



**Private and Confidential**

**Review of Safeguarding Practice**

**in the**

**Christian Brothers**

**undertaken by**

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

**Catholic Church in Ireland (NBSCCCI)**

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Province**

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## **Background**

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Irish Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review is to confirm that current safeguarding practice complies with the standards set down within the 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, safeguarding practice in each Church authority is to be reviewed through an examination of case records and through interviews with key personnel involved both within and external to a diocese or other authority. As part of its stated commitment to best practice in safeguarding children, the European Province [‘the Province’] of the Christian Brothers requested the NBSCCCI to undertake a compliance audit of the Province’s activities and operations.

This report entitled *The Review of Safeguarding Practice within the Christian Brothers* details the findings of that compliance audit. It is based upon the case material made available to the reviewers by the Christian Brothers, along with interviews with selected key personnel who contribute to safeguarding within the Province. The records relating to allegations of child abuse held by the Christian Brothers contain significant information presented to the Redress Board and the Commission to Inquire into Child Abuse (Ryan Commission). Both the Christian Brothers and NBSCCCI sought legal advice about accessing that information as part of this review. The advice was clear in stating that the legislation that underpinned both the Redress Board and the Commission to Inquire into Child Abuse prohibits the disclosure of any information outside of those processes.

The Christian Brothers is an international Religious Congregation, that has five Provinces; the African Province, the Americas Province, the Indian Province, the Oceania Province and the European Province. The European Province was brought into being in May 2007 when the two existing Irish Provinces, St. Helen’s (South) and St. Mary’s (North) amalgamated with the Christian Brothers St. Mary’s English Province. The European Province has its headquarters in Marino, Dublin 9, where its six-man Leadership Team, including the Province Leader, Brother Kevin Mullan, is located.

The findings of the review have been shared with a reference group<sup>1</sup> before being submitted to the Province Leader of the Christian Brothers European Province, along with any recommendations arising from the findings.

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<sup>1</sup> See TORs for details of Reference group, established by NBSCCCI

## **Introduction**

In the introduction to their *Safeguarding Children and Vulnerable Adults Policy and Procedures (2013)*, the Province makes reference to the key formative objectives of the Christian Brothers - founded in 1802 by Edmund Rice - of providing free education for the poor, through living spiritual and communal lives. The document reaffirms the role of the Christian Brothers in responding to the needs of today's vulnerable people in society. It states clearly the organisation's commitment to the protection of children and to creating safe environments in all of its communities. It registers abhorrence at the sexual abuse of minors and aspires to reach out to victims/survivors. It recognizes the Province's accountability before the law and asserts its ethical foundations of integrity and authenticity.

In reaching this point in its development as a safe organisation to work with children and young people, the safeguarding practices of the Province of the Christian Brothers have evolved considerably. Changes reflect, in part, the dramatic transformation occurring in Irish society over the past fifty years such as a reduced requirement to supplement State education and welfare services, the decline in the influence of religious organizations and heightened awareness of the need to safeguard children. They also reflect a declining and aging congregation. These changes have culminated in a major strategic shift whereby the Province provides no more than a residual service to children and young people at present. The historical evidence makes it clear that a substantial safeguarding deficit existed within the Province prior to the early 1990s. This audit has been commissioned by the Christian Brothers to ensure that any deficits in basic safeguarding awareness, ethos and regulation have been adequately addressed. The years 1995 – 2008 marked a period of acute and fundamental change for the Province evidenced by a dramatic rise in complaints, against deceased, former and living Brothers relating to abuse having taken place in the 1960's, 70's, 80's and 90's; a surge of litigation; public inquiries and adverse media and public comment. These factors, together with increasing awareness and acceptance by the Province of prior shortcomings, resulted in much improved standards of practice, a task made all the more challenging by the weight of litigation. The challenge facing the Province was how best to balance the demands of structured legal processes and litigation whilst maintaining the progress towards more effective safeguarding which has been evident in practice since 2008.

The reviewers were informed that the Christian Brothers' membership in Ireland now stands at some 267 Brothers, with an average age of 74 years. There are no new Brothers in formation and the Province's historical base in Ireland has reduced substantially. But the Christian Brothers is a world-wide congregation, with a presence in 26 countries, in all of the inhabited continents. Its declining numbers and aging population has seen a shift in its strategic focus from Ireland, to working with poor and marginalized communities throughout the developing world.

The influence of the Christian Brothers in the last century in Ireland, in the analysis of the Commission to Inquire into Child Abuse, was as a *powerful and dominant organisation..... responsible for providing primary and post primary education for the majority of Catholic boys in the country* (Commission to Inquire into Child Abuse 6.13).

The greatest involvement of the Brothers was in non-residential education, with only a relative minority involved in the industrial schools. The reviewers have noted that the extent to which education systems in both parts of Ireland are recognized as economic drivers today is in no small way related to values inculcated over generations through the work of religious congregations – with a prominent role played by the Christian Brothers. The Province reached its apex in Ireland in the early 1960s when it had a membership of some 1,300 Brothers. Drawing on interviews with senior members of the Province and on the Report by the Commission to Inquire into Child Abuse, the reviewers have a sense of an organisation which displayed an over-riding ethos of strictness and chastisement and which was male in character. Its understanding of the needs of children and young people was largely framed by focus on compliance with rules and on basic educational outcomes. In common with many other religious and State run organisations during this period, little attention was paid to risk assessment, suitability, training and support for those who had to work, especially in residential settings, with very vulnerable and often complex children and young people, some of whom had already suffered abuse. This occurred despite the fact that working with the marginalised poor was a core part of the Provinces' mission. Although centrally organized, there were weaknesses in the management/ control system (Commission to Inquire into Child Abuse 6.62) and there was no concept of a complaints or a safeguarding policy or of listening to the experiences of children or young people. It is also important to note that the work of the Christian Brothers did not exist in isolation in Irish society on both sides of the border and that it was for many years supported and regulated by government and civil society.

