

## Delivering Change and Building Trust

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## Update

- From Carol Lawrence, Project Implementation Director

The last two weeks has seen some significant progress in the project, in the recruitment of non-executive directors (NEDs) and Chair for the CSSA. The closing date for applications for the NEDs and Chair posts passed on 18 March 2021, and almost sixty applications were submitted.

A selection panel has been established to consider the applications, comprising six people, led by a retired Chief Constable. The Panel are all experienced professionals, with skills in recruiting at this senior level. It includes a survivor of clerical abuse, a medical professional with significant expertise in working with survivors, an HR expert (with experience working with Religious), and a CATEW trustee, along with the Project Implementation Director. The panel is a mix of those who are Catholic and non-Catholic, as well as a mix of men and women.

The applicants were all of a very high quality, and again from a range of backgrounds, such as social work, nursing/medical, and Police, as well as having wider skills in, for example, finance and governance. The list of sixty has been whittled down to a 'long list' and Saxon Bamfylde will now spend time speaking to those particular candidates in greater depth. This will be to consider their suitability for shortlisting and interview, as well as considering how the candidates would fit together as a cohesive Board. The next steps in shortlisting will take place towards the end of April with interviews in early May.

This is a major step forward in the establishment of the CSSA, and it was heartening to see the number and quality of applications. The process of recruitment is a robust one and it should give confidence that it will lead to sound leadership in the CSSA.



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# Catholic Safeguarding Standards Agency (CSSA)



## Workstream Progress

- Dr Colette Limbrick

**The Standards and Audit working group has completed its work and a paper outlining this work was shared with the Short Term Task Group last week.** This paper will now be taken forward to be implemented by the CSSA in due course, once the project is completed. Consideration will also be given in the coming weeks, in conjunction with Religious, to the principles of how Religious Life Groups will be selected for audit by the CSSA. The larger, more complex Groups will be audited on the same basis as Dioceses; however, a different approach would be required for, say, very small Groups with few, often elderly, members. Given the variation in size and complexity, it is important that the basis for selection is sound and fairly reflects the risk profile of Religious Life Groups.

The new working group has been created to address a route-map for ending alignment and transferring to the religious life resource and this will meet after Easter. A further work stream will be created to look at the complaints function of the CSSA, which will look at complaints once Diocesan/Religious Life internal processes have been exhausted and will include, potentially, the provision for an independent review.

The workstream on training requirements continues to meet and the training framework is expected to be finalised by mid-April. Taking a similar approach to audit requirements, consideration will also be given in the coming weeks, in conjunction with Religious, to the training requirements for Religious Life Groups.

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## Short Term Task Group

→ Carol Lawrence

**The Short-Term Task Group has been strengthened by a new member, Anne O'Brien, who joined the Group at its most recent meeting on 26 March 2021.** Anne is the Chair of a Diocesan Safeguarding Commission, and brings with her rich experience from her work within the NHS and as a magistrate. Previously Chris Pearson had been a member of the Panel, and Anne has been invited to join to both increase lay representation and to provide some of the same experience and expertise that Chris was previously able to share.

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## Soft launch of the CSSA

→ Carol Lawrence

**On 1 April 2021 staff will transfer to the CSSA from CSAS. This is a watershed in the project progress, as the Agency is now up and running and I am sure that you will join me in wishing the staff every success in their new roles.**

The final transition to the standards-based approach will be at the end of the project, once the contractual arrangements are all in place. This 'soft launch' now is a transitional arrangement, to facilitate the transition as work continues in the second half of the project.

At this stage of a 'soft' launch, the CSSA will continue to operate under the same arrangements as CSAS until the completion of the project. In the short term there will be only limited practical changes and further details on this will be sent out to Dioceses and Religious Life Groups after Easter. This will include updated email addresses and, in the meantime, the current contact details should continue to be used.



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# Religious Life Safeguarding Resource

- Fr David Smolira SJ

**Following on from our meeting about the possible models for the Religious Life Safeguarding Service, we have started to gather data about the particulars of Religious Congregations in England and Wales.** It is hoped that as many as possible who receive a questionnaire will complete it and that they will be patient with the amount of information that is being sought.

This information will help identify the best way to deliver the service from the Religious Life Safeguarding Service and help to determine the most suitable funding model. The varying needs of Religious Congregations with respect to safeguarding are quite complex and range from managing allegations about the abuse of minors, to care of elderly sisters, governance structures for the institutions Religious may still manage and run and importantly, to working together to create a safer Church for all. These questionnaires have been sent not just to Leaders, but also to Trustees, Safeguarding Leads and those who currently have their own commissions as well as to safeguarding coordinators. If you haven't had a questionnaire but would like to fill one in, please email Fiona at [SIP@jesuit.org.uk](mailto:SIP@jesuit.org.uk) (who is now our admin support while Dani is away on maternity leave).



Aside from this data collection we have been gathering your feedback on models and have sent out a brief paper letting you know the most popular models so far and the pros and cons for some of the funding options, in order to better inform the decision-making of the Religious Leaders in due course. We will be looking to present the favoured option or options to the Religious Leaders on the 13<sup>th</sup> April at the next large Religious Consultation meeting.

