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CUMBERLEGE COMMISSION RESPONSE

1. Has Nolan Worked?

- Ø **Success:** Huge success in consciousness raising and ensuring the church is a safe place for children and vulnerable adults. The Church, through the work of COPCA has seen a paradigm shift in terms of its approach – both externally and internally – to child protection. A huge amount of learning has happened and the consciousness level amongst church ‘professionals’ has heightened extraordinarily.

- Ø **What more needs to be done?** There will always be the need to keep people focussed and aware that weakness, sinfulness and vulnerability is amongst us and therefore vigilance and attentiveness must be maintained along with appropriate guidelines that minimise any potential ‘unsafe’ situation. How this is done needs to be seriously reviewed as I am not convinced we should continue as we have begun.

- Ø **Gaps:** Vulnerable Adults is a huge gap. Not only have we not got as far as the policies as they pertain to VA (and I know this is being addressed) but I believe our definition of vulnerable adults is far too narrow for a church ministry setting. Currently our definition is confined to “a person over the age of 18 who is, or may be, in need of community care services by reason of mental or other disability, age or illness; and who is or maybe unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.” However a large group of people to which “Church professionals” minister are outside this definition and I am referring to the many ‘vulnerable’ people who come to seek counsel, support, help from us and are ‘vulnerable’ in that we as church professionals have the power and they do not. Offences of this kind are probably more defined as ‘professional misconduct’ but can be equally damaging and dangerous. If we look round the world at other church communities dealings with these issues this type of protection forms a major part of their agenda.

- Ø **Barriers:** We need to state our principles on which we base all our procedures in a language and style that is of our Catholic culture and yet is accessible to the whole community. Our current Child Protection material is not in a language or style appropriate to our Catholic culture. We have pages and pages of complex, bureaucratic, time-consuming, inaccessible procedures that are just ‘beyond’ people. In addition the financial drain on our resources is out of all proportion.

2. Striking the balance:

I think we have certainly created a much safer environment and at times this may have been a bit over the top vis a vis fairness and justice to the member of the church. This was probably a necessary swing of the pendulum to ensure safety, to establish norms and standards and to show others that we were serious about child protection. However 5 years down the track things need to be reviewed. For example:

1. **Assessment of allegations:** My main concern would be in the area of ‘type’, ‘form’ etc of allegation. Whilst maintaining the paramountcy principle there needs to be room for some form of reflective, objective, professional discernment about any particular case. There must be a distinction made between an allegation that is current, and where a child or children are obviously in potential danger and, at the other extreme, an allegation made through a solicitor’s letter where the focus is asking for compensation. There needs to be some form of assessment of the situation before action is taken which, under current policy, can often be very drastic, damaging and even proven to be unnecessary.
2. **Welfare of the ‘victim’.** In my experience the involvement of the police and social services is not always in the best interest of the ‘victim’ especially when the person is making an allegation of an abuse that happened a long time ago. Often people want their story heard with compassion, their experiences acknowledged and some form of restitution made. This does not always mean huge compensation claims but costs of therapy or counselling, creating a safe space for hearing the story and offering healing support.
3. **Addressing the non-negotiables:** There are certain principles that are non-negotiable e.g.
 - Safety of children and vulnerable adults
 - The importance of showing to our own membership and to the wider society that the church is open, transparent and deeply sorry for any abuse that may have occurred in the past and that we are doing everything in our power to ensure that everyone is safe within the boundaries of the church and its ministries.
 - The importance of bringing to justice those who have offended against children and vulnerable adults
 - The importance of offering compassionate Christian support to those who have in any way been affected by abuse
 - The importance of offering compassionate Christian support to those who have abused

However the way these non-negotiables are addressed in our current system is hugely bureaucratic, burdensome and for many quite beyond their limited resources to adopt.

3. The National Office: I would acknowledge the extraordinary work done by Eileen Shearer and her dedicated, and for the large part under-staffed, team in creating a culture where creating a safe environment for Church members is now a priority for most, if not all, leaders in our Church. In acknowledging this I recognise that Eileen has done this out of her professional background and it seems to me that she has brought an NSPCC/Social Work model of protecting children and tried to make it fit the Catholic Community and I don’t believe it does. Most of us do COPCA work under sufferance, it is not life-giving, the model is draining, demanding and feels such a burden. You mention COPCA and

people groan; they don't understand it and can't find their way round it and feel burdened, confused, anxious. I believe if you scratch the surface you will find numerous examples of policies not being followed, details not attended to because it is not 'us'. It is a process which has been heavily imposed from the top down and a system which is alien to our model of church.

There does need to be some National Co-ordination but I believe we need to explore our needs and match the support accordingly

4& 5 Organisational Structures – working well or not, excellent practise or not? I

believe it would help if we stopped separating children, vulnerable adults and other adults in our pastoral care – it does not matter what age or level of competency a person has – each has a paramount right to safety and care within our Christian communities.

We need to state the principles that must form the basis of the church's response to complaints of abuse of any kind. From these principles procedures are needed which must be followed in responding to individual complaints.

The wider community must have public criteria by which it can judge the resolve of the church leaders to address and deal with issues of abuse within the church.

The church is meant to be counter-cultural in all we do. Our Child Protection policies are not at all counter-cultural – they are a close reflection of a social services system that is so complex and financially burdensome and very difficult to manage. I firmly believe we can

- Ø simplify without watering down our procedures through a review of the Organisational Structures policy
- Ø make our policies more reflective of our own culture of compassionate listening and caring for the whole person whoever they are and whatever their story
- Ø look at the non-negotiable principles and ask what procedures we need to put in place to uphold these principles
- Ø Review Responding to Allegations Policy to enable us to respond to the very broad range of possible allegations that come across our desks
- Ø Look very closely at the reality of religious congregations in England and Wales and how Nolan needs to be adapted to meet the needs of many of them
- Ø Acknowledge that Nolan's recommendations did not take into account the reality of religious congregations in E&W and make a commitment to address the tremendous difficulties this has created. One size does not fit all.
- Ø Acknowledge that *A Programme for Action* was set up to meet the needs of 22 dioceses which have clear geographical boundaries, much more clearly defined personnel, their own infrastructure and of a size potentially capable of sustaining the bureaucratic burden imposed by the policies.
- Ø Acknowledge that the 'One Church' approach dreamed of has in so many areas remained a dream – it is not in our culture and although many people have made every effort to embrace it in relation to creating a safe environment it has been like trying to fit a triangular peg into a square hole in many ways
- Ø I believe religious have given their all to try and comply with all that has been asked of us.

Ø I know that the Commission is not about re-inventing the approach to Child & Vulnerable Adult Protection but I would really recommend a further 12 pages of reading in terms of seeing how all these issues can and have been addressed by the Australian Church, in a truly One Church approach, with clear principles, definitions, guidelines, policies and procedures. This can be found at www.acbc.catholic.org.au go to ~ Committees; go to ~ Professional Standards and go to ~ Towards Healing.

Thank you for the opportunity to submit this response and thank you for the work you are doing on our behalf.

Jane Bertelsen fmdm