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Baroness Jula Cumberlege
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NOLAN REPORT REVIEW

Submission to the Cumberlege Commission

Dear Baroness Cumberlege,

Thank you for your letter inviting me to submit written evidence to the Cumberlege Commission on the implementation of Lord Nolan's report *A Programme of Action*.

I have been a bishop for only about 3½ years, and therefore speak from limited experience of handling Child Protection issues, but I am certainly well aware of the importance of the issue. Much of my 31 years of ministry has been with young people, as school chaplain, parish priest and in Scouting, and I have no doubt whatever as to the need for professional standards regarding working with children, young people and vulnerable adults. Most priests and lay people also readily accept this need. The vast majority of the policies adopted and now being implemented by the Catholic Bishops' Conference of England and Wales in their parishes are clearly common-sense and are now having a settling impact on the way things are done. There is now, I think, a much greater sense of confidence in the Catholic Church about such issues.

My fundamental question, however, is to what extent our current emphasis on creating a safe environment for children, young people and vulnerable adults has been to the detriment of their being warmly welcomed and able to experience God's love and affection within the context of the life of the Church.

In the parish of Tunbridge Wells where I was parish priest before coming to East Anglia as bishop, we began in 2001 to implement the first phase of child protection policies in response to Lord Nolan's report. Our parish policy was deliberately entitled *Loved and Safe*, to highlight the first priority within which all talk of safety needs to be set. The same is true within any loving family. I say this because there is little doubt that many priests, as well as lay people working with children and young people in a parish setting, have taken a step or more back from a loving approach to them. Although helping to keep our children safe from sexual and physical abuse, there is a very real danger that another form of 'abuse' (or at least deprivation) results. Many children, young people and vulnerable adults have in the past (and of course continue in many instances today) to

experience a warm welcome, a real sense of family belonging, and a healthy love and affection within the life of the Church which some sadly do not find elsewhere. It would be a tragedy if this was lost or undermined in the cause of making 'safety' our priority. This is not just idle speculation: it has happened and does happen in some places, and priests in particular have spoken to me of their hesitation and even fear of the close pastoral friendship with young people which used to be part of the life and ministry of many good priests, often having a life-changing effect and benefit in the lives of those young people. This is not, of course, the aim of our procedures, and properly implemented they should not have that effect, but the danger remains if the setting for the search for safety is distorted.

There is no conflict between being 'loved' and being 'safe'; but whereas any real 'love' always involves 'keeping safe', it is not the case that 'keeping safe' always involves love. The danger of our current preoccupation with 'creating a safe environment' is that we keep people so 'safe' from the possibility of abuse that they are deprived of what they need most in life. The word 'love' appears, I think, only once in the Nolan Report, at 3.3.2 when it affirms that most clergy 'see it as an integral part of their ministry to ensure a safe, encouraging and loving environment for children.' Indeed, but let us reverse the order of those three, and make that more openly our overarching objective.

None of the above should be read as questioning the need for our child protection policies, etc. It is vital that a safe environment be created in the life of the Church, but in the same way as in any family – within the overarching setting of a loving environment. I would like to see this written far more deeply and systematically into all of our policies.

This fear of potential detachment is also one of the main barriers to the full implementation of our child protection policies and procedures. There are three (or more) possible responses to the full set of procedures from priests and lay people dedicated to working with children, young people and vulnerable adults:

- (1) Most try to do their best to balance 'love' and 'safety', never fully achieving the balance and always slightly fearful of what others are thinking or what might be said about them when the balance tips from 'safety' to 'love'. I have even heard priests comment questioningly on fellow priests who choose to spend a lot of time with young people, something which would have been seen as a special gift and charism in the past.
- (2) A few may simply ignore many of the procedures and carry on as they did before, with the view that the COPCA policies and procedures are 'over the top' and hold them back from allowing them to act in Christ's name in welcoming children and bringing his loving care to them, in imitation of Christ's own approach to children as presented in the Gospels.
- (3) Others, especially lay people, back away altogether from volunteering to work with children and young people in particular. It is increasingly difficult to find people ready to offer themselves as youth leaders (Scouting and Guiding has found much the same). There is too much 'red tape', too many regulations, and the general environment for youth work is often seen as one of suspicion rather than joyful enthusiasm. In some parishes, activities which used to happen have ceased, especially because of COPCA's insistence on at least two adults always being present: many small parishes find it difficult enough to find one volunteer, let alone two!

