

# IICSA Report – Additional Updates

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## **Recommendation 3 : Compliance**

*The Catholic Bishops' Conference of England and Wales and the Conference of Religious should publish a clear framework for dealing with cases of non-compliance with safeguarding policies and procedures. That framework should identify who is responsible for dealing with issues of non-compliance at all levels of the Church, and include the measures or sanctions for non-compliance.*

On 1<sup>st</sup> April 2021, the Catholic Safeguarding Standards Agency (CSSA) was incorporated and the existing staff from its predecessor agency, the Catholic Safeguarding Advisory Service (CSAS) were transferred into this new body.

On 17<sup>th</sup> May 2021, following an open recruitment process, the CSSA was able to publish the full membership of the Board of Directors. This was issued in a press release (which can be seen [here](#)) and stated that the new Chair of the CSSA Board was Nazir Afzal, who had served previously as the Chief Crown Prosecutor for North West England and Director in London, as well as the Chief Executive of the Police and Crime Commissioners. The full membership of the Board is:

- Nazir Afzal – Chair
- Stephen Ashley – Vice Chair
- Amanda Ellingworth
- Wesley Cuell
- Jenny Holmes
- Paul Mason – Lead Bishop for Safeguarding
- David Smolira SJ – Lead Religious for Safeguarding\*
- Carol Lawrence

*\*Note Frances Orchard CJ replaces David Smolira SJ as Lead Religious for Safeguarding on 1st October and thereafter will replace him on the Board of the CSSA.*

On 1st June 2021 the Board began progressing the work that had already commenced in implementing the Elliott Recommendations. The trustee bodies of all Catholic dioceses and religious orders have been invited to subscribe to the CSSA. The initial work of the CSSA Board included instructing solicitors to draw up the contractual arrangements for those Catholic entities which will join the CSSA. The contract includes the rights and obligations of those entities in terms of services provided by the CSSA to the entity and the requirements for the entities to adhere to the national standards, policies and practice guidance that have been developed by the CSSA, and its audit regime and complaints function.

Letters of intent to join the CSSA are being sent to all dioceses and religious orders in order to assist in this work, especially for financial planning; this began in July of 2021 and responses have been received throughout the summer and to date. The contractual arrangements will be signed by the end of the year.

Alongside this work, in order to ensure that the CSSA is able to fulfil the role of independent auditor for the Catholic dioceses and religious groups that subscribe to its services, job descriptions and person specifications for a new audit team were developed and posts advertised. Interviews for the manager of this team took place in September with the successful candidate expected to be in post by the end of October. Recruitment to additional roles in this team will now take place. This recruitment

process has meant that a key appointment has been made; a Safeguarding Assurance Manager (who will further develop the audit model) who comes with a long professional career in the public sector developing safeguarding quality assurance programmes and this person will now lead the recruitment of two support auditors for her work. Additional capacity has been built in with new practice adviser and training posts, along with additional administrative resources in the non-audit part of the team.

Regarding the General Decree which was sent to Rome in 2019 in application for formal *recognitio*, the President of the Bishops' Conference received an update from the Congregation for Bishops in May 2021. The Congregation (which is the competent ecclesiastical authority for this request) has asked for further amendment and clarifications regarding the text that had been submitted in June 2019. They have made helpful suggestions, both general and specific, and the work of redrafting the text in line with these recommendations is continuing.

It is hoped that this redraft of the General Decree will be submitted to the Congregation for Bishops at the same time as the Rules for the creation of the National Tribunal Service (NTS) which was recommended by the Elliott Review. The NTS will assist the work of the Bishops and the Church in England and Wales through a formal delegation for the consideration of cases within the local Church, utilising the expertise of canonists and legal professionals locally. It will also have an important educative function in training canon lawyers, safeguarding professionals and others in the Church in the skills and procedures necessary for the good operation of canonical processes and evidence gathering and assessment.

#### **Recommendation 4 : External Auditing**

*The Catholic Safeguarding Advisory Service should have the effectiveness of its audit programme regularly validated by an independent organisation which is external to the Church. These independent reports should be published.*

The CSSA Board remains committed to the independent verification of its audit processes and, in Spring 2022, will be undertaking a formal process of appointment of a suitable external body. The outcome of any review will be published on the CSSA website

The safeguarding standards will be formally launched in October 2021 and the CSSA will work with Dioceses and Religious Life Groups to ensure that they are fully aware of what would constitute good practice in relation to each of the standards. It is anticipated that baseline audits will commence in the first quarter of 2022. The Board's view is that it would be appropriate to take an approach which clearly identifies those standards that must be met, and those which may progress towards full implementation and so will develop over time. This means that the organisations will have sufficient time to build a body of work in line with the safeguarding standards which can then be audited and reported upon.

#### **Recommendation 5 : Canon 1395**

*The Catholic Bishops' Conference of England and Wales should request that the Holy See redraft the canonical crimes relating to child sexual abuse as crimes against the child.*

The President of the Bishops' Conference wrote to the Pontifical Council for Legislative Texts on 15<sup>th</sup> March 2021 outlining the request of the Conference that the context and wording of the offence of an act against the sixth commandment between a cleric and a minor in the category of "offences against special obligations" be reformulated as a crime against the child.

