



An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

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**Private and Confidential**  
**Br. Edmund Garvey,**  
**Provincial**  
**Congregation of Christian Brothers**  
**Christian Brothers Province Centre**  
**Griffith Avenue**  
**Marino**  
**Dublin 9**

18 July 2016

**Re: CFA Ferns Audit of Religious Orders/ Congregations/ Missionary Societies Child  
Protection Policy, Procedures and Practices**

Dear Br. Garvey,

Please find enclosed the Draft CFA Ferns Audit report for your attention accompanied by the child protection rating sheet. The policy rating sheet will not be included in the final report.

Chapters 1-5 (with the exception of overview of findings) which inform the background to the audit and approach taken by the audit team and the associated appendices (24-32) relating to the audit process can be accessed on the following link:

<http://www.tusla.ie/uploads/content/20062016.pdf> . The password is Ferns\_audit2016.

Appendices 1-23 can be viewed at:

[http://www.tusla.ie/uploads/content/Publication\\_Dioceses\\_July\\_2012.pdf](http://www.tusla.ie/uploads/content/Publication_Dioceses_July_2012.pdf)

We welcome feedback in relation to the audit process itself, the factual accuracy of the report, and any recommendations or suggestions which you may have in relation to the overall safeguarding process going forward. Please note any suggested changes on your part should be evidenced.

While we are conscious of the demands on your time a response by post or email is required no later than Tuesday 2<sup>nd</sup> August 2016. As the report is at the draft stage it is not for sharing outside of the order.

Thank you for your attention and ongoing co-operation with this process to date.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cora Kelly', followed by a period.

Cora Kelly  
Project Manager

## Christian Brothers European Province (CFC)

**Category 1:** 'Child sexual abuse allegation(s) have been made against a member(s) and the Religious Order may have ministry involving children in Ireland at present'

Report Format	
<b>PART 1 (A)</b>	Audit documentation
<b>PART 1 (B)</b>	Overview of religious order
<b>PART 2</b>	Child safeguarding policy, procedures & practices review & recommendations
<b>PART 3</b>	Allegations data
<b>PART 4</b>	Safeguarding + protecting against further risk

### PART 1 (A) Audit documentation

	Original Checklist of CFA and RO requirements	On File		2013 Checklist of CFA and RO requirements	On File
1.	Original CFA Ferns Audit Questionnaire (Appendix A) 2006	Yes	1.	CFA consultation with RO	Yes
2.	CFA Ferns Audit Questionnaire Section 5 2009/2010	Yes	2.	Section 5 Audit Updated Data 2013	Yes
3.	CFA Ferns Section 5 Audit 2009 Data	Yes	3.	Verification Process with CFA	Yes
4.	Updated CFA Ferns Audit Questionnaire (Appendix A) 2009	Yes	4.	Verification Process with AGS	Yes
5.	Child Protection Policy, Procedures and Practices Document (2009)	Yes	5.	Signed NBSCCCI Memorandum of Understanding	Yes

### PART 1 (B) Overview of religious order

The Congregation of the Christian Brothers was founded in Waterford in the early 1800s by Edmund Ignatius Rice. The evangelisation and education of youth was the principle ministry of the religious brotherhood. Their first school was opened in Waterford, in 1802 for poor Irish boys. The Brothers' established schools of many types, including primary, secondary and technical schools, orphanages and schools for the deaf.

Worldwide the Christian Brothers are divided into provinces with each province working under the direction of a Province Leadership Team. The entire Congregation operates under the leadership of a Congregation Leadership Team based in Rome (led by the Congregation Leader). The European Province comprises of Ireland, England and the Congregational Leadership Team based in Rome.

The ministry of the Christian Brother is as follows:

- Brú na Cruinne Resource Centre for Spirituality, Co. Tipperary.
- Emmaus Retreat and Conference Centre, Co. Dublin.
- The Life Centre, Cork.
- The Life Centre, Ballyfermot, Dublin.
- Edmund Rice Camps
- The Lantern Centre for Interfaith/Cultural Dialogue, Dublin.

Edmund Rice Development, a faith-based non-governmental organisation, was established in 2009, to formalise the fundraising efforts of the developing world projects for the Christian Brothers globally. Funding raised by the charity is directed mainly to nine countries in Africa, where the Christian Brothers work on mission in development: Ghana, Kenya, Liberia, Sierra Leone, South Africa, Sudan, Tanzania, Zambia, and Zimbabwe. Additional funds are also raised for similar work in South America (Argentina, Bolivia, Paraguay, Peru and Uruguay) and India.

In the Republic of Ireland the Edmund Rice Schools Trust, established in 2008, has responsibility for 96 schools, secondary and primary.

As of 31 March 2013 there are 219 members in the congregation who are resident in communities in various counties nationally - Dublin, Tipperary, Waterford, Kerry, Galway, Cork and Wexford. Irish members who are in ministry in mission countries are officially transferred to the provinces where they are based. Members in education ministry are guided by the policies where they are in ministry.

## **PART 2 Child safeguarding policy, procedures and practices review & recommendations**

**Date of Child Protection Policy document:** July 2013

**Benchmark Document:** Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland (NBSCCCI) (2009)

All child protection policies provided by religious orders as part of the Ferns CFA audit have been assessed against the criteria outlined in the benchmark document.