The Christian Brothers point out that the number of child sexual abuse complaints received by the Province prior to the 1990s was relatively small. The broadcasting of two documentaries on Irish television (*Dear Daughter* in 1996 and *States of Fear* in 1998), led to a new emphasis on the experience of victims of abuse at the hands of religious congregations. There were profound societal changes taking place at this time, especially relating to the role of the Catholic Church and its institutions. A public apology was made by the Christian Brothers in 1998 and they encouraged former residents of industrial schools and former pupils to come forward with any complaints that they might have. The government in the Republic of Ireland, after making its own apology to victims, established the Commission to Inquire into Child Abuse in 1999 because of the numbers of complaints and public disquiet about institutional child abuse. This was followed some two years later by the establishment of the Residential Institutions Redress Board.

The reviewers were advised that the Christian Brothers took a number of initiatives at different stages as the crisis unfolded throughout the 1990s and early 2000s. In 1993 the Province published a child protection handbook. They then collaborated with the establishment of a helpline to receive complaints and contributed financially to the counselling service *Faoiseamh*. After the apology, they developed a strategy for receiving and documenting complaints, as well as a support service for respondent Brothers and an education strategy for safeguarding. They set up an advisory committee, a complaints process, *Westcourt Services*, a pastoral care services committee and a complaints support group. (Details of these services are provided later in this report) Senior members of the Christian Brothers have described to the reviewers how they

initially tried to reach out to victims, but were overwhelmed by a deluge of complaints. It is the assessment of the reviewers that faced with the extent of demand for litigation, whereby a large volume of complaints were notified to the Province by way of solicitors letters, acting on behalf of complainants, that the opportunity for a pastoral response was impeded by an increasingly legalistic process.

There has, by any standards, been a significant shift in the Christian Brothers work with children and young people in Ireland, which is a fraction of what it was thirty years ago. The Brothers had closed all of the industrial schools between 1954 and 1974. In 2008, declining numbers of Brothers and an aging membership forced the Province to move out of direct education provision, transferring responsibility for the network of mainstream schools (total of 105 schools – 95 in the Republic of Ireland and 10 in Northern Ireland) to two independent charities, which have lay members and directors. The services still run by the Province are relatively small and have boards of management with lay involvement and who fully implement the safeguarding policy and procedures. These are the Emmaus Retreat Centre; Life Centres in Belfast, Dublin and Cork, which are alternative education projects; the Lantern Centre, which is a support service for immigrants, and interreligious and cross-cultural dialogue; and Edmund Rice summer camps. In addition, a small number of Brothers are active in teaching roles and the Brothers also contribute to a service for young offenders in Cork.

The reviewers were informed that the strategic direction for the Province has three strands. The first is an on-going internal process of spiritual reflection and renewal, referred to as *New Life in Mission Communities*. The second is the withdrawal from direct service provision in schools in Ireland. The third, entitled *A Way into the Future* is a plan for the congregation world- wide, focusing on enhancing the quality of life for the poor in the developing world. The reviewers were informed of an initiative in Geneva, Edmund Rice International, which will be framed as an NGO to challenge systemic injustice and engage in advocacy work on behalf of people who are poor.

It is reassuring to see that the Articles of the United Nations Convention on the Rights of the Child are reproduced in the Province's child safeguarding policy and procedures. From the perspective of child protection, the context of this review is not just the extent to which the Province has developed a robust safeguarding ethos and culture in relation to its remaining operations in Ireland, but also the extent to which this can frame and define its practice in the less regulated environments where it will be working in the future.

## **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's *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 Christian 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.

**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 a Congregation meets the requirements of all nine criteria against which the standard is measured.

**Criteria**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>1.1</b>	The Church organisation has a child protection policy that is written in a clear and easily understandable way.	Met fully
<b>1.2</b>	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).	Met fully
<b>1.3</b>	The policy states that all Church personnel are required to comply with it.	Met fully
<b>1.4</b>	The policy is reviewed at regular intervals no more than three years apart and is adapted whenever there are significant changes in the organisation or legislation.	Met fully
<b>1.5</b>	The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays.	Met fully
<b>1.6</b>	The policy states how those individuals who pose a risk to children are managed.	Met fully
<b>1.7</b>	The policy clearly describes the Church's understanding and definitions of abuse.	Met fully
<b>1.8</b>	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.	Met fully
<b>1.9</b>	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.	Met fully

The Christian Brothers European Province Protection Policy and Procedures, *Keeping Children Safe, Safeguarding Children and Vulnerable Adults* (2013) is the Province's current child protection policy document. The Christian Brothers have given a commitment to review their policies and procedures regarding child protection every three years. Given that the original child protection document *Keeping Children Safe* was introduced in 2009 and a reviewed and updated version *Keeping Children Safe; Safeguarding Children* produced in 2010, the Province has demonstrated their commitment to this review process. *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) is a comprehensive document, which is clear and well written. It comes in an A4 size booklet containing 56 pages and is also available in digital format on the Christian Brothers' website, <http://www.edmundrice.eu/page0/files/keeping-children-safe.pdf>. The document's contents are easily read, with clear definitions and terms. The document sets out the procedures for how the Christian Brothers respond to, manage and report child protection concerns and issues. Significant emphasis within the document is also placed on proactively preventing the occurrences of abusive behaviours. The document states:

*We are committed to the protection of children and to creating safe environments at all of our ministry sites and all of our communities (p.1).*

*Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) outlines the scope of the Christian Brothers' child protection policy and procedures:

*The focus of this policy is to provide a safe environment for those we serve (p.2).*

*Procedures herein reflect current Province policy and direction. Language, structure and examples of behaviour borrow heavily from the documents of various jurisdictions and from the experience of dealing with this issue garnered in recent years. In particular, this Province policy draws on "SAFEGUARDING CHILDREN Standards and Guidance Document for the Catholic Church in Ireland" published by the National Board for Safeguarding Children (p.2).*

With respect to 1.4 of the Criteria, in producing the 2013 policy and procedures document, which follows the previous 2010 document, the Christian Brothers have demonstrated their commitment to review their policy at regular intervals. *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) states:

*...we recognise the need for a review on a regular basis to monitor procedures in practice and to update the content (p. 22).*

In relation to Criterion 1.9, the Provincial Leadership wrote to all ministries with a copy of the new 2013 revised *Keeping Children Safe*, advising that all personnel who live and work within the Province are required to comply with it, therefore stating that it is the primary policy and procedural child protection document among all of the Christian Brother ministries which provide services to children.

