

Executive Summary of the Independent Safeguarding Review

Following the acceptance of the Interim Safeguarding Review Report in April, the Panel progressed their work and sought to prioritise critical questions identified through the initial assessment phase. Three workstreams were established to examine each of these. They were:

- What safeguarding structural arrangements can be developed and put in place throughout the Catholic Church in England and Wales to continue to provide a safe environment for all?
- Is there a valid case for the establishment of a national tribunal service in England and Wales?
- How can the Review best engage with the Institutes of Consecrated life and Societies of Apostolic Life in ministry in England and Wales?

The Panel recognised that the deadline for completing this phase of their work required that a steady pace would have to be maintained throughout, despite the limitations on travel that were created because of the pandemic. Consultation and engagement took place through electronic communications rather than person to person meetings. Consequently, the Safeguarding Review Panel had virtual meetings on a weekly basis, as did the workstreams.

The Interim Review had asked that a high-level Steering Committee should be established to support the work of the Review, providing a sounding board for the ideas and proposals as they were developed. This important group drew their membership from across the Church and was chaired by Bishop Marcus Stock. They met regularly and provided acceptance in principle to the scope of the workstreams, interim papers, and final reports on each. In this way, an incremental approach could be followed, with the overall aim of providing evidence-based recommendations in line with the terms of reference for the Review.

The existence of the Steering Committee, and their willingness to meet every two weeks, was critical to enabling the Safeguarding Review Panel to complete their task and meet the reporting deadline of the end of September 2020.

As work progressed and the shape of the proposed new structure was formed, four additional workstreams were created to provide focused work on areas that the Panel identified as being essential. They were:

- Evaluating the role of audits and reviews for adoption
- Defining a set of Safeguarding Standards
- Financial options to support a revised approach to safeguarding
- Identifying the safeguarding training needs of ICLSAL

The challenge of consulting as widely as possible, given the limitations that the Review operated under, was regularly considered by the Panel. Two consultation surveys were undertaken targeted on key stakeholder groups within safeguarding in the Church, with one more closely focused on ICLSAL. Both made use of a structured questionnaire and the returns were analysed by the Panel. The response rate for each exercise was approximately twenty five percent.

Added to this, invitations were repeatedly issued to all who had a view or a desire to be heard regarding the Review or what it was examining, and a number did reply. Virtual meetings were held with groups of stakeholders who were involved in safeguarding in various roles across the Church, email correspondence, as well as documents being circulated via the Bishops' Conference.

Importantly, the Panel sought opportunities to speak to individuals who had been harmed through their involvement with Church personnel. These individuals were consulted with throughout the process of the Review, and their views sought on the findings and recommendations that were being formed. Some were resident in England and Wales and some elsewhere. All had been hurt through their involvement with the

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Church. Their wisdom and engagement in the work of the Review helped to shape the robust proposals that we are now bringing forward.

The Review Panel did not form a workstream to engage with these individuals. The Chair took the view that their contribution to the process could best be facilitated through individual conversations within relationships where there was trust and respect present. Their wisdom was drawn upon fully throughout the Review, and their contributions added much to the quality of our work.

In our work, the Panel has sought to be attentive to the exact meaning of the terms that it uses. Confusion over the precise and intended meaning of a term can give rise to difficulties when considering acceptance of a proposal or seeking to strategise its implementation. For this reason, we introduced the term ICLSAL (Institutes of Consecrated Life and Societies of Apostolic Life) to replace the less precise term “religious” or “religious orders”. The Catholic Church is a complex entity within which there are multiple institutions that are regarded as being within the Church. Indeed, even though dioceses and ICLSAL form a major part of Church institutions in England and Wales, the Panel recognises that there are other Church organisations which, while similar, would not be dioceses or ICLSAL, but would have their own canonical structures. There are some institutions, furthermore, which would not form part of the Latin Church (for example, the churches *sui iuris*). All however work as part of the Catholic Church in England and Wales. Being clear where the boundary would be set by the Review was an essential first task. To define a structure for safeguarding within the Church, we firstly had to be clear where the boundary for the Church was.

In our work, we have sought to be sensitive to the existence and authority of canon law as the universal law of the Church, and to the law which pertains to the Latin Church in particular. Attention has been paid to attempting to provide our best professional advice and recommendations which do not conflict with those canons. We are also mindful of the statutory responsibilities that those engaged in safeguarding within the Church carry. These have also been prioritised and actively considered by the Panel. To that end we have brought forward the following recommendations.