- *All religious orders through the signing of the Memorandum of Understanding with the NBSCCCI have committed themselves to full implementation of the safeguarding processes as outlined in the NBSCCCI Safeguarding document.*
- *Every Orders child protection policy has been benchmarked against all of the criteria contained in the standards outlined in the NBSCCCI Safeguarding document as there is no facility in the guidance to categorise specific criteria in each standard as not applicable to the ministry of a religious order. The audit team note that the current*

functioning of some religious orders precludes them from meeting the requirements of certain criteria as outlined in the NBSCCCI Safeguarding document.

- The Child and Family Agency Ferns audit of religious orders was a review of requested documentation submitted by religious orders. It did not involve onsite examination of files held by religious orders. This was not in the remit of this audit.

<b>Standard 1</b>	<b>A written policy on keeping children safe</b>
<i>Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity which shall be respected, nurtured and protected by all.</i>	

	<b>Criteria</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>1.1</b>	The Church organisation has a child protection policy that is written in a clear and easily understandable way.		✓	
<b>1.2</b>	The policy is approved and signed by the relevant leadership body of the Church organisation (i.e. provincial of a religious congregation).	✓		
<b>1.3</b>	The policy states that all Church personnel are required to comply with it.	✓		
<b>1.4</b>	The policy is reviewed at regular intervals no more than three years apart and is adapted whenever there are significant changes in the organisation or legislation.			✓
<b>1.5</b>	The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays.	✓		
<b>1.6</b>	The policy states how those individuals who pose a risk to children are managed.	✓		
<b>1.7</b>	The policy clearly describes the Church's understanding and definitions of abuse.	✓		
<b>1.8</b>	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.		✓	
<b>1.9</b>	The Policy should be created at diocese or congregational level. If a separate policy document at parish or other level is necessary this should be consistent with the diocesan or congregational policy and approved.	✓		

**Recommendations:**

1. The policy should clearly state that children are safeguarded and protected from harm, which means all forms of abuse and not just sexual abuse.
2. The policy document should include the provision for a regular review.
3. The policy should clearly state that all child protection concerns are reported to the civil authorities without delay.

<b>Standard 2</b>	<b>Procedures – how to respond to child protection allegations and suspicions</b>
<i>Children have a right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities.</i>	

	<b>Criteria</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>2.1</b>	There are clear child protection procedures in all Church organisations that provide step-by-step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current).	✓		
<b>2.2</b>	The child protection procedures are consistent with legislation on child welfare civil guidance for child protection and written in a clear, easily understandable way.		✓	
<b>2.3</b>	There is a designated officer or officer(s) with a clearly defined role and responsibilities for safeguarding children at diocesan or congregational level.	✓		
<b>2.4</b>	There is a process for recording incidents, allegations and suspicions and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation.	✓		
<b>2.5</b>	There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.		✓	
<b>2.6</b>	There is guidance on confidentiality and information-sharing which makes clear that the protection of the child is the most important consideration. The Seal of		✓	

	Confession is absolute.			
2.7	The procedures include contact details for local child protection services e.g. (Republic of Ireland) the local Health Service Executive and An Garda Síochána; (Northern Ireland) the local health and social services trust and the PSNI.			✓

**Recommendations:**

1. The procedure should state that the child protection procedures are consistent with legislation and children first.
2. The procedures should include a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.
3. The procedure should include guidance on confidentiality and information sharing that makes clear the protection of the child is the most important consideration.
4. The procedure should include the contact details for the child protection services and the police.

<b>Standard 3</b>	<b>Preventing harm to children</b>
<i>Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect.</i>	

	<b>Criteria - Safe recruitment and vetting</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
3.1	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.	✓		
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	✓		
3.3	All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded.	✓		

	<b>Criteria - Safe recruitment and vetting</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>3.4</b>	The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children.	✓		
<b>3.5</b>	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	✓		
<b>3.6</b>	There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers ('whistle-blowing'), confidentially if necessary.	✓		
<b>3.7</b>	There are processes for dealing with children's unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment.		✓	
<b>3.8</b>	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.			✓
<b>3.9</b>	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.			✓

**Recommendations:**

1. The policy should comment upon anti-discriminatory practice.
2. The policy should include clear advice on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.

	<b>Criteria - Operating safe activities for children</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>3.10</b>	There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home.		✓	
<b>3.11</b>	When operating projects/ activities children are adequately supervised and protected at all times.		✓	
<b>3.12</b>	Guidelines exist for appropriate use of information technology (such as mobile phones, email, digital cameras, websites, the Internet) to make sure that		✓	



children are not put in danger and exposed to abuse and exploitation.			
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**Recommendations:**

1. The policy should include clear guidance on assessing all possible risks when working with children.
2. The policy should include that when operating projects/ activities children are adequately supervised and protected at all times.
3. The policy should include clear guidance for appropriate use of information technology to make sure children are not put in danger.

