will seek guidance on how we ensure compliance with Guidelines – possibly looking at the experience of the USCCB, experience in Ireland, England and Wales, and doubtless Australia after the Royal Commission.

### **My views on what else must be considered**

#### **The role of professional institutions**

- ▶ The history of abuse in Australia and other countries shows that members of our important institutions protected the Church during the abuse period 1950-2000.
  - The legal profession / lawyers aware of the abuse did not speak up;
  - Police colluded with church leaders and, in some cases, paedophile clergy;
  - Unions attempted to protect their paedophile members from being held accountable;

- The media was late in seeing the extent of abuse taking place.

### **The provision of Guidelines, policies, and systems is a step but not a panacea**

- ▶ The PCPM needs a clear agreed-on strategy and adequate resources to achieve its objective of protecting children and vulnerable people within the church.
- ▶ The PCPM has been, and is being, sidetracked and delayed by individuals with other agendas.
- ▶ The education of the laity, particularly parents and children, about the risk of abuse and the means of being safe from such abuse, needs to be on the agenda of the PCPM and Australian Church. The example of the US Church may be the path to follow.
- ▶ The PCPM needs to consider the use of information technology in the education of the laity and minors, so that best practice and standardized education sessions and courses can be effectively shared throughout the Church.

### **Actions to improve child safety, complaint handling and risk management**

Based on my 25 years of experience in dealing with child sexual abuse in the Church, I offer the following suggestions –

- ▶ Child Safety will be improved by training parents and children on the warning signs of abuse
  - To be aware of patterns of behavior that often-charismatic perpetrators use to in grooming children and their parents.
- ▶ Child Safety will be improved by Church and civil authorities responding to complaints of warning signs being present
  - Bishops and Church leaders need to have policies in place to identify and manage boundary violations by clergy and church employees
- ▶ Complaint Handling will be effective where the person responsible for receiving the complaint
  - Listens to the victim
  - Walks with the victim
  - Advocates for the victim

Through the whole process of the complaint handling.

- ▶ Risk Management will be effective if a human resource response is in place to deal with clergy or employees who ignore professional boundaries and engage in proscribed behaviours

- The publication “Abuse in Educational Institutions” has detailed advice on warning signs of grooming and many behaviours that need to be proscribed where adults interact with children.
- Good child care workers/teachers will ‘pick up’ grooming behaviours, professional boundary violations and other warning signs, and ensure steps are taken to remove the child from danger.