The Panel looked at the content of the information shared with it through the consultation processes, and through the review of audits by the Catholic Safeguarding Advisory Service (CSAS) undertaken prior to the commissioning of the Review. It formed the belief that the current safeguarding structure at the national level was not delivering as was hoped and that it should be set aside and replaced by a revised unitary structure. The learning gained from considering developments in other parts of the Catholic world led the Panel to recommend the adoption of a structure that was underpinned by a commitment to a Church wide adoption of a set of safeguarding standards. The central body would be empowered to support the adoption of these standards and monitor their compliance by means of a robust review and audit process.

It was acknowledged that the application to the Holy See for a *recognitio* of the general decree passed by the Bishops’ Conference in June 2019, following the *Ad Limina* visit of the bishops in the previous year, indicated what they wished to see happen. For a number of years, the stated aim of having a ‘One Church’ strategy had been the foremost objective for those involved in shaping the safeguarding strategy. However, this aim had not been achieved and differences existed within and across the various institutions that together make up the Catholic Church in England and Wales. There had been an expectation that the adoption of a national policy framework that was uniform within the Church would be sufficient to create a single safeguarding approach. This was not happening and was giving rise to concerns that were making the task of developing best practice even more difficult. Importantly, the existing relationship between the central national bodies and the local delivery frameworks for safeguarding was advisory. However, the advice and guidance that was offered was not always followed, and no power or authority had been given to CSAS to insist that it was. This represented an obvious deficit in the existing structure that had previously been highlighted in the evidence presented, whilst the Church was subject to public scrutiny at the Independent Inquiry into Child Sexual Abuse.

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The Panel took the view that the practice of aligning ICLSAL members with dioceses was not working well in many places. Although there were examples of good collaborative working, this was not reported as existing in enough places to argue for the continuation of that structure. Consequently, the Panel recommended that the needs of the ICLSAL members should be met by creating a safeguarding body that existed for the sole purpose of meeting their needs alone. It would not be a shared resource with dioceses but one that had its own staff that were focused on delivering a high-quality service that was sensitive to the culture and context of religious life.

Central within the Church safeguarding structure is a proposed single safeguarding body that would have several designated functions. The Panel recommended that this body should be known as the Catholic Safeguarding Standards Agency (CSSA). It would be an agent of the Bishops' Conference but separate from it. It would hold a regulatory function, which would extend to all dioceses and to ICLSAL. It would be a source of advice, but it would monitor compliance with any safeguarding standards adopted by the Church. To do this, the CSSA should provide an independent audit and review function that it would make available to the constituent members of the Church, namely the dioceses and the ICLSAL members.

CSSA could not rely solely on advisory relationships as being the only means by which it can influence safeguarding practice. It would have to be empowered to undertake its role as a regulator. These powers would be given to it through a contractual relationship being established between it and those bodies that it provides a service to. It is important to stress that the basis for the recommendations from the Panel is the firm belief that this model, entered into on a consent basis, represents the best option available to the Church to enhance its safeguarding practice.

The Panel would view the creation of the CSSA as the establishment of an accessible service that would be held accountable for its practice, in the same way that it would seek to monitor compliance with standards across the Church as a whole. CSSA would be subject to audit and review to ensure that the quality of its practice was meeting the expectations of the Bishops' Conference and the leadership of the ICLSAL members. There are two key elements that would be kept under constant review. They are the accessibility of the services that CSSA provides, and the quality of those services.

At the local level, it was recognised that safeguarding commissions held a position of importance. The Panel wanted to retain their expertise and to put it on a surer footing than where they are at present. To that end, the Panel recommended that existing safeguarding commissions should be repositioned within the governance structure of the Church body by being designated a sub-committee of trustees. Mindful of the requirements of charity law, which places specific responsibilities on trustees, we needed to ensure a clear line of accountability within the revised safeguarding structure. We are currently waiting written legal opinion on this matter but have received informal confirmation of agreement with the proposal.

In the recommendations arising from the Interim Review Report presented in April, the possibility of establishing a national tribunal was noted. When progressing its work, the Panel created a workstream to focus on evaluating the case for this possibility to occur. A high-level group of eminent canonists was recruited to undertake this work. The findings that they reached were shared with the Steering Committee. They include the following:

- There is a strong case for establishing a National Tribunal Service for the Church in England and Wales.
- As well as adjudicating on cases brought to it, this service should include an educative role, which is like that of other professional regulatory bodies.
- The National Tribunal Service could make an irreplaceable contribution to the reestablishment of transparency, consistency and public confidence in the Church and its ability to deal effectively with these matters.