<b>Standard 4</b>	<b>Training + education</b>
<i>All Church personnel should be offered training in child protection to maintain high standards and good practice.</i>	

	<b>Criteria</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>4.1</b>	All Church personnel who work with children are inducted into the Church's policy and procedures on child protection when they begin working within Church organisations.		✓	
<b>4.2</b>	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.		✓	
<b>4.3</b>	Training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as designated person.		✓	
<b>4.4</b>	Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice.		✓	

**Recommendations:**

1. The policy should state that all personnel receive induction training on the child protection and procedures when they commence work with the order.
2. The policy should state that all personnel with extra child protection responsibilities are provided with specialist training.
3. The policy should state that all training programmes are approved by the NBSCCCI.

<b>Standard 5</b>	<b>Communicating the Church's safeguarding message</b>
<i>Children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church.</i>	

	<b>Criteria</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>5.1</b>	The child protection policy is openly displayed and available to everyone.			✓
<b>5.2</b>	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.		✓	
<b>5.3</b>	Everyone in the Church organisation knows who the designated person is and how to contact them.	✓		
<b>5.4</b>	Church personnel are provided with contact details of local child protection services, such as Health and Social Care Trusts/ Health Service Executive, PSNI, An Garda Síochána, telephone helplines and the designated person.			✓
<b>5.5</b>	Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.		✓	
<b>5.6</b>	Church organisations at diocesan and religious order level have an established communications policy which reflects a commitment to transparency and openness.		✓	

**Recommendations:**

1. The child protection policy should be openly displayed and available to everyone.
2. The order should develop a culture that enables children to have free and open discussions if they have any concerns and are aware of their rights to be safe from abuse.
3. The order should openly communicate their child protection policy to personnel, parishioners, external agencies and children.
4. It should be stated in the policy that the order is committed to establishing links with the statutory child protection agencies to develop good working relationships in order to keep children safe.

<b>Standard 6</b>	<b>Access to advice + support</b>
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*Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives. Those who have harmed others should be helped to face up to the reality of abuse, as well as being assisted in healing.*

	<b>Criteria</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>6.1</b>	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.		✓	
<b>6.2</b>	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and helplines that can provide information, support and assistance to children and Church personnel.		✓	
<b>6.3</b>	There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers.			✓
<b>6.4</b>	Information is provided to those who have experienced abuse on how to seek support.		✓	
<b>6.5</b>	Appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children's safety.	✓		

**Recommendations:**

1. The policy should state that the personnel with extra child protection responsibilities have access to specialist advice support and information on child protection.
2. The policy should include guidance on to respond to and support a child who is suspected to have been abused by someone within the Church or in the community, including family members or peers.
3. The policy should include up-to-date contact details for counselling agencies including a list of services, authorities and local organisations that can provide assistance to children and church personnel.

<b>Standard 7</b>	<b>Implementing + monitoring the Standards</b>
<i>To keep children safe, policies, procedures and plans have to be implemented across all</i>	

*Church organisations. Checks are needed to ensure this is happening consistently. The views of those involved inside and outside of Church organisations can help to improve the effectiveness of any measures taken.*

	<b>Criteria</b>	<b>Fully in Place</b>	<b>Partially in Place</b>	<b>Not in Place</b>
<b>7.1</b>	There is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed.			✓
<b>7.2</b>	The human or financial resources necessary for implementing the plan are made available.			✓
<b>7.3</b>	Arrangements are in place to monitor compliance with child protection policies and procedures.		✓	
<b>7.4</b>	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.			✓
<b>7.5</b>	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	✓		

**Recommendations:**

1. The order should draw up an action plan to implement the child protection policy.
2. A monitoring programme should be put in place in order to ensure the plan is fully implemented.
3. The order should include a statement in the policy that the resources required to implement the plan are available.
4. Processes should be put in place to ask parishioners (children and parents/ carers) about their views on the policies and procedures for keeping children safe.

**Overall Child Protection Policy Rating:** Satisfactory

**PART 3 Allegations data**

As similar to the CFA Ferns Diocesan audit a request was made by the CFA for all religious orders to complete the CFA Ferns Section 5 Audit Questionnaire in 2009. This required each religious order to return statistics pertaining to child sexual abuse allegations made against any current, former, 'on loan to' member or members deceased since 1996 (the date the first Church Guidance document 'Child Sexual Abuse: A Framework for a Church Response' was implemented). In April 2013 each religious order was requested to update their returns and inform the audit team of the total number of allegations of child sexual abuse known to them up to 31 March 2013. This was later extended by the audit team to 31 December 2013.

It must be noted that the majority of Category 1 religious orders returned statistics and details relating to child sexual abuse allegations against members' deceased pre 1996. These are not within the remit of this audit.

The following table highlights the number and timeline of allegations returned by the Congregation of the Christian Brothers.