**Standard 2**

***Management of allegations***

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

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

**Criteria**

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).	Met fully
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.	Met fully
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.	Met fully
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.	Met fully
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.	Partially 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.	Met fully
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.	Met fully

The Province has a Designated Person who has been in his role since 1996. He is also the current Deputy Provincial Leader. He has helped to construct the very large filing system in the headquarters building and has excellent recall of detail that allows him to cross reference information between files. Criterion 2.3 is therefore fully met.

In November 2012, the Christian Brothers recruited a lay person to the role of Deputy Designated Person. However, her duties and responsibilities have evolved whereby she is the staff member who has lead responsibility for the development of safeguarding within the Province. The reviewers welcome this appointment, as it provides a gender balance to complainants who may prefer to speak to a female and to a lay person who is not a member of the Province.

Evidence was produced from an Edmund Rice Camp going back as far as 2000 which demonstrated that children had assisted in developing complaints processes for each camp. At the beginning of each Camp the leaders and children together create the rules and complaints processes – these are reviewed at the end of every day by both children and leaders.

The reviewers were unclear if this is common practice across all ministries where children are involved. In addition the revised “*Keeping Children Safe*” document does not specify the requirement for a complaints procedure of this nature. It is therefore suggested that where services engage with children and young people, a process which actively involves young people in the design is established, with the goal of developing a child focused complaints procedure. The reviewers judge that Criterion 2.5 is partially met.

With respect to Criterion 2.7, the reviewers recognise that there is the opportunity for the local details of statutory agencies to be written on the accompanying pamphlet to *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013). However, since all allegations are now centralised through the Garda National Bureau of Criminal Investigation in Dublin, this detail should be inserted as standard.

### **Recommendation 1**

**The Province Leadership Team (PLT) ensures that a complaints procedure is developed which deals with unacceptable behaviour not of a child abuse nature and that, as part of this procedure a child focused complaints procedure is written and incorporated into the Province’s safeguarding policy and procedures.**

**Incidence of Safeguarding allegations received within the Christian Brothers from 1<sup>st</sup> January 1975 up to the time of the review.**

<b>Name of Congregation - Christian Brothers</b>		
<b>1</b>	Number of Brothers (deceased, former and living) against whom allegations have been made since the 1 <sup>st</sup> January 1975 up to the date of the review.	325
<b>2</b>	Total number of allegations received by the Province since 1 <sup>st</sup> January, 1975	870
<b>3</b>	Number of allegations reported to An Garda Síochána involving Brothers of the Province since 1 <sup>st</sup> January 1975.	All
<b>4</b>	Number of allegations reported to the HSE (or the Health Boards which preceded the setting up of the HSE,) involving Brothers of the Province since 1 <sup>st</sup> January 1975.	All
<b>5</b>	Number of living Brothers against whom an allegation was made.	50
<b>6</b>	Number of deceased Brothers against whom an allegation was made.	145
<b>7</b>	Number of Brothers against whom an allegation has been made and who are in ministry.	1
<b>8</b>	Number of living Brothers against whom an allegation was made and who are out of ministry.	49
<b>9</b>	Number of Brothers against whom an allegation was made and who are retired	49
<b>10</b>	Number of former Brothers against whom an allegation was made.	130
<b>11</b>	Number of Brothers (deceased, former and living) who have been convicted of having committed an offence or offences against a child or young person since the 1 <sup>st</sup> January 1975.	12

*Footnote: The term 'allegation' in this table includes complaints and expressions of concern.*

*Figures do not relate to claims received by the Redress Board.*

The numbers of allegations and Brothers accused is substantial. The files read by the reviewers left them in no doubt that a great number of children were seriously abused by Brothers. Information on the abuse in Christian Brothers' residential establishments is well documented in the Ryan Report. It is also not part of this review to address historical issues that pre-date January 1975, but to assess and evaluate current practice and management of risk. Reference will be made later in the report about how until relatively recently, the internal Church processes within the Christian Brothers were not carried out,

much to the detriment of both complainants and accused Brothers. There are now clear protocols in place for Brothers with allegations and accusations.

Of the 325 Brothers against whom there were allegations, 50 are alive and continue to live as part of the European Province of Christian Brothers. The reviewers believe that it is safer for children if those accused remain as part of a community and safety and support plans can be put in place. However, in relation to men with allegations who have left the congregation, the information regarding the allegation will have been passed to the civil authorities along with their last known address, if the men have not been convicted, there is no requirement on the State to monitor or supervise those men.

On May 26<sup>th</sup> 2009, the Christian Brother's European Province responded to the findings of the Ryan Commission by stating;

*The Christian Brothers accept, with shame, the findings of the Commission to Inquire into Child Abuse. The congregation is deeply sorry for the hurt we have caused – not just for the mistakes of the past, but for the inadequacy of our responses over recent years.*

(Christian Brothers' European Province Media Statement May 26<sup>th</sup> 2009 in Response to the findings of the Ryan Commission)

Since acknowledging their failures, the Christian Brothers have improved child protection structures throughout their ministries. The development of their 2010 child protection policies and procedures and the subsequent review of that document in 2013, demonstrates the Christian Brothers' commitment to the prevention of child abuse and their appropriate response should abuse occur. Through developing and implementing these policies and procedures, the Christian Brothers are now better placed to address child protection concerns.

