

DIOCESE OF MIDDLESBROUGH

Review of the Nolan Report 'A Programme For Action' (2001)

Diocese of Middlesbrough response, under the Chairmanship of the Bishop, to the Cumberlege Commission

QUESTION 1

Do you think the implementation of Lord Nolan's report, 'A Programme for Action', has worked?

If not, why not?

What more needs to be done?

Where are the gaps?

What are the barriers to it working well?

Response

Ø **Created more awareness**

- Through paperwork*
- Through policies*
- Through meetings*

Ø **Diocesan and Parish structures have worked**

- In this Diocese we feel it is more to do with the way in which the policies and procedures have been introduced into the Parishes i.e. not aggressively; there to help; we are trying to protect not only the children but also explaining to volunteers - people working with children, how they should behave in the vicinity of children. Personalities*
 - the way in which the Child Protection Office staff in the Diocese has dealt with the Local Child Protection Representatives (LCPRs) and volunteers has helped ease the process of change.*
- Difficulties have been encountered when introducing the policies and procedures because of the number of forms and complexity of the policies.*

Ø **Hasn't taken into account the nature of the Church and Parish life**

- The Church and the Parishes are helped greatly by the number of volunteers who work within each parish, giving up their own time to help promote the faith to children. In formulating the policies COPCA assume that when there are vacancies for volunteers within a parish that there are a number of applicants. In practice it is usually the Parish Priest who is persuading people, with the right qualifications to help fill the role of a Catechist, to help with children's liturgy, run the confirmation group or to run the youth club. The idea that an advertisement for these roles be put up in the parish would result in them not taking place - people do not volunteer readily. Therefore the suggestion that interviews should take place for these roles is questionable.*

Question 1 cont'd

- Ø **Improved transparency and opening up the Church to take on the issues**
 - *The introduction of the policies has meant that the way in which child protection is dealt with has become more transparent. The people in the parishes see the notices about Child Protection in and around the Churches and other parish premises. Child Abuse is now discussed more openly in society as a whole and the Church is following this trend. There have been some horrific cases in the public arena – not connected with the Church – as well as other highly publicised historic cases within the Church.*

- Ø **The system has worked when we had actual cases that have resulted in imprisonment - through to rehabilitation and safeguarding**
 - *By following the procedures we have been able to deal with cases (Historic) that have been reported and have been involved with the statutory authorities at every stage of an investigation through to conviction and release from prison. We have attended Multi Agency meetings (MAPPA) and been able to give advice on the rehabilitation of convicted personnel. The continued monitoring of those staff by pastoral and practical support tries to ensure that the risk to children is minimised.*

- Ø **The opening up of the Commission to lay people with specialist knowledge has been positive**
 - *With the establishment of the Child Protection Commissions in each Diocese, an additional level of expertise has been gained.*

- Ø **The implementation has enabled systems to be put in place to manage risk**
 - *One of the Sub-groups of the Child Protection Commission is a Risk Management Group who are able to discuss the risk posed by convicted staff and make recommendations to the Bishop on the minimisation of the risk to children. They also discuss when necessary blemished CRB checks and other relevant matters*

- Ø **Public perception through the media - we have huge problems, not taken on board what we have achieved**
 - *The Annual Report in the early days concentrated too much on the negative aspects i.e. the number of historic cases that were being investigated, but gave the impression that the cases were current and that there was a huge problem with regard to paedophilia within the Church. It would have been encouraging if achievements had been celebrated as well as negatives identified.*

- Ø **Structures in place pre 2001 within the Diocese**
 - *One of the presumptions that was perceived to be in the Nolan Report was that prior to its publication, none of the dioceses in England and Wales had any child protection procedures. This is not accurate. Many dioceses did in fact have child protection procedures which expressed the concern of the Church authorities for child protection and the wellbeing of children. It would have been helpful to have had that dialogue with COPCA about what we were doing and the new structures so that everything meshes and offers the best protection for children. It would have been helpful for COPCA to have done a mapping exercise to see what had been done in dioceses. An independent person was brought in with no knowledge of the Church. Those making the*

Question 1 cont'd

appointment should have been aware. It is most unfortunate in our view that the COPCA Board did not appear to alert the Director of COPCA to the good work which had already been done and the need to map.

Ø Paperwork - could be rationalised. Completed through good will of volunteers

– Everyone is aware of need for good administration processes which secure the examples of good practice we are trying to establish. However, to produce 14 forms for one occasion is too much. In our view, the administration side of things is out of all proportion to the objective in view.

Ø Lack of rules of interpretation are a barrier to good practice

– COPCA has assumed in reality a quasi-judicial role without appreciating the absolute need for rules of interpretation and rules of evidence. The circumstances in dioceses are such that there must be scope for adaptation. Policies that are issued cannot be adapted to suit local circumstances because it has been a matter of 'one policy fits all'. Each Diocese is different and whilst there are parts of policies that cannot be open to interpretation, there should be room for each Diocese to change things to suit local circumstances. Each case that is reported is unique and there should be room for initial investigations to be undertaken in respect of Historic Cases where the people involved are seeking answers to questions rather than wanting to involve the Statutory Authorities, police, courts etc, to recognise the need for some victims of abuse that they just want someone to recognise that something happened to them when they were young. The majority of the contents of the policies and procedures have been borrowed from those of statutory and voluntary agencies for use in the church. Unfortunately this has not always worked.