We have also started to look at the very important area of finances. We know that this is a real worry for many congregations as some have very limited finances and that a considerable amount needs to be reserved for the care of elderly members. It has not been possible so far to give detailed information on the amounts that will be needed to run RLSS, but we hope to be calculating this in more detail shortly. As you can imagine there has been a lot to consider with the 3 different elements all needing funding (CSSA, RLSS and NTS). We are only just entering discussions about how best to fund the new structures which take into proper account sustainability with the declining numbers of Religious. What we want to be able to do is feed into the workstream on financing which will aim to work out the fairest way to fund the Religious Life Safeguarding Service while also ensuring the best possible service provision.



The next large Consultation meeting will be on 13 April 2021 and this will focus on the National Tribunal Service. Unfortunately, Ed Morgan cannot join us for this meeting as we had hoped, but he has agreed to record some information about the NTS and to answer some of questions from Religious within his video. We are asking Religious Leaders to submit these questions but for anyone who hasn't received this request yet, but has questions or clarifications around the NTS please email Fiona at [SIP@jesuit.org.uk](mailto:SIP@jesuit.org.uk), who is currently collating these questions for Ed.

Photograph: CBCEW Marcin Mazur

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# National Tribunal Service FAQs – Rules of Procedure?

- Dr Edward Morgan QC

**This document is third in a series of fact sheets; intended to give a general understanding of how the National Tribunal Service (The NTS) will contribute to the “One Church” commitment.**

## **Rules of Procedure?**

A principal aim of the NTS is to assist in the enhancement of existing procedures; doing so with an emphasis upon transparency, accountability and consistency. These are central to a “One Church” approach. So too, is ‘accessibility’. In any legal process, there must be procedural rules. A common feature is the right of participation of relevant stakeholders. In the context of Church discipline, these will include a person who considers they have suffered harm (ie a complainant) and persons implicated in causing that harm, or participating in forms of misconduct. In regulatory proceedings, there will always be a further stakeholder: the public interest; sometimes referred to as “public confidence” or the “common good”. Both the existing law of the Church and the NTS Rules are crafted with these stakeholders in mind; ensuring participation through accessibility.

## **What happens now?**

Canon Law requires the conduct of an investigation and, where necessary, a legal process to determine the substance of an allegation and the application of any appropriate disciplinary sanction. Under present arrangements, the requirements are met by the conduct of procedures upon a localised and ‘case-specific’ basis. That is, even in cases of the most serious kind, where the jurisdiction of the Holy See is triggered, the regulatory response is conducted by means of an *ad hoc* Tribunal. The ensuing procedure is invariably locally conducted and managed.

## **How might things change?**

As indicated in the previous Q&A, the investigatory and decision-making processes will be conducted under the jurisdiction of the NTS. The NTS Rules of procedure will apply to each process. Once approved by the Holy See, these Rules will be published. In due course, they will be accessible upon the NTS Website together with related Guidance material intended to inform stakeholders and the public of what they might expect of the procedures, the likely duration of a case, and how decisions will be made and the reasons for them. By way of example, the NTS Rules will deal with:

- The qualifications, duties and training of Tribunal staff;
- Formulation and notice of allegations;
- The conduct of interviews;
- Witness Evidence;
- Arrangements for vulnerable witnesses and parties;
- Rights of Defence;
- Qualification and appointment of Judges;
- Right of appeal; and
- Publication of Determinations.

The NTS Rules do not seek to change the existing Canon Law of the Church. However, it is anticipated that they provide clarity as to how Canon Law is to be applied.



## **How does this support a One Church Approach?**

The publication of the NTS Rules will ensure that all stakeholders have the prospect of reaching a shared understanding of the legal processes and their role within them. It is intended that they will also complement present arrangements through the enhancement of measures for the reception of evidence in particular cases. These ‘special measures’ are considered in the next Q&A.

*If there is a question you would like to be included in the series of factsheets, please do get in touch, either through the website or by emailing [info@catholicsafeguarding.org.uk](mailto:info@catholicsafeguarding.org.uk)*

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# Work Plan

<b>In the last two weeks we said we would:</b>	<b>And we have:</b>	<b>In the next two weeks we will:</b>
Continue the process of recruiting new directors for the CSSA.	Received the list of applicants. This has been summaries into a long list.	Undertake due diligence, through Saxon Bamfylde on the long-listed candidates.
Issue the documents on the trustee sub-committee	Issued the documents	Task completed
Continue with TUPE of CSAS staff, finalising arrangements for 1 April 2021 transfer.	Finalised the arrangements	Task completed
Issue the template for gathering information on resources in parishes for use in pilot parishes	Issued the template	Review responses before issuing to all parishes
Combine responses to a proposed survivor reference charter on engagement with survivors.	Combined the responses, however some further information has been received to be considered.	Continue work with survivors on this document.
Collect data from Religious to explore anticipated service needs and support, etc.	Sent out questionnaires, to enable this data to be gathered.	Continue to collect this data to ensure we have a representative sample and then begin analysis
Begin the workstream to consider financial arrangements to ensure allocation models are fair and representative	Confirmed the membership of the working group and received an updated version of the models	Meet as a working group in Easter Week to begin the work.
Continue work on drafting the Rules of Procedure for the National Tribunal Service, and produce the next in the series of FAQs	Continued work.	Continue work, including extending the series of FAQs
Consider the feedback which was encouraged from Religious following on from the large meeting	Received these, issued a pros and cons sheet on some of the funding options for consideration	We will make a decision about the best way forward at our next meeting
Produce a paper on standards and production of some principles for the audit framework to inform the CSSA	Produced the paper which was considered by the Short Term Task Group and will be passed to the CSSA for .	Task completed