**Table 1: Allegations that fall within the remit of this audit**

<b>Allegations included in religious order returns that fall within the remit of this audit</b>	
<b>Total no. of Grid 1 allegations</b> <i>(abuse that occurred in the Republic of Ireland)</i>	485
<b>Total no. of Grid 2 allegations</b> <i>(abuse that occurred in Northern Ireland)</i>	9
<b>Total no. of Grid 3 allegations</b> <i>(abuse that occurred outside of the island of Ireland)</i>	0
<b>Total no. of allegations against members deceased post 1996</b>	132
<b>Total number of allegations returned</b>	<b>626</b>
<b>Total no. of allegations made known to the RO pre 1996</b>	31
<b>Total no. of allegations reported to the RO between 1996 and 31 March 2010 (final Section 5 audit submission)</b>	462
<b>Total no. of allegations reported to the RO between 01 April 2010 and 31 December 2013 (extended Section 5 audit submission)</b>	133
<b>Total number of allegations returned</b>	<b>626</b>

The above table shows that a total of 626 allegations were returned in the Section 5 audit questionnaire completed by the Congregation of the Christian Brothers. These allegations have been made against a total of 190 members – a total of 52 remaining members, 88 former members and 50 deceased members. Of the total amount of allegations 485 relate to allegations alleged to have occurred in the Republic of Ireland. A total of nine allegations relate to abuse alleged to have occurred in Northern Ireland. No allegations against a current living or former member are alleged to have occurred outside the island of Ireland. A total of 132 allegations have been made against 50 deceased members three of whom were former members at the time of their deaths.

Of the 626 allegations a total of 31 allegations were reported to the Congregation pre 1996. There was no onus on the Congregation to notify the statutory authorities of these allegations before this time. Between 1996 and 31 March a total of 462 allegations were returned. From 01 April 2010 until 31 December 2013 a total of 133 allegations notified to the Congregation were reported to the CFA.

Additional conclusions were arrived at following the review of data returned:

- 1. Alleged periods of child sexual abuse:** The period of when child sexual abuse occurred extended from 1945, (the earliest allegation reported to the Congregation as part of this audit), throughout the 1950's, 1960's, 1970's and 1980's to the late 1990's. A single allegation alleged to have occurred in more recent times, in 2012, was notified to the Congregation in 2013 (relevant CFA area is aware of this allegation).
- 2. Locations of child sexual abuse:** Of 538 allegations (excluding 80 allegations relating to deceased members and nine allegations that occurred in Northern Ireland) child sexual abuse is alleged to have occurred in 78 individual settings i.e. industrial schools, day primary and secondary schools, summer camps and gaeltachts.

### **Reporting of allegations by the Congregation to the CFA**

In 2009 the Congregation commenced a process of reporting allegations to the CFA (The Congregation commenced this same process with An Garda Síochána in 2007). The CFA appointed a specialist who was charged with assisting the Congregation in managing the reporting of the allegations to the CFA. A procedure was established whereby the Congregation notified the CFA of known allegations, through the appointed specialist who in turn referred the allegations and known data to the relevant CFA areas.

It must be noted that two significant processes occurred during 2009:

1. The introduction of the NBSCCCI Safeguarding Document, February 2009
2. The commencement of the CFA Ferns Section 5 audit, August 2009.

The Congregation committed itself to the implementation of the NBSCCCI safeguarding document and submitted the final Section 5 Ferns audit data on 31 March 2010. In summary, a total of 494 allegations were accounted for in the final submission. As per task of the audit process the audit team commenced a process of verifying allegations returned by the Congregation with CFA area managers in May 2010. The purpose of this task was to determine the validity of returns by each religious order and their compliance with Church policy. This verification process was for the most part the *first notification* of allegations to the CFA areas – meaning the CFA areas were *not previously aware* of these allegations.

As a result of the undue delay in the reporting of allegations by the Congregation prior to 2009 and the outcome of the CFA verification of allegations task significant concerns were identified by the audit team. There was clear evidence that of the 88 former members, a total of 67 former members were not traceable. A total of 177 allegations were made against these former members. This led the audit team alerting the CFA senior management who directed that, in light of this, every effort should be made to identify the then current location of these former members. Further, the audit team was charged with, as an additional task for this audit, to examine the safety / care plans and monitoring arrangements for those alleged

accused still in the care of the congregation and by so doing, identify and address outstanding potential child protection issues

During the period 2010-2013 the audit team worked in close liaison with the Provincial of the Congregation and the appointed safeguarding personnel, An Garda Síochána (AGS), the Department of Education and Skills (DES) and CFA area managers in completing the request of CFA senior management. The Congregation engaged positively with the audit team during this period, evidenced by regular meetings, at the request of both the Congregation and CFA where allegations and attendant risk management processes were discussed.

From early 2011 the audit team were tasked with identifying any potential current risk arising from the data received in respect of former Christian Brothers against whom allegations were made and specific contact details were not known to the Congregation and therefore the CFA. Following consultation with AGS and the DES where data was retrieved the audit team alerted relevant CFA areas of cases relating to their areas for follow up as appropriate. This process was greatly assisted by the verification of allegations process conducted by AGS.

In November 2011 a new reporting procedure was introduced to assist the Congregation in reporting allegations to the CFA. From this time all future allegations made known to the Congregation were to be reported to the CFA centrally – to the office of the audit team who would then refer the allegations to the relevant CFA area. This process is still in place.

### **Monitoring Arrangements**

In 2012 the audit team, assisted by an independent consultant reviewed the monitoring arrangements in place by the Congregation. This involved onsite meetings by the audit team with community leaders (appointed to each community by the Congregation) at various communities where members against whom allegations of child sexual abuse were made, resided. It was also an opportunity for both the CFA and the Congregation to identify any issues arising or that may arise that could be jointly addressed. This process involved the audit team assessing risk management structures, monitoring and supervision arrangements including the role of the community leaders, in a sample of six community residencies where 30 alleged accused resided and against whom there was 134 allegations. Prior to the monitoring visits the congregation provided the audit team with the Congregations *'Protocol for Community Leaders and Protocol for Sharing Information with Community Members in Dealing with CSA Cases'* dated April 2012.

