

HEXHAM AND NEWCASTLE CHILD PROTECTION RESPONSE TO CUMBERLEGE COMMISSION'S REQUEST FOR WRITTEN EVIDENCE

Basis for preparation of report

This report has been prepared by the Chair of Hexham and Newcastle Commission following detailed discussions with the Child Protection Co-ordinator / Child Protection Administrator, Chairs of the Commission's Sub-Committees and with the Commission's meeting of September 20th, 2006 where this Response was agreed.

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?

The summary answer from Hexham and Newcastle Commission would be that progress towards a full implementation of Nolan has been made but it remains 'a work in progress'.

It is important to remember that in this and in the other Dioceses in England and Wales significant efforts to implement child protection policies and systems by the Catholic Church occurred after the publication of the 1994 *Pastoral and Procedural Guidelines* that preceded Nolan. Therefore the response to the question needs to take account of this and to regard Nolan as having reviewed, co-ordinated, developed and accelerated an already substantial system and process.

Outlined below are a number of difficulties experienced by most organisations in trying to introduce any new and / or difficult area of work into their organisation. They are listed to give a contextual background to the question

1. The issue, in this case Child Protection, is a 'point of entry' to an understanding of the organisation. The ease and speed of incorporation of the issue into the organisation, and the effectiveness of its implementation is dependant on the general health and efficiency of the organisation in general. One would expect difficulties in full and effective implementation of child protection systems within the Church to be in part related to the difficult nature of the problem, but at least as much to illustrate the general functioning of the Church.
2. Difficult issues, such as child protection tend, to produce a three-phase response in organisations i.e.
 - Impact
 - Recoil
 - AdjustmentComparisons with the impact of child protection post-Cleveland on statutory and inter-agency child protection systems mirror difficulties

encountered with the Catholic Church's adjustment to this problem. These include ideological differences and clashes, denial, resistance and even opposition, feelings of helplessness and / or anger, a siege and defensive mentality and a tendency to blame those who attempt to tackle the issue.

The difference between Church and other organisational responses to implementing child protection within their organisation appears to be the degree to which denial and / or resistance still seems to be a residual problem, especially with clergy, and the greater length of time it appears to take Church membership to move from recoil to adjustment. It could not be said that all Church members, especially clergy, were in agreement with the 'paramountcy principle'. (Included as Appendix 1 is the Engagement/interface Model that illustrates some of the variety of attitudinal stances within dioceses that Commissions have to work with or even against).

3. There is a particular problem for the Church, as a voluntary Organisation, in fully implementing Nolan. This is expressed in the tension between:

Statutory Agency Expectations

Voluntary Agency Resources (including personnel).

Resources released in our diocese for an Administrator and a Child Protection Officer to assist the Child Protection Co-ordinator made a considerable difference to progress in implementing Nolan. This resulted in significant Diocesan improvements in development of the CRB/vetting checks and training of Parish Representatives and Parish clergy. Nevertheless there remains the need to 'cut one's cloth' and in this Diocese implementation of a system for Vulnerable Adults has not yet commenced because of the need to prioritise other areas of work.

4. Linked to point 3 above is the fact that there is always a gulf between what an organisation seeks to achieve and what it actually delivers.
5. The inability to regulate case-flow arising from referrals, and the problem of the high percentage of new case referrals being 'historic' but still requiring resolution, results in inevitable absorption of finite diocesan child protection resources to respond to and manage these cases, thereby depleting resources for other aspects of the Commission's work.

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?

In general an appropriate balance appears to have been struck. The processes appear to mirror those used in most organisations. Throughout the

guidance greater reference to 'thresholds of concern', rather than just 'concerns' or 'allegations', would be helpful. The procedures appear less helpful in dealing with the most difficult cases i.e. those where there is no clear 'allegation', where referrals are from third parties, or where Police/statutory agency involvement is minimal and the Diocese is left with residual, often substantial but perhaps diffuse risk. The efforts of Church Child Protection Agencies can then appear at variance with the existing procedures that seem designed for less complex situations (see also Question 5).