However, the gravity of the challenges faced by those charged with responding to the hurt caused should be considered. In the 66 years between 1931 and 1997, the Christian Brothers received 92 allegations of abuse. In the subsequent 15 years (1998 - 2013) they received 794 allegations. It is evident that the volume of allegations placed overwhelming pressure on the structures designed to address child protection concerns within the Province.

While the Christian Brothers acknowledge the inadequacy of their historical response, the reviewers believe that they recognise the need to distinguish between their damaged past and how they must proceed in the future.

*For those experiences which have been hurtful and damaging, I not only want to apologise but I want to ask for forgiveness. I am confident as I can be...that the Christian Brothers are moving into a new time of development and growth. It will be a period that will not be without pain and challenge for us, that will be marked by massive change and above all, it will be characterised by very careful actions and processes which will help us not to repeat negative aspects of our past.*

(Apology from Congregational Leader, 1997)

The progression to the publication and implementation of the policies and procedures contained within *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) was evident throughout the audit.

### **Reporting to the Civil Authorities**

The reviewers found that the Christian Brothers' initial response to reporting allegations to the statutory agencies was not systematic and was inadequate. The congregation completed large scale reporting in 2007 and again in 2009, with details of the allegations given to An Garda Síochána and the Health Services Executive (HSE). However, the reviewers are satisfied that the Christian Brothers now report promptly. Following conversations with An Garda Síochána and the HSE, this point was confirmed.

Consultation took place with An Garda Síochána through the National Bureau of Criminal Investigation. The Garda representative expressed his satisfaction with the current reporting by the Christian Brothers.

The reviewers also met with representatives of the HSE and were impressed by the positive working relationship between this agency and the Christian Brothers. There are regular meetings where information about allegations and risk management are shared. Brothers who are out of ministry, with allegations are currently being made the subject of a written safety or care plan. This plan is developed in consultation with the HSE and monitored by meetings with the HSE and through each community leader. In order to inform the safety or care plan, assessments of risk are carried out, with the support of HSE social workers. The extent of HSE involvement is unusual, but very positive and this initiative on the part of the HSE personnel and the Province's designated persons is strongly commended.

As can be seen from the table, at the time of the review there were 50 living Brothers with allegations made against them. Of this number, 49 are retired and out of ministry. One Brother has been returned to ministry and the reviewers are satisfied with the process which led to his reinstatement. Full discussions have been held with HSE about returning this Brother to ministry and the decision has been supported by them. The number of convictions by the courts, compared to the numbers accused of child abuse, is significantly small. There were allegations against 325 Brothers, 12 of whom were convicted.

### **Recording**

The reviewers found that allegations notified to the Christian Brothers most often came through the alleged victim's legal representative. The stated policy of the Christian Brothers is not to act in any way that could be seen to be an interference with the legal process and they therefore have had limited, if any, direct contact with those complainants who communicated through their solicitors.

Contact with complainant and the alleged perpetrator, as well as the Christian Brothers' overall approach in dealing with the allegation were often not recorded sufficiently well on file. This led to difficulty for the reviewers in understanding the files. In the opinion of the reviewers, the files were structured in a more legal and pastoral manner rather than safeguarding and therefore do not record the safeguarding process from start to finish in each case. The recording therefore does not fairly represent the extent of the often positive engagement between the Designated Person and the complainant. In interview, the Designated Person gave detailed accounts of his contact with both complainants and perpetrators.

In addition, other background information provided by the Christian Brothers stated that *“any complainant who wished to make his/her complaint in person to the Congregation was met in the initial stages by a member of the relevant Provincial Council. This involved many long journeys up and down the country to facilitate complainants. It also involved visits to prisons and other institutions to meet complainants who, for one reason or another, could not travel themselves. On some occasions it involved paying for the travel expenses of individuals who wished to travel from England to make a personal complaint”*. The records did not demonstrate the extent of such contact.

The reviewers strongly urge the Christian Brothers to develop separate child safeguarding files, which can exist alongside the existing legal / litigation files. Structuring new files into a safeguarding format would allow for greater clarity around the chronology of cases, contacts made, the supports offered, the procedures followed, assessments undertaken and how decisions were reached. The files are indexed by complainants, which makes it quite difficult to find all of allegations made against a specific Brother. Matters became quite confused to the reviewers when they needed to cross reference information where a complainant had named a number of Brothers as the perpetrators of their abuse, but where a file was created concerning the one man against whom they had initiated legal proceedings.

## **Recommendation 2**

**The Designated Person should restructure all of the current files relating to living Brothers in a safeguarding format using the NBSCCCI template. The Designated Person should change recording processes to reflect the requirements of the safeguarding standards to primarily set out the safeguarding actions taken.**

## **Church Investigations**

Over the last number of years, the Christian Brothers adopted a definitive stated policy of removing a Brother from ministry once an allegation has been made against him. However, this policy and process was not reflected in all of the files. It is unclear from some of the files when the Brother was removed from ministry, the process that led to the action and the procedures in place regarding monitoring and review following the individual's removal.

While there are good reasons for not engaging in any Church inquiry until the criminal and civil investigations have been completed, there are no records of preliminary investigations on files, which means in effect that for most men who have been accused but where there is no criminal prosecution, they are left in a *limbo* situation. The absence of any Church inquiry, following the conclusion of criminal and civil inquiries, is unsatisfactory for both the complainant and the alleged perpetrator. Canon law provides for an internal investigation which allows for engagement of the complainant, as well as the accused and the Church authority. The process of a preliminary investigation is to try and establish the credibility of the allegation. In the absence of such an investigation, the accused remains accused, as the evidence has not been interrogated to establish guilt or innocence.

### **Recommendation 3**

**The Province Leader must ensure that a decision to step a Brother aside from ministry must be followed up with a written precept outlining the reason for removal from ministry with details of restrictions. This then needs to be followed with preliminary investigation, under Church Procedures following completion of the civil inquiries.**

The reviewers respect that where it has been deemed appropriate, a level of risk has been identified, or a level of credibility has been established, the need for the Brother to be removed from ministry is evident. However, consideration is also given to Brothers who have had allegations made against them but the assessment process has been slow or inconclusive. The reviewers acknowledge the difficulties presented in responding to these Brothers, but would suggest that reasonable efforts be made to progress their situations.