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Importantly, in accepting these recommendations from the workstream, the Panel also sought to confirm that the proposed development would not give rise to any canonical issues that would compromise its operation or hinder the work of the CSSA. None were identified to the Panel and therefore we would include this recommendation on a partnership basis for the proposed new safeguarding structure within the Catholic Church in England and Wales.

The canonical authority of the CSSA will derive from two principal sources:

1. Collegiate delegation. The status of the CSSA as a non-collegial public juridic person (cf. cann. 113-116), established by decree of the Bishops' Conference.
2. Individual transaction. The contracts which determine the relationship between each juridic person (namely, each diocese and institute of consecrated life and society of apostolic life [ICLSAL] and/or the ICLSAL resource) and CSSA.

The effect of collegiate delegation is to render the CSSA an agent of the Bishops' Conference. As with all agency arrangements, the mandate may be revised, or withdrawn.

In conclusion, these recommendations are proposed as being the best option available after a thorough and robust examination of all possible alternatives. It is our belief that if taken forward, they will enable the Church to address the issues raised through external public scrutiny as well as through this independent review of its current safeguarding structure and practices.

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Recommendations of the Independent Review of Safeguarding Structures and Arrangements

1. THE CATHOLIC SAFEGUARDING STANDARDS AGENCY AND SAFEGUARDING STANDARDS

These recommendations will detail the main proposals concerning a new central standards agency for safeguarding – the Catholic Safeguarding Standards Agency (CSSA). The first four recommendations will outline the nature of the agency as well as the principal services that the agency will offer to partner organisations. Recommendations 5-7 will outline the audit and review function of the agency. The final recommendations 8-9 will describe the standards which will reflect the intent of the Catholic Church in England and Wales in respect of its safeguarding arrangements and practices.

Recommendation 1

The Review Panel recommends that a new body, the CSSA, is established as a professional standards agency to the dioceses and ICLSAL. This would operate by contractual arrangements with its constituents, being the twenty-eight organisations (dioceses and ICLSAL that have their own commissions) plus the new ICLSAL resource, providing a central point of accountability, policies, procedures, and support. It would build on the work of NCSC and CSAS, providing the day-to-day implementation of the general decree as intended by the Bishops of England and Wales.

Recommendation 2

It suggested that a mechanism is created to enable it to provide this service. We recommend that a group is established within CSSA which is named the Case Consultation Committee (CCC). This approach has been tried and been shown to be successful elsewhere both within the Church and within other settings. In the Irish Catholic Church, the National Case Management Committee (NCMC) has operated for several years successfully as part of the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI).

Recommendation 3

To provide an effective safeguarding service, it is imperative that the voice of those that have been harmed through their involvement with the Church, is heard and learnt from. Working within a formal committee is often challenging. The contribution of each person is more easily supported through personal conversations and opinions shared. Therefore, we recommend that a reference panel made up of survivors, who would wish to contribute their views to proposed policy and practice developments, should be developed within the CSSA. This would be situated within the standards and policy creation section.

Recommendation 4

We recommend that the current operation of safeguarding commissions should be revised to position them directly within the Church body structure, as a sub-committee of trustees. We acknowledge trustees' responsibilities under charity law for safeguarding, and repositioning these bodies in this way, avoids any potential for skewing lines of accountability in the revised safeguarding structure.

Recommendation 5

The Review Panel recommends that the CSSA should develop an audit and review department, served by its own dedicated staff that have appropriate expertise in this area, and that they should provide an audit and review service that is independent of the Church body being reviewed, using an agreed methodology with an intention to place the findings and recommendations in the public domain.

Recommendation 6

We recommend the suggested audit and review methodology developed by the workstream, which is also outlined in Appendix 9, for the provision of the independent reviews that will be part of the service provided by the CSSA.

Recommendation 7

It is recommended that a template should be produced which can be used to gather current information on the existence of safeguarding resources within the parish. This will also confirm how support can be offered through training and tailored materials to meet the needs of parishes. The Panel notes that volunteers within the parish are a valuable resource for the Church and attention must be paid as to how their efforts can be best supported.