Ø Concerns about the lack of compliance in Canon Law

– Some of the policies and procedures that have been introduced conflict with Canon Law. That implementation process suggested a lack of understanding of the status of Canon Law within the Church. Assumptions were made that there were no procedures for dealing with priests who had had allegations made against them and introduced policies that ignored the rights under Canon Law of individual priests. We believe it was not envisaged in the deliberations of the Nolan Committee that administrative leave for example was to be an unrestricted procedure without any time provision.

Ø Limitations of accessing the database in the light of assessing safety of visiting clergy

– The database of clergy needs to be more accessible from the point of view of Diocesan Child Protection Offices so that if a priest is visiting from another Diocese their status can be easily checked.

QUESTION 2

Do you think that the processes introduced nationally and locally 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?

If not, can you say what could be done differently to achieve this balance?

Response

Ø The paramountcy principle versus natural justice

- Whilst we must ensure that no children within our and the Church's care can be abused, the rights of the individual cannot be ignored. We should not seek to impose penalties on individuals that the courts would not be able to. If it can be shown that no one is at risk then in the case of a priest he should be left in his own home. The removal of a priest from his home should not be automatic; in many people's eyes this is tantamount to the man being guilty. Each case should be looked at on its own merits and opportunities given for the accused person's needs to be considered. It is an area of particular concern that natural justice has not been respected by Church authorities when dealing on occasions with historical allegations. In particular we have in mind housing provision for priests and the impression unwittingly created of guilt in respect of priests and lay people against whom allegations have been made.*
- Whilst always upholding the principle of Paramountcy of Children, we cannot ignore the rights of the accused person, who may have given many years of service to the Diocese/Church and as responsible employers, we need to be able to offer support in the early stages of an investigation. The experience in this Diocese was that the interpretation of Nolan did not create a helpful balance and the Diocese itself undertook to create this.*

QUESTION 3

Lord Nolan recommended that a national child protection unit be established primarily to:

- *advise on child protection policies and principles*
- *give expert advice and moral support to dioceses and religious orders*
- *collect and disseminate good practice*
- *facilitate child protection training and awareness raising*
- *monitor the effectiveness of arrangements locally and secure improvements where necessary*

Do you think that the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) has fulfilled these functions?

Does it have a role to play in the future?

If so, say what role that should be?

Are there any changes you think should be made to deliver that role?

Response

Ø COPCA's understanding of the Church

- *The employment of staff within COPCA who have had no involvement in a Catholic Parish has meant a steep learning curve and it could be said that they have not understood the 'nature of the Church'. In some of the policies that have been produced this lack of experience/knowledge shows. While the independence of the staff is not questioned, in reality COPCA has taken on an inquisitorial role rather than to help create an environment/ethos in every Parish where people are aware of child abuse and take all reasonable precautions to avoid it happening?*

Ø Does not do any of this!

- *COPCA has struggled to fulfil this role and so often when advice is sought, it is communicated as a directive. The result of this is that it is only in extreme circumstances where advice is sought. With the formation of the Child Protection Commissions with the relevant child protection experience, each Diocese should be able to deal with any cases that are reported.*
- *On the positive side, COPCA has developed policies over the last five years that form the basis of our systems. This has given concrete foundations on which each Diocese should be able to build. The main problem has been that when policies are sent, we are told they must be introduced as they have been agreed and there is no room for interpretation.*

Ø Diocese developed own relevant training/monitoring

- *Due to staffing and administration difficulties, COPCA has not been involved in facilitation of child protection training, awareness raising and this is often done on a local level.*

Ø Increased focus locally (Diocese/Parish level), not nationally

- *The focus has been 'top down' with instruction being issued and the views of Diocesan staff not being recognised. There should therefore be more meaningful dialogue and*

Question 3 cont'd

more understanding of the problems encountered at parish level with regard to the work load and implementing the systems.