### **Response to Victims**

With the average allegation reported to the Christian Brothers referring to incidents approximately 47 years ago, the reviewers recognise the difficulties in now establishing credibility and therefore whether a Brother can safely return to ministry. The practice of not contacting the alleged victim in order to obtain information about the allegation and to have this documented on file, hinders the necessary Church investigation and assessment of the potential risk posed by the Brother, once the civil investigation has been completed.

The Christian Brothers should consider, in appropriate situations, putting more emphasis on mediation focussed pastoral responses; offering to meet the victim, where appropriate and to hear their experiences; this could prove worthwhile for all involved and begin restorative practices within the Christian Brothers. Through such a process, additional clarity may be obtained that would assist in the assessment of the Brother and inform those responsible for determining the appropriateness of his return to ministry.

*Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) states that:

*All members on Safety Plans or Care Plans will normally undergo a risk assessment to determine the future level of risk for re-offending: that is, the prediction of the degree of possibility of re-offence for someone with a known history of sex offences.*  
(p.13)

In the vast majority of cases reviewed, the Christian Brothers did not have direct contact with the alleged victim and the files developed contained significant correspondence between legal representatives of the parties involved. While this ensured a legally correct interaction whereby the Christian Brothers did not attempt to interfere or influence the civil, criminal, or compensatory processes, this was to the detriment of pastoral care and restorative practices, which the Province could provide. It is noted that the Christian Brothers had previously established *Westcourt Services*, which appeared to be very effective and included their own dedicated counselling services. Further details of these services are contained later in this report at Standard 6 – *Access to Advice and Support*.

Currently the Christian Brothers offer counselling through *Towards Healing* (formerly *Faoiseamh*). However, the reviewers believe that the Christian Brothers should offer their own pastoral response in addition to this national counselling service. In discussion with the Designated Person and the Provincial Team around the issue of a pastoral rather than a strictly legal response, they stated that it is the process of receiving allegations by way of notice about legal proceedings from the complainants' lawyers that creates barriers to reaching out to victims. They stated that the appropriate response was through their lawyer. The reviewers recognise the right of a complainant to make a financial claim for damages through initiating a legal process. However, the reviewers suggest that the Christian Brothers might consider offering counselling and pastoral support to each complainant, via their legal adviser, upon receipt of a claim by the Christian Brothers.

The reviewers note that in 1998 the Christian Brothers established the complainants support group *Westcourt Services* which was offered to complainants who wanted to meet with Brothers to discuss their experiences. The PLT should now consider how similar support services could be provided to complainants who may seek a process of restorative justice. The reviewers suggest that the Deputy Designated Person should take on this role; in that instance there needs to be clarity around roles and responsibilities so that the boundaries between responding to and managing allegations and offering support to a complainant are not compromised.

#### **Recommendation 4**

**The Designated Person should consider offering counselling and pastoral support, via their legal adviser, upon receipt of a claim by the Christian Brothers.**

#### **Recommendation 5**

**The PLT should consider providing a range of support services through having a support person available to victims, if required.**

This person(s) should proactively seek contact with the victim, where appropriate. The purpose of this contact would be to hear the victim's story and respond appropriately.

**Standard 3**

***Preventing Harm to Children***

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

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

**Criteria – safe recruitment and vetting**

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

**Criteria – Codes of behaviour**

Number	Criterion	Met fully or Met partially or Not met
3.4	The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children.	Met fully
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Met fully
3.6	There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers (‘whistle-blowing’), confidentially if necessary.	Met fully

<b>3.7</b>	There are processes for dealing with children’s unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment.	Met fully
<b>3.8</b>	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.	Met fully
<b>3.9</b>	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Not Met

**Criteria – Operating safe activities for children**

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

In 1996, the Christian Brothers established the Child Protection Advisory Panel, which was set up to consider how complaints were being received and managed. Following this in 1998, the advisory service *Westcourt Services* was established. The Complainants Support Group was also established in 1998, which facilitated complainants in talking to Brothers about their experiences. Over the following years the Christian Brothers put in place procedures to receive and respond to complaints, manage Brothers accused of wrongdoing and educate Brothers and school staff in child protection measures.

In 2001 they set about complying with the requirements of the Commission to Inquire into Child Abuse; and in 2002, the Christian Brothers were part of the negotiations which led to the setting up of the Residential Institutions Redress Board. In 2009, the child protection policies and procedures document *Keeping Children Safe* was published, and this was updated in 2010 with the publication of *Keeping Children Safe: Safeguarding Children*. In 2011, the Christian Brothers established a Safeguarding Management Committee and as mentioned throughout this report, in 2013 they published revised child protection policies and procedures, *Keeping Children Safe: Safeguarding Children and Vulnerable Adults*.

The expected behaviour of Brothers in relation to child protection is clearly outlined in *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013). This document clearly mirrors the historically progressive understanding the Christian Brothers have developed of child protection issues. It also reflects the positive attributes of their work and the extensive positive experiences they have of working with young people.

*Procedures herein reflect current Province policy and direction. Language, structure and examples of behaviour borrow heavily from the documents of various jurisdictions, and from the experience of dealing with this issue garnered in recent years.*

Keeping Children Safe: Safeguarding Children and Vulnerable Adults (p. 2, 2013)

*Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) places significant emphasis on the behaviour required of Province members and staff. Policies and procedures are correctly proactive and instructive.

In relation to Criterion 3.9, the reviewers recognise that *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) does not draw distinction between children that have and have not a disability. While this is correct and appropriate, the document lacks recognition of the differing needs a child with disability has and how that may impact on child protection requirements. Currently the Christian Brothers do not have ministry with children with disabilities and they have stated that they do not intend to provide dedicated services to children with disabilities in the future. However, within their everyday ministry it is possible that they will engage in some form with children with disabilities, therefore the policy document should reference guidelines on safe care in ministry with these children.