Recommendation 8

The Review Panel recommends the adoption of eight safeguarding standards that provide a framework against which all safeguarding practice across the Church can be assessed. These include the following:

1. Safeguarding is embedded in the Church's Leadership, Governance, Ministry, and Culture
2. Communicating the Church's safeguarding message
3. Engaging with and Caring for those that have been harmed
4. Effective Management of Allegations and Concerns
5. Support and Management of Respondents
6. Robust Human Resource Management
7. Training and Support for Safeguarding
8. Quality Assurance and Continuous Improvement

Recommendation 9

For each safeguarding standard, we recommend the criteria identified along with the evidence that could be used to indicate compliance. Importantly, these eight standards should be continually worked on and refined to show their linkages to policies that have been nationally agreed.

2. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

These recommendations detail two proposals in relation to institutes of consecrated life and societies of apostolic life (ICLSAL). The first will look at the creation of a dedicated ICLSAL resource, and the second at ICLSAL safeguarding training.

Recommendation 10

The Review Panel recommends that a safeguarding resource for ICLSAL should be created, to replace the current alignment arrangements. We would see this body as being a mutual trading organisation, owned by the organisations it serves, providing the same services as the dioceses currently do, to the same standards within the 'One Church' strategy to safeguarding. This would be through a staff sufficient to meet the needs of the members, overseen by a suitably qualified and skilled management board. We recognise that this recommendation is high level that there is much operational detail to be considered and worked out with the ICLSAL that it will serve, however as a definition of a model we commend this proposal.

Recommendation 11:

The Review Panel recommends that the following should be considered priorities for ICLSAL safeguarding training:

- The need for dedicated safeguarding training for ICLSAL is acknowledged. However, a 'one size fits all' approach will not be appropriate because of the differing training needs;
- Baseline safeguarding training for all, including those in formation;

- Mandatory safeguarding induction for those in formation and new people in office, which also provides an opportunity to identify gaps in knowledge and understanding, and prioritise safeguarding learning needs;
- A training needs analysis for all members of ICLSAL that identifies who needs additional and bespoke training;
- An annual rolling programme of training that is accessible;
- Consistent training provision;
- Training must relate to the (currently proposed) national standards;
- Training that concerns spirituality and ministry, as well as practical application of safeguarding principles and procedures.

3. THE NATIONAL TRIBUNAL SERVICE

It is proposed that a National Tribunal Service (NTS) is established which will address the canonical matters connected to clergy discipline and canonical offences. It will exercise jurisdiction exclusively in the canonical forum. However, its competence will not be limited simply to the role of adjudication, as its operational activity will extend to preliminary case evaluation as well as formation in professional regulatory procedures, evidence and other matters of canonical penal law (substantive and procedural). This will provide confidence that published standards are being upheld, and offers the possibility of enhanced impartiality, transparency and decision making in line with the practice of other professional regulatory bodies.

Recommendation 12

The Review Panel recommends the establishment of a National Tribunal Service (NTS) in line with the proposals set out within the Report from the workstream. It is the unanimous view of the members of the workstream, supported by the Panel, that the jurisdiction of any prospective Tribunal will need to extend to the discharge of a wider canonical regulatory function. In brief, it is proposed that its operational scope would extend to the following:

1. Preliminary case evaluation (can. 1717);
2. The adjudication of cases at First Instance;
3. The adjudication of cases at Second Instance;
4. The fulfilment of an educative function.

The Panel agrees that the establishment of a National Tribunal simply to adjudicate upon cases (and nothing more) is not consistent with the expectations of an effective professional regulatory body or the maintenance of standards encountered within other professions.

4. FINANCING SAFEGUARDING STRUCTURES

These recommendations present a high-level view of the indicative cost base of the proposed new organisations, and methodology for cost sharing. The time constraints did not prepare the preparation of fully costed business plans; however, the Review Panel believes that this Report gives a good indication of the investment required into safeguarding to facilitate decision-making with confidence on the overall recommendations of the Review.

Recommendation 13

The cost bases of all the proposed organisations significantly change the investment in safeguarding by both dioceses and ICLSAL. It is arguable that this is because of the additional work needed to meet the modern expectations and challenges in this important area, rather than costs now being disproportionate to need or good practice. In relation to the CSSA the Review Panel recommends that:

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- The funding of the CSSA be split equally between ICLSAL and dioceses;
- Dioceses use the current method of allocating costs between themselves;
- Further research will be required into an appropriate methodology of splitting the costs of the Professional Standards Entity (CSSA) between ICLSAL, considering active the definition of active members, the unequal split of cases between male and female ICLSAL, and the range of activities that have contact with the public.