Following the completion of the monitoring visits in October 2012 a report was submitted to the Congregation outlining the CFA findings followed by recommendations in November 2012. Supplementary data provided by the Congregation at the request of the CFA audit team in December 2011 concerning the monitoring arrangements and risk assessments in place by

the Congregation formed part of the overall findings and recommendations. Also during this time the Congregation appointed a lay female deputy designated liaison person.

Final conclusions were as following:

1. *The Congregation's current child protection designated officer has established a good working rapport and regularly liaises with the CFA regarding child protection and monitoring issues on an ongoing basis.*
2. *The Congregation have become proactive in child protection management; being alert to individual issues which may arise from time to time and ongoing engagement in implementing mutually agreed safeguarding processes.*
3. *Whilst the CFA acknowledge the difficulties the Congregation face in managing recalcitrant and uncooperative Brothers it is still incumbent on the Congregation to produce and implement individual safety plans that will be closely monitored for each member. In these cases arrangements were made where ongoing access to CFA advice and support was available.*
4. *Whilst the process of balancing respect and dignity of accused members and the implementation of effective practical child protection safeguarding measures may be problematic, there is a real need for community leaders to be fully aware of their responsibilities when supervising accused Brothers. Being aware merely that 'accusations' have been made against Brothers in the community home falls short of being fully aware and informed of the expectations of their duties and responsibilities. The audit team noted this in some cases.*
5. *It was brought to the attention of the audit team that some accused Brothers were visiting families where children and young people were present and families may not have been aware that allegations were made against the Brother. In these cases further liaison is required between the CFA and the Congregation to ensure that in these situations potential child protection concerns are identified and managed by both the CFA and the Congregation.*
6. *It is recognised that the ongoing support from Congregation's current child protection designated officer is vital and needed for the community leaders.*
7. *An area of high concern arose in respect of the lack of monitoring of personal PC use and sharing of same with Brothers in other community homes.*
8. *More careful consideration may be needed for those Brothers who travel unaccompanied again particularly for those visiting family relations who are not aware that allegations have been made against them.*
9. *For child protection best practice management the Congregation's child protection designated officer was advised to implement a procedure applicable to staff in the nursing home, who are not aware that Brothers in their care have allegations made*



*against them and who may wish to take an accused Brother on an outing from the nursing home.*

- 10. Arrangements are in place for ongoing communication between the Congregation and local areas of the CFA where Congregational community homes are located and will be updated of the process and outcomes of this monitoring task in due course.*

Upon reaching these findings and in order for the Congregation to develop more robust child protection measures the following areas were identified as requiring immediate attention:

- 1. There is need for a written and signed individual safety plans devised with and for such brothers particularly for those who are deemed to be non compliant. This should be non negotiable.*
- 2. A form of risk assessment to be revisited for those who are non compliant with their duties/ protocol and who have expressed a desire to return to ministry in Ireland or abroad. The Congregation is however clear in its responsibilities in dealing with these issues.*
- 3. Whilst community leaders are aware of the Congregation's child protection policy and procedures discussion between the Congregation and the CFA regarding the monitoring of accused and convicted offenders, the audit team strongly recommends increasing community leaders awareness of their supervision responsibilities i.e. being provided with more detail of allegations regarding those under their supervision convicted or not and instituting a regular and robust monitoring process.*
- 4. Procedures are needed in respect of visits to families by accused and convicted brothers whereby family members need to be fully aware of any potential risks involved in such visits. The Congregation is to seek advice from the local CFA areas with relation to this process.*
- 5. More careful consideration may be needed for those Brothers who travel unaccompanied and in private cars again particularly for those visiting family relations who are not aware that allegations have been made against them*
- 6. Implementation of a procedure for monitoring appropriate PC use in community homes.*

#### **Quality of allegations data**

As mentioned above the Congregation reported allegations to the CFA in 2009 and later submitted the final CFA Ferns Section 5 Audit on 31 March 2010 where 493 allegations were included. Of these 31 related to allegations made known to the Congregation prior to 1996. The earliest allegation made known to the Congregation was in 1945. The latest at that time was March 2010. As stated in Church child protection policy documents all allegations notified to religious orders were to be reported by religious orders to the civil authorities without delay - it is evident by congregational practice and submissions received to the CFA audit team the

Congregation *failed* to comply with the contemporaneous reporting procedures in place from 1996 to March 2010. A total of 462 allegations were outside the remit of reporting allegations 'without delay' to the statutory authorities.

Of the 133 allegations made known to the Congregation from 01 April 2010 until 31 December 2013 (*Safeguarding Period*) that were reported to the CFA and AGS a total of 43 allegations related to 17 previously known alleged accused remaining Christian Brothers and nine newly alleged accused remaining Christian Brothers. A further 80 allegations related to 17 previously known alleged accused former Christian Brothers and 12 newly alleged accused former remaining Christian Brothers. The remaining ten allegations related to five previously known alleged accused deceased Christian Brothers and two newly accused deceased remaining Christian Brothers.