### **Recommendation 6**

**The PLT should consider how to develop appropriate child protection procedures including : codes of behaviour when working with children who have additional needs, including children with disabilities; and how to respond to child protection concerns with this group of children.**

**Standard 4**

***Training and Education***

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

**Criteria**

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

This standard provides for the appropriate child protection training of Church personnel who are involved in conducting or overseeing activities with children. They can only safely and confidently perform their role if they have the appropriate and necessary skills which will equip them in understanding and addressing child protection matters.

The reviewers acknowledge that induction takes place for all personnel and is part of the Christian Brothers' policies and procedures. It is also recognised that key personnel charged with coordinating and addressing child protection are trained, competent and confident in their ability to respond to child protection concerns.

The Christian Brothers engaged trainers from the NBSCCCI on a number of occasions in 2011 to provide training on the safeguarding standards to all Brothers. In addition, the Designated Person and Deputy Designated Person regularly attends NBSCCCI training on skills related programmes.

The continued development of professional responses to child protection requires a robust commitment from the Christian Brothers, part of which should be annual refresher training for all personnel, according to identified need. To facilitate this, the Deputy Designated Person should conduct a training needs analysis within the Province and then provide or

organise training to meet the needs identified. On-going training will develop continued and improved awareness of child protection within the Province. Appropriate targeted training will provide those charged with overseeing present and future responses to child protection matters with the additional knowledge and skills required to make progressive interventions in the area.

The Christian Brothers do not have a dedicated safeguarding trainer and the reviewers are concerned that the full implementation of the revised policies and procedures contained within *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) cannot be achieved in the absence of such a post of responsibility. It is not sufficient to provide Brothers and staff members with the document without detailed training on its contents.

The reviewers recognise that significant training of designated individuals has taken place at a frequency greater than outlined in the policies and procedure document. However, *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) is not simply a procedural document; it is also a statement of commitment and intent and its introduction provides a real opportunity to develop child safeguarding awareness and competence across the Province.

**Recommendation 7**

**The PLT should identify an appropriate person to undertake the Training the Trainers course provided by NBSCCCI and following registration the trainer would deliver programmes as appropriate on a regular basis to all Christian Brothers.**

**Recommendation 8**

**The Deputy Designated Person should conduct a training needs analysis, based on the needs of the Christian Brothers and the requirements of their ministries.**

**Standard 5**

***Communicating the Church’s Safeguarding Message***

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

**Criteria**

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

The *Keeping Children Safe* policy document is written for an adult readership and needs to be supplemented by leaflets etc. about safeguarding which are child/young person friendly.

The clarity and comprehensiveness of *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) are commended by the reviewers. The document is appropriately instructional and informative when addressing the complex issue of child abuse prevention. Information regarding Safeguarding, including contact details for the Designated Person and the civil authorities and the safeguarding document, *Keeping*

*Children Safe: Safeguarding Children and Vulnerable Adults* (2013) is located on the Province website [www.edmundrice.eu](http://www.edmundrice.eu) and on the international website [www.edmundrice.net](http://www.edmundrice.net)

### **Recommendation 9**

**The Designated Person should ensure that all ministries with children and young people develop child friendly leaflets and posters advising of the Province's safeguarding policies and how to report a concern.**

Within the document *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) emphasis is placed on the Christian Brothers' response to child abuse concerns, rather than on informing individuals about how to make a complaint. This perhaps mirrors the current position of the Christian Brothers, where priority is given to providing an appropriate and correct response. Complainants who make a direct approach are always met in person and provided with pastoral support.

In recent years the majority of contact the Christian Brothers have had with victims of abuse is through the victim's legal representatives. Complaints which come from other sources and organisations are passed to the Designated Person within the Province.

The Christian Brothers have developed extensive and positive working relationships with the statutory agencies. This was confirmed by An Garda Síochána and the HSE.

*Over the past couple of years the Congregations current child protection designated officer has established a good working rapport with the HSE and appears willing in accepting advice on child protection – monitoring issues.*

(Report on Findings of HSE Monitoring Visits to Christian Brothers Communities 2012)

When contacted, the Health Services Executive and An Garda Síochána expressed confidence in the interagency relationships developed with the Christian Brothers.

Worthy of specific mention is the Christian Brothers' *Whistle Blowing Policy* which is contained within *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013). The reviewers were impressed with the unambiguous language and clear direction which the policy outlines. It was felt that the expectation and intent contained in the policy is indicative of the Christian Brothers' determination to learn from past mistakes and prevent any further occurrences of sexually abusive behaviour.

**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**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>6.1</b>	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.	Met fully
<b>6.2</b>	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and help lines that can provide information, support and assistance to children and Church personnel.	Met fully
<b>6.3</b>	There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers.	Met fully
<b>6.4</b>	Information is provided to those who have experienced abuse on how to seek support.	Met partially
<b>6.5</b>	Appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children’s safety.	Met fully

This standard incorporates the necessary awareness of what constitutes an appropriate response to the needs of the victim and of the effective provision of evaluation, monitoring and rehabilitative services to the perpetrators of abuse.

Reference has been made above to the current and historical response the Christian Brothers have made towards identifiable victims. The recommendation has already been made that a move towards direct contact with victims, where appropriate, would be beneficial in providing details about the allegation and circumstances of the alleged abuse. It is recommended that this role is distinct and separate from the Designated Person. This person’s role would be to proactively engage with the victim and would significantly enhance the Christian Brother’s response to victims. The reviewers suggest that this direct contact with victims can be conducted in parallel to the services provided by *Towards Healing* and where appropriate, legal, and compensatory processes.

