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Bishop Mark Jabalé's reply to the invitation to comment on "A Programme for Action"

I am grateful to members of the Commission for the opportunity to comment on how the implementation of the Nolan Report has worked in the Diocese of Menevia.

I will proceed by taking the questions in turn, as proposed by Lady Cumberledge in her letter of the 31st July 2006.

1. Whether you think the implementation of Lord Nolan's report, '*A Programme for Action*', has worked?

There is no doubt that in the climate which existed in 2001 there was need for such a programme. It was right to start it and it was right that it should have the unanimous and the wholehearted support of all the bishops, which it had.

The thing it has managed to do is to reassure the faithful, and the country at large that the Church does indeed take Child Protection seriously, especially with respect to recent studies into the problems related to paedophilia. In this respect, the programme seems to be successful.

COPCA, the organisation created as an immediate result of Lord Nolan's Report, set about establishing itself and all the necessary diocesan structures in an efficient and effective way. No doubt, there have been times when the dissemination of information and the setting up of these structures could have been done in a smoother and more user-friendly way, but is a tribute to COPCA that they seem to have achieved not only a high degree of credibility but also a high standard of service.

My major concern in contacts which I have had with COPCA are not on the score of efficiency, where they have always shown a high standard. It has been rather in what I might best describe as an incomplete understanding of the running of the Catholic Church, and that there is another legal system under which it also operates (Canon Law). Also, an imbalance has arisen which does affect the effectiveness of our ministry.

2. Whether the programme has struck the right balance...

The programme certainly appears to have created a safe environment for children and vulnerable adults; but, in my experience and that of many other bishops to whom I have spoken, often it has been less than fair and just to those who serve the Church community.

The first and most important way it has affected the way the Church (and especially priests) serve the people of God is that it has created a climate of insecurity among the clergy. It has done this in a number of ways:

- a. Many of the clergy no longer feels safe in the company of young people lest their motives be misinterpreted. This, in practice, means that they are far less effective in their ministry, as they often feel that they have to keep young people 'at arm's length'
- b. The relationship between Bishop and clergy has often been adversely affected when incidents have occurred and other clergy feel that certain decision which had to be taken by the bishop came from him and not as a direct consequence of following the Programme for Action.
- c. Many clergy feel that the bishops as a whole have 'sold out' to Child Protection Management Teams, and to the system, and to a great extent have betrayed them. These comments I have heard, not only in my diocese, but in others.

Another imbalance is when a priest (or indeed any other individual worker in the diocese) is put on administrative leave following allegations. Only too frequently the length of time taken by the police to investigate the case has taken so long that it has destroyed the confidence of the faithful and the confidence of the person concerned. This process has sometimes taken many months before the police have begun investigating – in one case, to my knowledge, probably causing information on a computer to be destroyed.

Being fair to those who serve the Church?

In some instances the process through which alleged offenders have been put through can be extremely unfair:

- priests/other workers put on administrative leave are not entitled to know the nature/type of accusation or the identity of the accuser
- he/she is left in the wilderness for however long the investigation takes (and I have known it to take in excess of six months) before being questioned or informed
- the public may be aware of the nature and circumstances of the accusation before the individual is called for investigation by the statutory authorities
- because of the nature/type of the accusation speculation can be rife and the damage to the character of the accused is often beyond repair – in some instances this has led to suicide.
- in some cases, the procedures seem to lean more kindly towards the accuser than the accused. This can take the paramountcy principle to a level where an injustice is perpetrated.
- in many such cases, the bishop is left in a vulnerable position, when following procedures he is severely limited in the knowledge he can disclose to the accused or to others. Also, the bishop's character can come into question when the accused turns sour, thinks the bishop has acted unjustly and disseminates that information among colleagues and friends
- When a priest is put on administrative leave the implications for him can be totally different to those applying for anyone else. Uprooted from his 'home', which is his parish, he will have no family to go back to, more often than not. Whatever arrangements are made for him can never be as satisfactory as for someone in similar circumstances who can have the constant support of family.

3. The national child protection unit

COPCA has, to the best of my knowledge, fulfilled the required functions. I think, however, that its role in regard to bishops has sometimes been a little less than clear in the eyes of regional organisations (Child Protection Management Teams). I wonder whether the role of COPCA and the Child Protection Management structures in the diocese are really properly understood by those bodies as **advisory** to the bishop. Some of my experience, and others' that I have heard, seems to point to the fact that these bodies sometimes feel they can dictate to the bishop. Whether this feeling comes as a result of the instruction/meetings they have with COPCA, I cannot tell; but it does need to be corrected.

4. The organisational structures in the dioceses

As I mentioned above, and this has been confirmed to me by other bishops, the pressure put on the bishop can sometimes be very great. Child Protection Management Teams can believe they have powers to which they are really not entitled. (In my case, on one occasion, a pseudo-legal document was sent for me to sign, purporting to be a tripartite binding agreement between the alleged priest abuser, myself and the Child Protection Management Team. Naturally, I refused to sign it as it had no force in Canon or Civil Law. But it did demonstrate to me the poor understanding which sometimes exists of the clearly advisory role which child protection structures should keep.) In the final analysis, it is the bishop who will be held responsible, it is he who puts the person on administrative leave, and it is he who is answerable to and for his clergy in the diocese. He would be rash to disregard the Team's considered and professional advice, but in the end he is the one who is responsible and who makes the decisions. I am not sure this is fully understood.

5. Are these policies an example of excellent practice?

In some ways, yes they are. But in the carrying out of them, a great deal of damage can and has been done especially in human relations, and in the understanding of the relationship of priests to their bishop.

Short of giving a mountain of personal detail and examples illustrating the above, I fear this is all I can manage at a very busy time. I hope it is of some help.

XMark Jabalé OSB
Bishop of Menevia