The first section of the following table highlights the number of allegations made known to the Congregation of the Christian Brothers by the civil authorities. This is followed by allegations that were directly notified to the civil authorities by complainants and further the numbers of allegations that were returned by the Congregation of the Christian Brothers as not being reported to a civil authority.

**Table 2: Quality of allegations data provided and analysis of reporting duration**

<b>Total no. of allegations notified to the RO by the CFA or AGS (PSNI)</b>	27
<b>Total no. of allegations notified to the civil authorities by complainants</b>	5
<b>Total no. of allegations not reported to the civil authorities by the RO</b>	0
<b>How many allegations were made known to the RO pre 1996</b>	NA
<b>Reporting duration could not be categorised/ analysed</b>	6
<b>Reporting duration could be categorised/ analysed</b>	95
<b>Total number of allegations returned</b>	<b>133</b>
<b>**Total no. of allegations subject to verification with the CFA</b>	NA
<b>Total no. of allegations confirmed by the CFA</b>	
<b>**Total no. of allegations subject to verification with AGS</b>	NA
<b>Total no. of allegations confirmed by AGS</b>	

*\*\* As all allegations made known to the Congregation from 01 April 2013 to 31 December 2013 were notified by the Congregation to the CFA centrally and AGS this task was not necessary.*

As can be seen from the table above the civil authorities notified the Congregation of Christian Brothers of 27 allegations. A further five were notified to the civil authorities by five complainants. *There was no case of an allegation not reported by the Congregation to the*

*civil authorities*. As this section is based on allegations notified to the Congregation from 01 April 13 to 31 December 2013 allegations relating to pre 1996 are not applicable here.

It can also be seen in the table above that six allegations could not be analysed as the level of detail was too vague for accurate analysis. A total of 95 allegations can be analysed in terms of the reporting of allegations to the civil authorities by the Congregation.

### Reporting Duration

The following table outlines the time taken by the Congregation of the Christian Brothers to report all 95 allegations to the civil authorities during the Safeguarding Period.

**Table 3 Analysis of time taken by religious orders to report allegations to the civil authorities**

Church Guidance Period	Safeguarding Period 24-Feb-2009 +
1-3 days	9 (EK X 2, MC X 1, JM X 2, PM X 1, ST X 3)
4-7 days	10 (TF X 1, SD X 7, PH X 1, ST X 1)
1-4 weeks	34 (JB X 1, JCK X 1, TMcC X 1, CMcC X 1, CMcA X 1, DJO'C X 1) EB X 1, HC X 1, GC X 1, SD X 2, MF X 2, PH X 1, JH X 1, PM X 1, JM X 1, MM X 1, ST X 5, LW X 1, FD X 1, JP X 1, FD X 1, PM X 1, FMcG X 1, DH X 1, JC X 1, DOL X 3)
1-12 months	40 (SA X 1, LE X 1, EK X 1, AM X 1, TAM X 1, DV X 1, TD X 1, EMcE X 1, EB X 1, SD X 13, MF X 1, FG X 1, SH X 1, DMcA X 1, LM X 1, PO'C X 1, ST X 8, FD X 1, JO'R X 1, AD X 1, JF X 1)
1-5 years	2 (DD X 1 + JK X 1)
5-10 years	0
10+ years	0
<b>Total</b>	<b>95</b>

(red = remaining brothers, blue = former brothers and black=deceased brothers)

It can be seen from Table 3 above that nine allegations were reported by the Congregation to the CFA in the '1-3 days' time frame. This reporting is within the Safeguarding recommended time frame of reporting allegations 'without delay' to the civil authorities. Two of these

allegations related to a remaining member against whom allegations have been previously made. The remaining seven allegations related to four former members one of whom was convicted for child sexual abuse offences. Six allegations related to three of these former members who were the subject of previous allegations meaning the remaining allegations against the fourth former member was made known after April 2010.

Ten allegations were reported to the CFA '4-7 days' after the Congregation was first notified of the allegations. A single allegation related to a remaining member against whom allegations have been previously made. The remaining nine allegations related to three former members who were the subject of previous allegations and including the above convicted former member an additional former member was convicted for child sexual abuse offences. The reporting of these 10 allegations by the Congregation to the CFA was not in compliance with the Safeguarding Period recommendation of reporting child protection allegations to the civil authorities without delay.

A further 34 allegations were reported to the CFA '1-4 weeks' after the Congregation was first notified. Six of these related to six remaining members with allegations for two alleged accused members received newly to the Congregation from April 2010. A further 22 allegations related to 16 former members, 11 of whom were the subject of previous allegations. Five of these 22 allegations related to five former members with the allegations made known to the congregation from April 2010. The remaining six allegations relate to four deceased members one a former member at time of death. The reporting of these 32 allegations by the Congregation to the CFA was not in compliance with the Safeguarding Period recommendation of reporting child protection concerns to the civil authorities without delay.

A total of 40 allegations were reported in the '1-12 months' time frame. Eight of these allegations related to eight remaining members with five of these allegations and alleged accused made known to the Congregation from April 2010. 29 of these allegations related to 10 former members six of whom who were the subject of previous allegations. The remaining three allegations related to three deceased members with one of these being previously known and who was convicted for child sexual abuse offences. The reporting of these 40 allegations by the Congregation to the CFA was not in compliance with the Safeguarding Period recommendation of reporting child protection concerns to the civil authorities without delay.