A response from the Pontifical Council for Legislative Texts was received in London in April 2021. The response highlighted that work was already underway in Rome for a revision of Book VI of the *Code of Canon Law* (CIC) in which crimes against minors will be considered under a different title than crimes against the obligations of celibacy on the part of clerics.

On 1<sup>st</sup> June 2021, His Holiness Pope Francis published the Apostolic Constitution *Pascite gregem Dei* (Shepherd God's Flock), dated 23<sup>rd</sup> May 2021, the Solemnity of Pentecost. In this, Pope Francis promulgated the new Book VI of the CIC, containing regulations on criminal sanctions in the Church. This newly developed legislative text will come into force in the Universal Church on 8<sup>th</sup> December 2021.

The amplified and reorganised Book VI of the CIC was developed as the experience of these processes since its original promulgation in 1983 did not meet the expectations of Bishops and canonists over many years. As a result of the work of revision, of the 89 canons that make up this Book VI, 63 have been amended (71%), 9 others moved (10%) while only 17 remain unchanged (19%).

The new text now adequately determines the penal norms, unlike the text before, in order to give precise and sure guidance to those who must apply them. The offences treated in Book VI are now better specified, distinguishing cases which were previously rather grouped together; the penalties are now exhaustively listed in canon 1336; and the text everywhere contains reference parameters to guide the evaluations of those who must judge the specific circumstances. One of the new focuses of the canons is a set of "penal remedies" which did not exist before with the same clarity.

The new Book VI of the CIC gives new specific crimes. Of interest to the work of safeguarding is the new Canon 1398:

***Can. 1398***

*§ 1. A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:*

*1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection;*

*2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognises equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;*

*3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.*

*§ 2. A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence mentioned in § 1 or in can. 1395 § 3 is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.*

The offence of child abuse is now framed not within the offences against the special obligations of clerics, but as an offence committed against the dignity of the human person. This new canon 1398 therefore includes in this respect actions carried out not only by clerics, who belong to the reserved jurisdiction of the Congregation for the Doctrine of the Faith, but also offences of this kind committed by non-clerical religious and by lay people who occupy certain roles in the Church, as well as any such behaviour with adults, but committed with violence or abuse of authority.

In the Apostolic Constitution, the Pope reminded the Bishops that they have a solemn duty to apply the law in the appropriate manner following the promulgation of the new Book of the CIC; he said:

*Negligence on the part of a bishop in resorting to the penal system is a sign that he has failed to carry out his duties honestly and faithfully, as I have expressly pointed out in recent documents, including the Apostolic Letters issued *Motu Proprio As a Loving Mother* (4 June 2016) and *Vos Estis Lux Mundi* (7 May 2019).*

*Vos Estis Lux Mundi* referenced above contains the general provisions of the law, outlining something of the nature of the crimes involved and clarifying the terminology used; indicating how reports are to be received and dealt with; and pointing out the obligation of ecclesiastical authorities to care appropriately for all the persons concerned. It continues in detail with the procedures to be followed and the actions to be taken when the person at the centre of a safeguarding report is a Bishop or someone who in Canon Law is considered to have a responsibility equivalent to that of a Bishop (for example a major religious superior or diocesan administrator.)

As such, the provisions of the two letters *Motu Proprio (As a Loving Mother* and *Vos Estis Lux Mundi)* alongside the redrafting of Book VI and especially the new Canon 1398 show that the Holy See, and Pope Francis himself, takes very seriously the crimes around child sexual abuse itself and the reporting of these crimes. Care of those who have been harmed and the support of them is specifically noted in Article 5 of *Vos Estis Lux Mundi*. The involvement of suitably qualified persons, which is interpreted as not reserved to clerics or religious and open to the involvement of the laity in penal processes (see Article 13 of *Vos Estis Lux Mundi*), and the accountability of bishops and Church leaders for the correct and timely execution of these processes, is a very important step in creating more transparency in the work of safeguarding.

The texts of the relevant documents noted here can be found at the following links:

As a Loving Mother (4<sup>th</sup> June 2016)                      [here](#)  
Vos Estis Lux Mundi (7<sup>th</sup> May 2019)                      [here](#)  
Book VI of the CIC (1<sup>st</sup> June 2021)                      [here](#)

### **Recommendation 6 : Catholic Safeguarding Advisory Service website and policies and procedures manual**

As stated previously, work began soon after the 2019 IICSA hearings to modify and clarify the Procedures Manual. The comments made by witnesses at the hearings were taken into account and all of these updates were published on the CSAS website in early 2020.

The national safeguarding policies and procedures are live documents and remain subject to review and refinement to ensure that they align with the new national safeguarding standards which will be launched at the end of October 2021.

The new CSSA website is being finalised and this too will be launched by the end of October 2021. The national safeguarding standards, safeguarding policies and supporting practice guidance will be published on this site.

Catholic Council for the IICSA

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30th September 2021