The challenge is to present our policies and procedures in as positive a way as possible, as common-sense norms which free people for loving service of the young and vulnerable. I think there is some way to go in doing this.

Your second question asks whether we have struck the right balance between 'creating a safe environment for children and vulnerable adults' and 'being fair and just to those who serve the Church community'?

My main point is that there is an even more important question to ask: have we struck the right balance between 'creating a safe environment for children and vulnerable adults' and 'creating a warmly welcoming environment where children and vulnerable adults can experience the love of God through the life of the Church.' My answer is 'No', and I suppose that was almost inevitable given the context of reacting and responding to the horror of multiple allegations of abuse by clergy and others. But we need radically to redress that imbalance, and that in itself will support those who serve the Church community, and help to create a better environment of fairness and justice.

Tremendous pressure is put onto Diocesan (and indeed Parish) Child Protection Coordinators. Many parishes find it difficult to recruit an appropriate person, and I am not always sure that COPCA is aware of the reality of ordinary parish life, especially that of smaller parishes where parish priests often struggle to find volunteers for a whole range of people requested by their bishops and others. COPCA can also be rather too demanding on Diocesan CPOs. There are too many meetings, some of which do not seem to be of great benefit.

In passing, it has to be said that the financial implications of implementing the full procedures can be close to crippling for some smaller dioceses. Our diocese already runs an annual deficit budget, and we are constantly having to say 'no' to taking on much-needed extra staff or to funding certain projects. The cost of child protection (employing our CPO, etc) is the major factor in all of this. Again, COPCA needs to be more sensitive to the situation of smaller dioceses such as mine.

There are now clear procedures established for responding to allegations, and this seems to work well. There are still serious questions to ask about the way priests and others are dealt with when an allegation is made. Regardless of what the norms might suggest, and whatever a bishop may say when putting a priest on 'administrative leave', the principle of 'innocent until proven guilty' is generally not retained in the common mind. The Paramountcy Principle must be balanced with a clear practical implementation of fairness to anyone against whom allegations are made, including a genuine presumption of 'innocent until proven guilty.'

Some bishops were expecting that COPCA itself would become less necessary once the fundamental policies and procedures had been put in place. There would still be the need for processing CRB checks, and some kind of agency would undoubtedly be needed to monitor and review implementation. It would be all too easy to lapse into complacency. But do we need to do this on our own? Does the Catholic Church in the future need its own office or agency for such things? Could we not work in much closer partnership with the other Churches, and use already-established agencies for CRB checks, etc (e.g. the Churches Child Protection Advisory Service).

Again, this should not be read as undervaluing in any way the great work done by COPCA to get us to where we are now. It was probably important for the Catholic Church to be seen to stand up and work towards 'best practice'; but that is not necessarily the best way forward now, and we need to be ready to think radically about how best to serve and structure our child protection practice in the future in a way which takes realistic account of our limited resources.

Lord Nolan's report stated: 'Because of the Church's particular message and the position it holds, it seems to us to be of great importance that it should be an example of excellence, which others will look to and want to follow' (3.1.6). We all want the Catholic Church to be an example of excellence in this area, as with so many other areas. But we do not need to do that on our own any more, and other Churches already operate similar policies and procedures. Seeking excellence is always good, but there will also always be challenges along the way, especially in smaller dioceses with

few resources, and in smaller parishes with few suitable and ready people. I am simply asking for more open recognition of this reality in what we expect of people as we implement all that is rightly asked of us.

I have not in this submission approached individual aspects of the Nolan Report or the current Bishops' Conference policies. Generally, I have little if any problem with them, and they make much sense. Some are less easy to implement than COPCA sometimes seems to suppose, as we are dependent on having the right people ready to offer themselves to ensure implementation.

Most of the policies are now well grounded in our diocesan and parish life, and that is a tribute to Lord Nolan's committee, to Archbishop Vincent Nichols and his collaborators, and to Eileen Shearer and COPCA.

To repeat myself yet again, it is the overall setting of our policies and procedures which is my primary concern. If we get that setting right, this may well allay fears and hesitations about some of those policies and procedures - especially from priests concerned about the way fellow priests are treated when unproven allegations are made, about the extra burdens placed upon the limited personnel resources of some parishes, and about the potential of those policies to undermine the traditional pastoral relationship between priests and children, young people and vulnerable adults which many see as central to their priestly ministry.

With my thanks for your work in this important review,

Warmest good wishes,

Yours sincerely,

Rt Rev Michael Evans
Bishop of East Anglia