The remaining two allegations were notified to the CFA in the '1-5 years' time period related to a now deceased member and a former convicted member. The reporting of these two allegations by the Congregation to the CFA was not in compliance with the Safeguarding Period recommendation of reporting child protection concerns to the civil authorities without delay.

### Distribution of allegations by ministry status

The following table shows the current ministry of the members against whom allegations have been made against.

**Table 4 Allegations by current ministry status (31.012.2013)**

<b>Number of allegations by ministry status</b>	<b>No. of members with allegation (s)</b>	<b>No. of allegations</b>
<b>In Ministry</b>	1	1
<b>Out of Ministry</b>	51	190
<b>No longer in the clerical state</b>	88	303
<b>Deceased</b>	50	132
<b>Total</b>	<b>190</b>	<b>626</b>

Table 4 shows that 626 allegations are reported to have been made against 190 remaining, former and deceased Christian Brothers. A single allegation was made against a member currently in ministry. The relevant CFA social work department liaised with the Congregation regarding the management of this allegation and has been addressed appropriately. A total of 190 allegations have been made against 51 members. *At the time of writing this audit report ten of these members are now deceased.* 25 allegations were made against these eight members. 303 allegations relate to 88 former members. The remaining 132 allegations relate to 50 deceased members three who were former members at the time of their deaths.

### **PART 4 Safeguarding + protecting against further risk**

#### **1. Child protection policy, awareness and structures**

All members are required to follow the appropriate child protection policy in their ministries with children. During the course of the audit it became clear that some member's ministry with children was not solely within the work of the order but within other settings, for example diocesan pastoral work, schools, the Child and Family Agency. Where this occurred details were requested by the audit team of the child protection policy followed by those specific members. Table 5 below indicates the child protection policies and procedures that guide the various ministries of members.

**Table 5 Child protection policies guiding the ministry of members**

<b>Type of Child Protection Policy</b>	<b>Required</b>	<b>Date</b>
<b>Religious Order based (As discussed above)</b>	Yes	July 2013
<b>Department of Education and Skills</b>	Yes	2011

It can be seen from table 5 above that the Congregation operates from their own child protection policy and that of the Department of Education and Skills.

Members of the Congregational leadership team, community leaders, safeguarding management team, employees in Christine Brother run centres and camps have all participated in training on the Standards and Guidance Document run by the NBSCCCI safeguarding and avail of ongoing safeguarding training. An employee is an accredited trainer with the National Board for Safeguarding Children in the Catholic Church in Ireland. All members of the congregation have received training on the Congregation's safeguarding policy and have a copy of the safeguarding policy document.

A Safeguarding Management Committee is responsible for the overseeing of all safeguarding matters. The committee consisting of five members which includes a lay person meets on a monthly basis and both the designated and deputy designated liaison persons report to the committee. Safeguarding representatives namely the director of each ministry and the community leader of each community are responsible for informing the safeguarding office of any safeguarding concerns or reports. They hold the responsibility for implementing the safeguarding policy at local level.

The Congregation of Christian Brothers is a member of the National Case Management Reference Group (NCMRG) as established by the NBSCCCI. The Christian Brothers joined the group in 2011. The NCMRG is a multi-disciplinary team of eight professionals chaired by a non NBSCCCI member. The NCMRG offers professional advice to the Congregation on:

1. The initial complaint
2. Fitness for Ministry
3. Management of Risk

From 1995-2002 the Christian Brothers had an independent advisory panel in place comprising of nine members. The Congregation established their own Child Protection Service, which included a child protection office named Westcourt to manage allegations of abuse.

In respect of Garda vetting the Leadership team, safeguarding office members, all those employed or volunteer in ministries and all brothers who have access to minors through volunteer work/ employment are garda vetted and potential employees and volunteers are garda vetted prior to taking up their position. An employee is registered with the Garda Central Vetting Unit as an authorised signatory / vetting officer for the Christian Brothers.

## **2. Managing Risk**

As per Congregational risk management practice remaining alleged accused members who express a wish to return to ministry are required to participate in professional risk assessments. As above, just one member against whom an allegation was made is currently in ministry and the relevant CFA area was involved in this case.

Since 2013 the Congregation introduced written safety plans for convicted members and care plans for those brothers who have allegations against them but no conviction who reside in Congregational community houses. A total of 14 plans are currently in place. Such plans are signed by the member whom the safety/ care plan is devised for, the Province leader and the community leader. Members on a safety or care plan may not reside in a ministerial setting serving minors. Mentors are also available to assist accused members in complying with their plans. The safety and care plans are reviewed on a yearly basis or otherwise if deemed necessary by the Province leadership team, the designated liaison person or safeguarding management committee. Arrangements for the use of cars by accused members are included in both safety and care plans.

Care plans in place for accused brothers residing in nursing homes are health needs led. The Director of the Nursing Homes and Congregational appointed community leader are informed of any brothers (11) against whom allegations have been made prior to admission to nursing homes. The Congregation cited various reasons care plans were not deemed appropriate for 16 accused brothers – CFA cleared, no statutory referral by complainant, NBSCCCI cleared and no criminal prosecutions and acquittals.