The earlier *Westcourt Services* provided by the Christian Brothers to complainants appeared to offer a more healing and pastoral response to complainants. While the reviewers were not able to examine that service which is now closed, the literature provided about it demonstrated a real commitment to reach out to victims of abuse. The reviewers recognise that the numbers who approached *Westcourt Services* were small in comparison to the numbers of complainants who came forward in person and not through a legal adviser, making that type and level of service possible and manageable. The information provided on *Westcourt Services* by the Christian Brothers states:

*The Westcourt Services consisted of a small staff of qualified professionals with secretarial assistance to support them. These staff took responsibility for making contact with complainants, for filing all complaints and for advising complainants on how to proceed with their complaint. The Director and Assistant Director took statements from complainants, made them aware of their rights, and where appropriate encouraged them to make a statement to the Gardaí. The Westcourt staff also provided complainants with the names and phone numbers of Gardaí in different locations who had been assigned to this kind of work; and on occasion, accompanied complainants to the Garda station to facilitate them in making their statement. The Westcourt staff also met with all of the Brothers who were the subject of a complaint. They presented each Brother with the details of the complaint, and recorded his response. They also met with each Provincial Council on a monthly basis in order to apprise the Provincial Councils of the current state of affairs, and to offer their opinions and advice on how certain issues should be dealt with. They also made the Provincial Councils aware of requests from complainants for a personal meeting with Congregation authorities.*

Other historical advice and support provided to complainants was by way of the Province paying for counselling services provided by qualified counsellors who were chosen by the complainants themselves. Another dimension of the pastoral outreach of the Province was the establishment of the Pastoral Services initiative. The operation of this initiative was overseen by a Brother and a lay person whose brief it was to provide financial aid for those complainants who were in real financial distress. This financial aid was offered without conditions. It was given on the basis of need and without prejudice to any course of action the complainant was contemplating in the light of the abuse he/she had experienced.

The other support service that was offered in the past was a Complainants Support Group. Most counselling is now offered through *Towards Healing*. Other support services are also offered by *Towards Healing* and directly by the European Province.

The reviewers believe that the Christian Brothers should consider reviewing their response to victims, notwithstanding the demands of legal processes, initiated by complainants. The reviewers recognise that moving from a litigious relationship to being able to offer a pastoral response can only happen with the consent of the complainant. However, the Christian Brothers should research how this might be achieved and in consultation with victims/victim groups, develop a strategy which sets out the support options for complainants.

With reference to Criterion 6.4, information is provided to some victims on how to access support. However, the provision of this information is not systematic and part of an automatic procedure. From reading the files it is unclear why information on support services was offered to some victims and not others.

The reviewers recognise that the Christian Brothers provide financial support to *Towards Healing* and have given a commitment to continue to do so for the foreseeable future. However, they do not always advise all alleged victims of the service. The sharing of this information can be done directly, through media such as the internet and details on the *Keeping Children Safe* pamphlet or, where appropriate, through the complainant's legal or support representative.

### **Recommendation 10**

**The PLT should develop a victim support strategy and publish this on their website and also through printed information leaflets.**

The Christian Brothers are definitive in their response to a Brother that has engaged in sexually abusive behaviour.

*A Member found to have abused a minor or vulnerable adult would not be allowed to function in any ministry associated with minors or in any Church related public ministry under the auspices of a Bishop, or in any work involving minors and vulnerable adults.*

*Keeping Children Safe: Safeguarding Children and Vulnerable Adults (p. 14, 2013)*

The policy of the Christian Brothers is to remove a Brother from ministry when an allegation is made against him. Those Brothers who had an allegation made against them and continue to be members of the Province, live in community houses supported by their peers and supervised by the Community Leader in accordance with written guidance contained in the *Keeping Children Safe* document. All Brothers about whom there are child safeguarding concerns have been met by a member of the Province Leadership Team (PLT) and/or the Designated Officers.

The Christian Brothers *Keeping Children Safe* document states very clearly the supervision and care requirements of Brothers about whom an allegation has been received. It provides comprehensive procedures on the psychological and behavioural care of the individual and along with that, incorporates the need for evaluation and monitoring into personalised Safety and Care plans. Brothers on a Safety or Care plan will normally undergo a behaviour risk assessment to determine their potential risk of recidivism. They have also given a commitment to cooperate and engage with all interventions as recommended by the professional involved in their assessment.

With reference to Criterion 6.5, the reviewers recognise the community support and pastoral care provided by the Christian Brothers to their peers who have allegations and are subject of care plans.

**Recommendation 11**

**The Designated Person should identify professional specialist services which can provide assessment and therapeutic services to individuals who have engaged in sexually harmful behaviour. A directory of professional services should be compiled and be available for future use.**

The reviewers are aware that the monitoring of Brothers who have engaged in sexual abuse, or had allegations made against them is carried out by the Designated Person. He has support from the Deputy Designated Person, the Provincial Leadership Team and the Safeguarding Management Committee. The practical monitoring of the men is conducted by the community leaders. There is a clear protocol developed for the community leaders and the communities where the Brothers reside so that appropriate information is shared and to ensure that management of risk remains a priority.

## Standard 7

### **Implementing and Monitoring Standards**

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

### **Criteria**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
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.	Met partially
7.2	The human or financial resources necessary for implementing the plan are made available.	Met fully
7.3	Arrangements are in place to monitor compliance with child protection policies and procedures.	Met partially
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 applicable
7.5	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	Met fully

The PLT and the Safeguarding Management Committee (SMC) incorporating the Designated and Deputy Designated Persons are pivotal to the adherence to the seven standards, including the implementation and monitoring of safeguarding practices within the Christian Brothers. The SMC was set up in 2011 and meets monthly.

It is evident that safeguarding is a prominent issue within the Christian Brothers, and specifically among the SMC. *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) is the official policy and procedures document addressing child protection within the Province. It was reviewed by civil and canonical legal advisers and is to be reviewed by the Health Services Executive for compliance with the national *Children First* guidance document.

It is also clear that significant work has been carried out to place safeguarding as a priority issue within the Christian Brothers in Ireland. It is now time to develop a future strategy to ensure that the momentum is not lost and that the good practice continues.