Recommendation 14

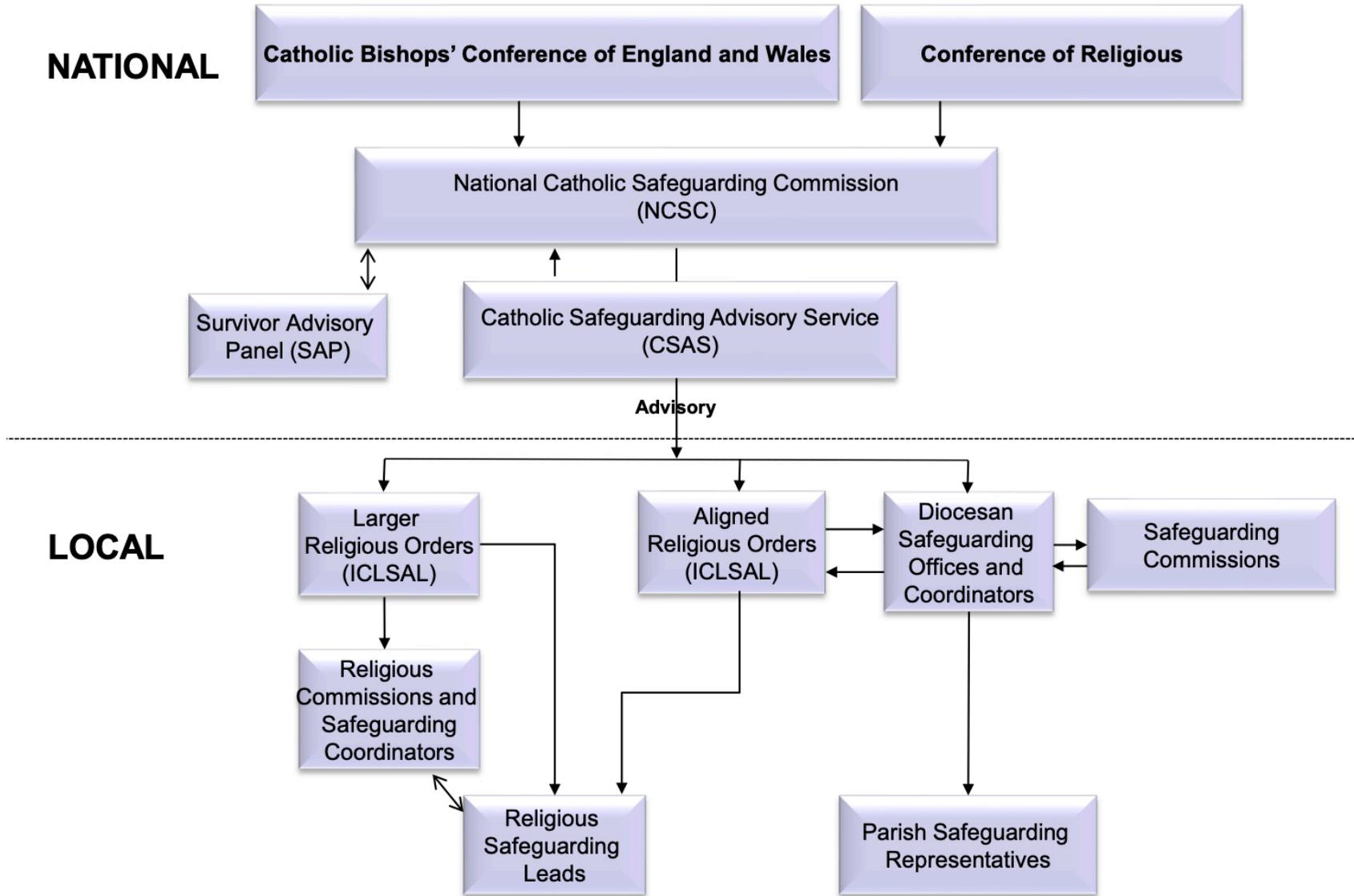
The Panel recommends that the ICLSAL resource be funded on a per capita basis.