While these actions are of assistance and demonstrate efforts to monitor and protect, the audit team strongly recommends that the Congregation work more closely with the CFA when making plans and taking actions so that they would benefit from the expertise the CFA has in respect of risk management.

Regarding monitoring structures the following mechanisms are in place to assist in the monitoring of alleged accused and convicted members – reports from community leaders and community members, the leadership team, visits from the safeguarding personnel to community leaders and through the above mentioned safety and care plans. As recommended by the audit team a process is now in place whereby community leaders are made aware of the allegations concerning accused members in their community. Other community members are informed of any member who is subject to a safety or care plan. Members residing in a nursing home that require plans are supervised by the medical team managing the nursing home. A process of inspections of electronic media equipment is ongoing for members with allegations.

A total of 14 remaining, former and deceased members have been convicted of child sexual abuse. The relevant CFA areas are aware of the remaining convicted members and of the monitoring arrangements in place and the former convicted members who are no longer connected to the Congregation.

### **Conclusion**

From the outset of the Ferns audit process the Congregation of Christian Brothers has engaged at all times with the audit team. The Congregation has developed a good working relationship with the audit team over the past six years and also with various CFA areas where their communities are based. The Congregation is becoming more proactive in their efforts in seeking professional statutory support and advice in managing accused members.

The Congregation's current child protection policy document has been reviewed as satisfactory. The policy contained the basic elements required of a child protection policy. Further work is needed to bring the policy up to the required standard. Attention to implementing the recommendations outlined in each standard is required immediately. It is fundamental that it is stated clearly in the policy document and evidenced by practice that all allegations are reported to the statutory authorities without delay. The contact details for the statutory authorities should be included as appropriate to the location of their communities nationally.

Given the core principle of the policy document, which is 'keeping children safe'; this should be clearly reflected in the policy document. There should be stringent application of standard 6 particularly criteria 6.3:

“There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers”.

The 2009 Commission to Inquire into Child Abuse's report of its historic investigation of systemic abuse of children in the Congregation of Christian Brothers highlighted the undue delay in the reporting of a substantial amount of allegations. This audit report confirmed these findings – the Congregation demonstrated extremely poor practice in reporting allegations to the statutory authorities. The reporting of allegations to the statutory authorities, made known to the Congregation in the main from the 1960's to the late 1990's, only commenced from 2007 when notifications were made to AGS and later to the CFA from 2009 onwards. This safeguarding deficit resulted in significant potential child protection risks posed by its remaining and former members.



It can be seen that a shift in improved safeguarding practices occurred after this time. The Congregation is actively addressing issues of the past and implementing preventative measures - partly in liaison with the oversight and guidance provided by the CFA audit team where the recommendations of the monitoring report were implemented. The improved practice is evidenced by the implementing of written, signed safety plans and care plans and robust monitoring and supervision arrangements. The Congregation was reviewed by the NBSCCCI with the report published September 2013. Both the review report and the Congregations safeguarding document are available to view online. The NBSCCCI reviewers commented that more effective safeguarding has been evident in practice since 2008.

With regard to the reporting of allegations to the CFA since 2010 an improvement is noted. However, further efforts are required by the Congregation to ensuring this standard is met fully and allegations are reported without delay. It is vital that the Congregation continue its commitment to ensuring that child safeguarding is paramount to the Congregation. As indicated earlier in this report the majority of the allegations made known to the CFA from April 2010 (104 of 133 allegations) related to previously known (to CFA areas) remaining, former and deceased members (39). However, potential risk still existed regarding the remaining allegations (29) that related newly accused remaining, former and deceased members (23) as just a single allegation was reported on time to the civil authorities. The Congregation have assured the audit team that all allegations are reported to the statutory authorities and the NBSCCCI.

The audit team recognises the improvements made by the Congregation in addressing child sexual abuse and implementing safeguarding measures in recent years. There is an ongoing need for the Congregation to continue being proactive in their development of robust safeguarding systems as outlined throughout this document and in line with best practice.



## Child Protection Policy Rating Sheet

### Evaluating criteria

\* All criteria carry the same weight.

Standard	No. of criteria	In place	Partially in place	Not in place
Standard 1	9	6	2	1
Standard 2	7	3	3	1
Standard 3	12	6	4	2
Standard 4	4	0	4	0
Standard 5	6	1	3	2
Standard 6	5	1	3	1
Standard 7	5	1	1	3
<b>Total</b>	<b>48</b>	<b>18</b>	<b>20</b>	<b>10</b>

### Child Protection Policy Rating

Rating	Policy requirements	Criteria required to met ratings <b>Sum of criteria 'in place' and 'partially in place'</b>
<b>Excellent</b>	The policy included all elements required in a child protection policy; were stated clearly and the policy was easy to read and understand.	44-48
<b>Satisfactory</b>	The policy contained the basic elements required of a child protection policy. Further adjustments required.	<b>22-43</b>
<b>Unsatisfactory</b>	The policy was unclear, lacked understanding with re-drafting required.	0-21

**Overall Child Protection Policy Rating:** Satisfactory