- In our view, now that the procedures have been put in place, the role of the COPCA Office will be guidance and support and the focus will shift to the Diocese and parishes.*

Ø Suggested changes to be made

- The current attitude of some of the staff at COPCA is one of ‘we know best’. It should be one of working together to ensure the implementation of policies and listen to the problems that are being experienced with a view to a shared resolution.*
- We believe COPCA should exist to provide a support service to each Diocese and recognise the autonomous nature of each Diocese.*
- A lot of tension has been created by ignoring Canon Law.*
- The Bishops and the Board of COPCA should enable and support the integration between the Roman Catholic Church’s policies and Canon Law principles.*
- We would encourage COPCA to be the ‘critical friend’ to each diocese, monitoring and guiding their procedures. We would suggest that the creation of a training database would further facilitate child protection training and awareness raising.*
- Bigger training role - we would envisage COPCA creating a greater role in the provision of training material for use within the dioceses. They should take on the role of providing training in seminaries and other training establishments on Child Protection, checking legislation and updating each Diocese.*

Ø Will not contact them (unapproachable)

- The staff of COPCA who deal with the office management systems have been very helpful in solving problems with the database. However in other areas it is difficult to create a relationship of trust – it would be helpful from time to time simply to speak to people at COPCA as a sounding board. Perhaps one of the issues we struggle with is the balance between pastoral practice and the practice of child care professionals. Unless we are dealing with a case – and that is thankfully a small part of our work – the job within the Diocese is mainly administration of the systems.*

Ø [Move forward within provinces

Ø [Meetings within provinces

- A suggested way forward would be meetings arranged within the provinces of England and Wales which would be smaller and therefore more manageable. With notes or suggestions on best practice circulated rather than a ‘one system suits all’ approach. These meetings could be one day events rather than the two or three day at present.*

QUESTION 4

How well do you think the new organisational structures (introduced in the dioceses and religious orders) are working?

Are they efficient and effective?

What, if any, improvements might be made?

Response

- Ø **The prescriptive organisational structures were not appropriate to this Diocese**
 - *The inflexibility in the organisational structures policy is again indicative of a failure to understand the autonomy of each diocese. In the Diocese of Middlesbrough, we adopted a different structure which we believe has worked well and recently received validation from the Insurance Company. A copy of the report is attached as Appendix 1.*

- Ø **Good working relationships between the Diocesan Child Protection Commission and agencies - MAPPA, for example**
 - *With the establishment of the Diocesan Child Protection Commission, a wider range of views and advice can be easily obtained. The contacts that have been made give a greater credibility to the Church in the way that we deal with child protection issues, caring for victims and abusers and the systems we employ to ensure that everyone working within the Church with children and vulnerable adults is CRB checked. The contact with the Multi Agency group in other parts of the Diocese and especially the probation service and police has meant that they now take our approaches seriously and this enables us to talk informally about problems that may arise. Another positive aspect is the sharing of information with regard to paedophiles who live in the different parts of the Diocese and want to worship in our parishes.*

- Ø **COPCA representatives could be more visible/approachable and attend meetings**
 - *One of the problems over the five years has been that COPCA has not been fully staffed, therefore there has been few visits to the Diocese. The office is based in Birmingham which is not particularly accessible. Because of this there has been no opportunity to develop a working relationship. The only regular contact is at the Child Protection Coordinators meetings which does not give the opportunity for discussion. The membership of the meeting has recently been expanded to include Child Protection Officers – of those Dioceses who have them – this means there is less opportunity to exchange views and have a meaningful discussion. The meeting has become too large in order to accommodate the insecurity of some Child Protection Officers.*

- Ø **Annual meeting of Co-ordinators to discuss issues**
 - *Quarterly meetings of the Child Protection Coordinators are prohibitive. In some instances, the Child Protection Co-ordinators could instead meet annually. Ongoing problems can be resolved and any proposals for updating policies could be discussed. This would not preclude any urgent changes due to legislation being made and communicated.*

Question 4 cont'd

Ø We feel it is positive that COPCA has instituted meetings of Commission Chairs who between them have vast experience in dealing with Child Protection issues.

QUESTION 5

Whether you think the policies and practices introduced in the wake of Lord Nolan's report are an example of excellent practice in the creation of a safe environment for children, young people and vulnerable adults?

If not, can you identify what are the most serious omissions?

Response

Ø COPCA's role - how this has developed

– COPCA's role in future should be one in which each Diocese feels able to seek advice, maintain the national database, be the umbrella body for CRB checks and carry out an audit function on behalf of each Diocese – similar to that performed by the Health and Safety Executive in industry. One future role should be the development of training programmes for use in a Diocese or Parish.

Ø Policies and procedures

– The policies and procedures that have been agreed are cumbersome (style and language) and do not lend themselves to easy reading by the people using them. Because of this there is resistance to some policies and simpler versions have had to be introduced without losing the main points of the policy. However, a good start has been made but much work for the future is again Diocesan/Parish based in making the policies 'alive' in the parishes and making them a useful tool. It is our aim that the use of the policies and procedures should become just another part of what we do, in other words it is part of the ethos of the parish and the Diocese.

– The obtaining of CRB checks and other recruitment procedures has been a plus. What we will never know is if the procedures have prevented someone who had predatory instincts from becoming part of one of our groups.

– By holding training sessions for LCPRs and they in turn holding meetings in parishes with leaders of groups, we have been able to disseminate information on the signs to look for in a predator looking to abuse children.

Ø In our view, there are serious omissions and they are covered in earlier points (integration between COPCA and Canon Law and the support of the Bishops to guide COPCA).