The issue of 'temporary removal from post' during 'investigation' would benefit from re-examination. There are three different terms used for different groups: for Volunteers 'stand down', for Staff 'suspended', and for Clergy/Religious 'placed on administrative leave'. The terms, although equivalent in achieving temporary withdrawal from post, are very different in weight and interpretation.

Although meant to be a neutral act, not pre-judging outcomes, temporary removal from post is still a stigmatising decision. We hope that the Cumberlege Commission could examine this very difficult matter and construct sensitive guidance, including re-examination of terminology. (It may be that sometimes the difficulty in constructing adequate guidance may relate to the inherent difficulty of the issue rather than deficiency of guidance).

Question 3: Lord Nolan recommended that a national child protection unit be established primarily to:

- provide advice and consultation to the Conferences of Bishops and Religious on the protection of children and vulnerable adults
- co-ordinate the development of national policies and procedures
- collect and disseminate good practice
- facilitate child protection training and awareness raising
- monitor the effectiveness of arrangements locally and secure improvements where necessary
- establish and maintain the central confidential database of information
- liaise with the statutory agencies (including the Criminal Records Bureau)

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 that role should be?

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

COPCA has been useful in co-ordinating and developing national policies and procedures, in achieving greater consistency of practice and in its CRB confidential database and general arrangements about Safeguarding children. It is very doubtful whether so much progress would have been made without

such a national body to oversee, develop and co-ordinate policies, procedures and systems.

COPCA has not, however, produced much-needed training packages or simpler whole-Church guidelines for child protection. We understand that the resource issues referred to in Question 1 have contributed to this delay.

We feel that there is a clear need for a national COPCA office to support dioceses and ensure greater consistency of practice throughout the Church in England and Wales. It would seem apposite that the Cumberlege Commission re-examines the nature of future COPCA structure and functions, including costs.

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?

On the whole the organisational structures appear to have been largely and effectively implemented within this Diocese. We have made terminological changes to the names of our sub-committees to those listed in the national document (Prevention and Training, Response and Steering, and Pastoral Care and Treatment) but have retained the essence of the national Policies and Procedures for their functions and membership. We preferred the term 'Management' for the main Commission.

Question 5: Do 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?

The post-Nolan national policies were welcome, needed, detailed and, in general, helpful. CRB guidance and the emphasis on safer caring were especially helpful. However, such policies and procedures issued to deal with the impact phase are perhaps overly voluminous for ease of use. An important weakness in the guidelines, (reported to COPCA in late 2004) is their weakness relating to dealing with cases of complex 'multiple' abuse (i.e. one or more alleged abusers and / or one or more alleged victims), especially where there is no on-going Police / statutory agency involvement but where concerns about risk remain. Most cases fall into this latter category. **There is a need for procedural development to cover complex, multiple abuse cases, including a better steering and support system within the intra-Church response. The Appendix 6 Incident/Concern Report would benefit from development and greater attention should be given to Case Management forms and systems throughout the life of a case.**

A further difficulty with the national child protection documents is language. Although it is recognised that some of the terms and jargon are inevitably necessary we would welcome simpler, more user-friendly language in any revisions, The national policies and procedures would

also benefit from a simple, core process and developed flowchart for the whole of the 'investigative' process through to case management completion.

Additional Comments

Although not asked for, the following issues apply to agencies external to the Church but affect our ability to manage cases. These are included and we would ask that your Commission addresses them.

1. The inter-agency Child Protection investigative and management systems with which we seek to engage and enmesh seem insufficiently operational. In practice the Police appear to be the only agency always involved.
2. The time taken to deal with cases by agencies, including the Police, can be excessive, causing a drag-anchor effect on the Diocesan efforts to resolve cases (and deal justly with those who might be 'suspended', 'stood down', or 'placed on administrative leave').
3. These difficulties are exacerbated by cross-boundary cases with different Police forces involved.
4. The overall effect of 1-3 above is cumulative delay, leading to a 'silting up' of the Diocesan Case Management process, with consequent impact upon Diocesan credibility and perceived injustices to both to those being investigated and those who may have alleged abuse.
5. It is difficult to achieve an inter-agency equivalent to a Section 47 Children Act response because of the absence of a consistent inter-agency Child Protection involvement (as opposed to Police-only, or Police-largely, involvement) for the cases of extra-familial abuse that our systems deal with. This leaves an enormous gap between the criminal threshold of 'beyond reasonable doubt' and the broader and lower Child Protection threshold.