Recommendation 15

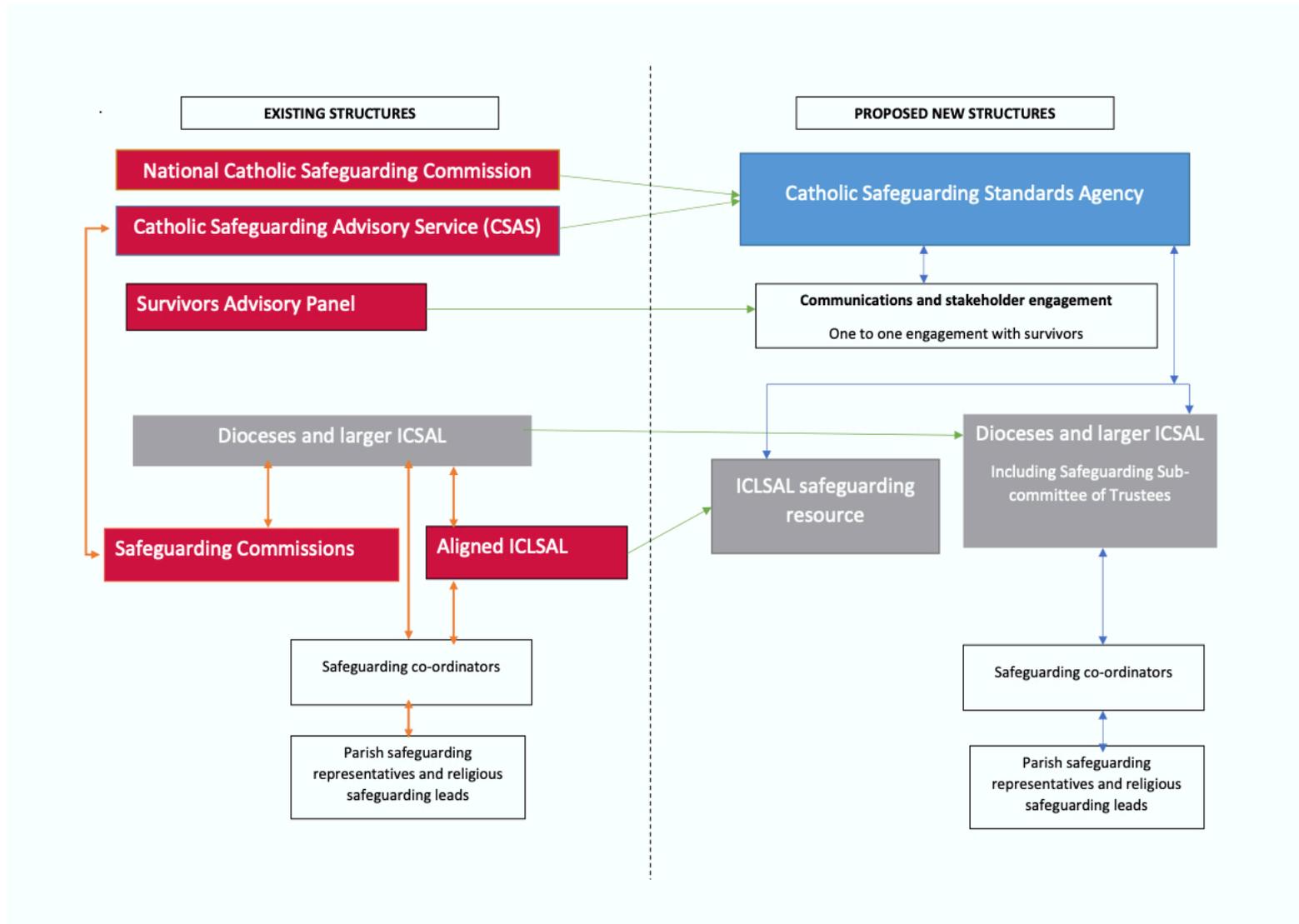
The Panel recommends that the financing of the National Tribunal Service be split 50/50 between dioceses and ICLSAL, with each group finding its own way to allocate its costs. This is dependent on how ICLSAL in particular might use the NTS, although it is expected that dioceses and ICLSAL take a co-ownership of the NTS. More work will be needed on the financing model.

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CURRENT CATHOLIC SAFEGUARDING STRUCTURE



Mapping Current Structures with Proposed Structures



PROPOSED CATHOLIC SAFEGUARDING STRUCTURE