**Recommendation 12:**

**In order to develop a more strategic approach, the PLT should now develop a three-year safeguarding plan, incorporating all aspects of the safeguarding project and indicating the priority in which actions will be taken forward.**

In relation to Criterion 7.2 the reviewers have been assured that all financial resources will be made available.

In relation to Criterion 7.3, it is commended that the PLT regularly review safeguarding and that it is regularly an agenda item on their meetings. However under NBSCCCI safeguarding standards there is a requirement for an internal annual audit to be completed and acted upon so that there is constant vigilance on all aspects of safeguarding.

In fulfilling their role with the Christian Brothers, the reviewers noted the apology from the Congregational Leader (1997), the apology issued to national and international media (1998), the media statement in response to the Ryan Commission (2009) and a letter from the Congregational Leader in response to the Ryan Commission (2009). In all of these documents unequivocal regret, shame and awareness of the harm caused to victims is articulated. Sentiment was expressed by Brothers who had not engaged in wrongdoing but who accepted a level of responsibility as part of their own the *sinful past*. The documents reflect how behaviour of those that sexually abused children had a profound, long lasting effect on those who had not.

*While we come to terms with aspects of our sinful past, we also pay tribute to the many who worked selflessly and with commitment for young people throughout the life of the various institutions that have featured in the Report. That they are tarred with the same brush of shame is grossly unfair and unjust.*

Letter from the Congregational Leader in Response to the Ryan Commission, 2009

This acceptance of historical responsibility was reflected in discussions with members of the Christian Brothers. The reviewers found, without exception, a determination among the Brothers not to repeat the mistakes of the past and a commitment to prevent child abuse.

*We are committed to the protection of children and to creating safe environments at all of our ministry sites and in all of our communities. As Christian Brothers, the sexual abuse of minors is abhorrent to us. We share in the anger and anguish expressed by many Catholics and others in our society regarding all forms of abuse, including sexual abuse. Thus we are committed to the prevention of any occurrences of abusive behaviour. We also want to reach out to victims/survivors. Abusive behaviour will not be tolerated. We will do all in our power to prevent future abuse.*

Keeping Children Safe: Safeguarding Children and Vulnerable Adults (2013)

The reviewers concluded that there is no complacency within the Christian Brothers regarding child protection. The development of *Keeping Children Safe: Safeguarding Children and Vulnerable Adults* (2013) and the commitment to practically implement all

elements contained within the document, is indicative of their resolve to incorporate safeguarding into their ministries.

## **Recommendations**

### **Recommendation 1**

**The Province Leadership Team (PLT) ensures that a complaints procedure is developed which deals with unacceptable behaviour not of a child abuse nature and that, as part of this procedure a child focused complaints procedure is written and incorporated into the Province's safeguarding policy and procedures.**

### **Recommendation 2**

**The Designated Person should restructure all of the current files relating to living Brothers in a safeguarding format using the NBSCCCI template. The Designated Person should change recording processes to reflect the requirements of the safeguarding standards to primarily set out the safeguarding actions taken.**

### **Recommendation 3**

**The Province Leader must ensure that a decision to step a Brother aside from ministry must be followed up with a written precept outlining the reason for removal from ministry with details of restrictions. This then needs to be followed with preliminary investigation, under Church Procedures following completion of the civil inquiries.**

### **Recommendation 4**

**The Designated Person should consider offering counselling and pastoral support, via their legal adviser, upon receipt of a claim by the Christian Brothers.**

### **Recommendation 5**

**The PLT should consider providing a range of support services through having a support person available to victims, if required.**

### **Recommendation 6**

**The PLT should consider how to develop appropriate child protection procedures including : codes of behaviour when working with children who have additional needs, including children with disabilities; and how to respond to child protection concerns with this group of children.**

### **Recommendation 7**

**The PLT should identify an appropriate person to undertake the Training the Trainers course provided by NBSCCCI and following registration the trainer would deliver programmes as appropriate on a regular basis to all Christian Brothers.**

### **Recommendation 8**

**The Deputy Designated Person should conduct a training needs analysis, based on the needs of the Christian Brothers and the requirements of their ministries.**

**Recommendation 9**

The Designated Person should ensure that all ministries with children and young people develop child friendly leaflets and posters advising of the Province's safeguarding policies and how to report a concern.

**Recommendation 10**

The PLT should develop a victim support strategy and publish this on their website and also through printed information leaflets.

**Recommendation 11**

The Designated Person should identify professional specialist services which can provide assessment and therapeutic services to individuals who have engaged in sexually harmful behaviour. A directory of professional services should be compiled and be available for future use.

**Recommendation 12:**

In order to develop a more strategic approach, the PLT should now develop a three-year safeguarding plan, incorporating all aspects of the safeguarding project and indicating the priority in which actions will be taken forward.

## **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/Congregation by individuals or by the Civil Authorities in the period 1<sup>st</sup> January 1975 to date of review, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Diocese/Congregation and examine/review and report on the nature of the response on the part of the Diocese/Congregation.

2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese/Congregation by individuals or by the Civil Authorities in the period 1<sup>st</sup> January 1975 to date of review, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Diocese/Congregation and examine/review and report on the nature of the response on the part of the Diocese/Congregation.

3. To ascertain all of the cases during the relevant period in which the Diocese/Congregation:

- knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
- had strong and clear suspicion of child sexual abuse; or
- had reasonable concern;

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

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/Congregation with the Civil Authorities;
- Current risks and their management.

## **Accompanying Notes**

### ***Note 1***      **Definition of Child Sexual Abuse:**

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990<sup>2</sup> and later developed in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 1999) which state that ‘child sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or that of others’. Examples of child sexual abuse include the following:

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

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<sup>2</sup> This definition was originally proposed by the Western Australia Task Force on Child Sexual Abuse, 1987 and is adopted by the Law Reform Commission (1990) *Report on Child Sexual Abuse*, p. 8.

**Note 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/Congregation.

**Note 4 Random sample:**

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