Hexham and Newcastle Child Protection Commission recommends that the Cumberlege Commission examines the need for improvements in the operation of statutory, Child Protection inter-agency systems with which Commissions are meant to enmesh to ensure that involvement and advice is available for those cases (the majority in our experience) that do not meet the criminal threshold.

6. A number of cases of historic abuse relate to abuse that has occurred in seminaries. Responses to these hitherto have largely been individual based on each new concern/allegation. There is a danger that wider intelligence and analysis may not be being co-ordinated and therefore available to each new Diocesan investigation.

Hexham and Newcastle Child Protection Commission recommends that the Cumberledge Commission consider the need for a more systematic approach to collating and using known and suspected abuse and risk intelligence in seminaries. We are not, however, proposing a 'trawling' approach, nor one that appears in any way to induce complaints to be made.

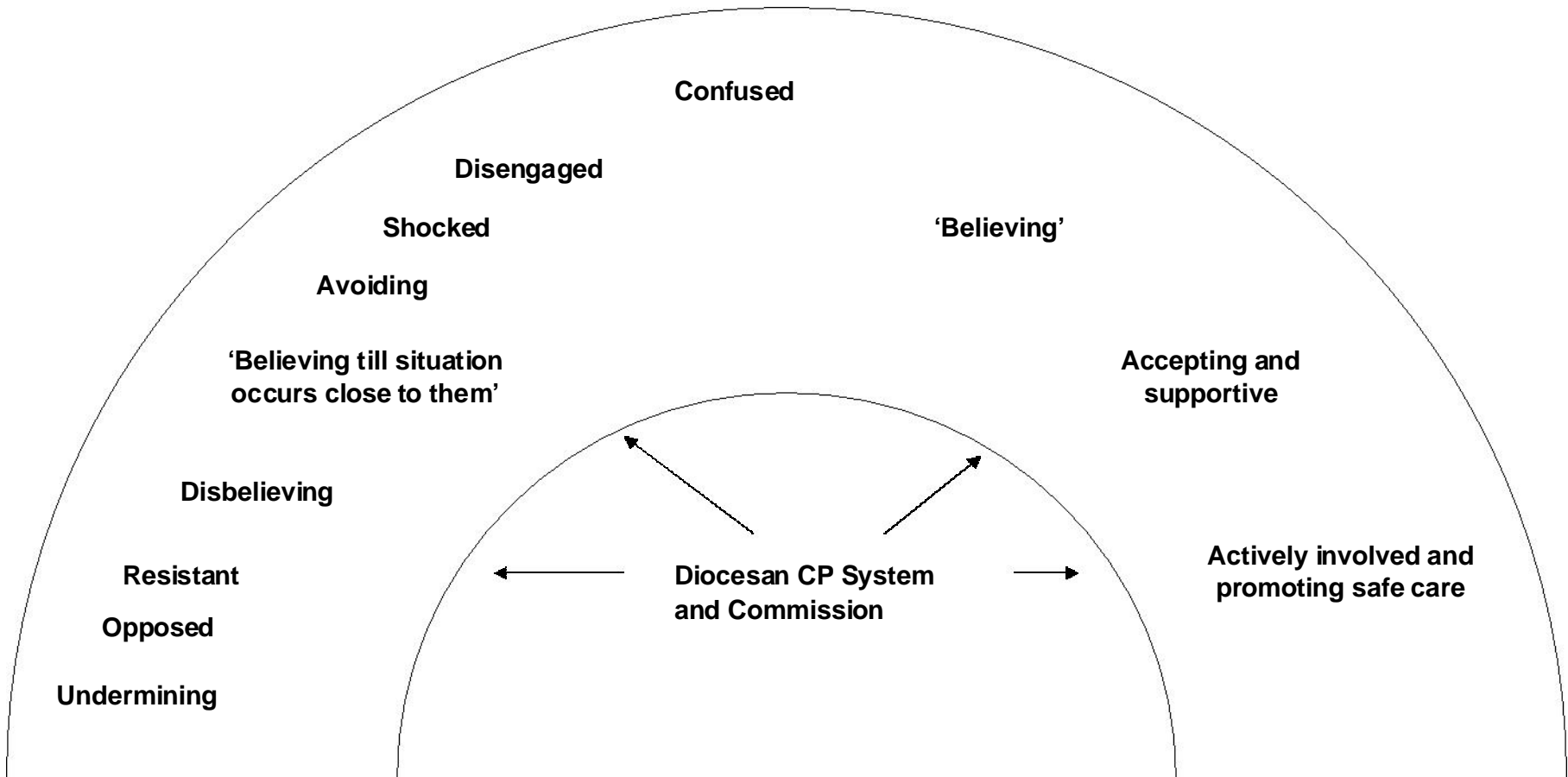
Should a more systematic approach to historic risk within seminaries be agreed then how this should be done, and who should do it would require careful consideration. At the moment it appears to be a function that already hard-pressed Diocesan Child Protection units are struggling to cope with. Extra resource provision would be necessary.

- 7. It would be helpful to the implementation of wider awareness, acceptance and involvement of laity and clergy in Child Protection within Dioceses (and minimise the tendency to regard it in a negative light) if Policies and processes for Child Protection/Safeguarding children and Vulnerable Adults were to be located within and throughout a wider and more positive Church approach to its mission.** In addition there would seem obvious overlap of Child Protection within the Church with a broader conception of 'Justice and Peace', and also for the secular-derived 'Paramountcy principle' to be linked to the ecclesiastical concept of a 'Preferential Option', in this case for the 'Vulnerable' as well as for the 'Poor'. (This 'Whole-Church Safeguarding' approach would mirror the Bullock Report recommendation of 'Language across the Curriculum' where responsibility for language teaching was seen as that of all Departments not just the specialists in the field).

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Chair, Hexham and Newcastle Child Protection Commission

APPENDIX 1: ENGAGEMENT AND INTERFACE MODEL



**SUMMARY OF RECOMMENDATIONS FROM HEXHAM AND NEWCASTLE
CHILD PROTECTION COMMISSION TO THE CUMBERLEGE
COMMISSION**

- a. The issue of 'temporary removal from post' during 'investigation' would benefit from re-examination. Although meant to be a neutral act, not pre-judging outcomes, 'temporary removal from post' is still a stigmatising decision. We hope that the Cumberlege Commission could examine this very difficult matter and construct sensitive guidance, including re-examination of terminology.
- b. There is a need for procedural development to cover complex, multiple abuse cases, including a better steering and support system within the intra-Church response. The Appendix 6 Incident/Concern Report would benefit from development and greater attention should be given to Case Management forms and systems throughout the life of a case.
- c. A further difficulty with the national child protection documents is language. Although it is recognised that some of the terms and jargon are inevitably necessary we would welcome simpler, more user-friendly language in any revisions, The national policies and procedures would also benefit from a simple, core process and developed flowchart for the whole of the 'investigative' process through to case management completion.
- d. Hexham and Newcastle Child Protection Commission recommends that the Cumberlege Commission examines the need for improvements in the operation of statutory, Child Protection inter-agency systems with which Commissions are meant to enmesh to ensure that involvement and advice is available for those cases (the majority in our experience) that do not meet the criminal threshold.
- e. Hexham and Newcastle Child Protection Commission recommends that the Cumberlege Commission consider the need for a more systematic approach to collating and using known and suspected abuse and risk intelligence in seminaries.
- f. It would be helpful to the implementation of wider awareness, acceptance by and involvement of laity and clergy in Child Protection within Dioceses (and minimise the tendency to regard it in a negative light) if Policies and processes for Child Protection/Safeguarding children and Vulnerable Adults were to be located within and throughout a wider and more positive Church approach to its mission.