



Review of Child Safeguarding Practice
in the religious order of
The Capuchin Franciscans (OFM Cap)

undertaken by

The National Board for Safeguarding Children in the
Catholic Church in Ireland (NBSCCCI)

April 2015

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Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely, the Irish Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of child safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review is to confirm that current child safeguarding practice complies with the Standards set down within the guidance issued by the Sponsoring Bodies in February 2009, and that all known allegations and concerns had been appropriately dealt with. To achieve this task, safeguarding practice in each Church authority is to be reviewed through an examination of case records and through interviews with key personnel involved both within and external to a Diocese or other authority.

At the request of the Provincial Minister of the Capuchin Franciscan Order, Fr. Adrian Curran, the reviewers conducted fieldwork as part of an assessment of safeguarding children practices in the Irish Province of the Order on 10th, 11th and 12th March 2015. Case Files in relation to 14 friars both clerics and non – clerics were examined and interviews were conducted with Fr. Curran, Provincial, the Designated Person, the Provincial Child Safeguarding Committee and members of the Safeguarding Representative Group. Interviews were also held with a priest/brother Advisor and a friar responsible for organising Support Persons. As well as extensive Case File documentation made available to the reviewers, the Provincial made available other relevant documentation underlying the safeguarding practice within the Order. The reviewers had the opportunity to communicate with members of statutory bodies familiar with the child safeguarding practice of the Capuchin Order. The review was initiated through the signing of a Data Protection Deed between Fr. Adrian Curran, Provincial, and the NBSCCCI allowing full access for NBSCCCI reviewers to case management and Capuchin Order records. This access does not constitute disclosure, as the reviewers, through the deed, were deemed to be nominated Data Processors of the material for the Order.

Prior to the review taking place, the Provincial placed a notice on the Capuchin Order's website informing the public that the review was taking place and invited those with any child safeguarding concerns to come forward with these. The reviewers were advised that no persons came forward as a result.

This report contains the findings of the *Review of Child Safeguarding Practice in the religious order of Capuchin Franciscans (OFM Cap)* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies. It is based upon the case material made available to the reviewers by the Order, along with interviews with selected key personnel who contribute to child safeguarding within the Capuchins. The NBSCCCI believes that all relevant documentation for these cases was passed to the reviewers, and the Provincial has confirmed this.

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The findings of the review have been shared with a Reference Group before being submitted to the Provincial Minister, Capuchin Franciscan Order, along with any recommendations arising from the findings.

The reviewers would like to take the opportunity to thank most sincerely the Provincial and his team for the extensive groundwork evident in the significant amount of preparation of paperwork and relevant documentation that was undertaken prior to the review, which ensured great ease of access to information by the reviewers.

Introduction

Historical Background

The Capuchin Order was a reform of the Franciscan Order which had been founded by St Francis of Assisi in 1209. It first gained approval with the Papal Bull *Religionis zelus* of 1528 and over the following decades grew in numbers and spread all over Italy and from 1574 to the rest of Europe. The Irish Province of the Capuchin Order was established in 1733 at which time it had 14 houses in Ireland and two in France. By 1754 the Irish Capuchins numbered 144, this marked the numerical highpoint in their early history in the country. There followed a steady decline in vocations and by the time the Provincial, Theobald Mathew, *the Apostle of Temperance*, died in 1856, their number had dwindled to 12 members. For a time the friars in Ireland were united with those in Britain, but in 1873 the Irish were given ‘Custody’ status, and in 1883 were once more constituted as a Province. It was not until the 1920s that their numbers again passed the 100 mark. In the 1950s and 1960s vocations continued to increase, peaking with 325 friars in 1985. There are now 96 Irish born friars worldwide, 73 of them are based in nine Friaries in Ireland. Others are based in the Irish Provincial Custodies of Zambia, Korea, New Zealand and South Africa. There are nine Irish friars in the Western American Province. The average age of the friars in Ireland is 73 years; 49 are aged over 70 years and 24 under 70 years. There are two students in the Irish Province. Ordained friars or clerics number 53, while 20 friars are non-clerics.

Charism:

As Franciscans, the Capuchins aspire to “observe the Holy Gospel of Our Lord Jesus Christ, living in obedience, with nothing of our own and in chastity” (Rule of St. Francis §1) as inspired by the example of St. Francis, who left everything to follow Christ. Their fundamental charism is to be an evangelical brotherhood, living in community. Capuchins refer to themselves as “lesser brothers”, (“friars minor”) called to be of service to one another and to all.

Community Life

At the heart of community life is prayer, with a particular focus on contemplative prayer. In Ireland, apart from the traditional Friary-based ministries of preaching, fostering popular devotions, assistance to the Secular Franciscan Order, Sacrament of Reconciliation, etc., Capuchins also minister:

- in parishes
- in hospitals, hospices and school chaplaincies

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- training in meditation
- in youth ministries
- preaching parish missions and conducting retreats
- in serving those on the margins of society

In all, there are nine Capuchin houses in Ireland. Two of these are in parishes, Halston Street, Dublin 7 and Priorswood, Dublin 5. The two parishes observe the child safeguarding guidelines of the Archdiocese of Dublin. .

Six of the remaining friaries have non-parochial public churches attached to them and the friars observe the Capuchin Provincial child safeguarding policy and procedures guidelines. None of these churches have altar servers. Some children attend the liturgies, usually in the company of their parents.

Four friars are chaplains in hospices, two in Dublin and two in Cork. Three friars are full time chaplains in general hospitals, two in Cork and one in Dublin. One friar is a chaplain in Rochestown College, Cork. One friar is a curate in a non-Capuchin parish in the Diocese of Cork and Ross. Two friaries provide a part time chaplain service to two hospitals. All the friars thus engaged have been Garda vetted and observe the child safeguarding guidelines in force in the above institutions.

Pastoral ministry specifically to children conducted by Capuchin friars or in property belonging to the Capuchin Province of Ireland includes:

1. Rochestown College, a second level school in Co. Cork, which has up to 600 pupils, is under the patronage of the Capuchin Order. A child safeguarding statement on file from the board of the college makes it clear that they adhere to the *Child Protection Guidelines* as laid down by the Department of Education and Skills. One friar acts as chaplain and religion teacher to the pupils.
2. The day centre, next door to the Capuchin Friary in Church Street, Dublin 7, which caters for up to 600 adults and children in need of food every day, has a special area of the dining space reserved for children and their carers. The child safeguarding policy and procedures drawn up by the board of the centre has been approved by the HSE/TUSLA/CFA child safeguarding authorities. Representatives of these authorities have inspected the centre, noted the supervision of the children's and their carers' dining area and obtained a copy of the centre's child safeguarding policy and procedures document, which received their approval.
3. The Retreat House attached to the Capuchin Friary, Creeslough, Letterkenny, Co. Donegal, caters for retreats, including school retreats. In recent years the Retreat House has come under the care of the diocese of Raphoe. Since then the child safeguarding policy and procedures of the diocese apply to the pastoral work conducted in the Retreat House. Also, the child safeguarding regulations in force

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in the schools, which use the Retreat House, are implemented by the teachers who accompany the classes during their stay in the Retreat House

4. There is a food distribution centre attached to the Capuchin Friary, in Friary Street, Kilkenny.
5. An Feis Maitiu, which takes place in the Capuchin owned hall in Fr. Mathew Street, adjacent to Holy Trinity Friary, Fr. Mathew Quay, Cork, conducts competitions in dancing, singing etc. for up to two months on an annual basis at which up to 15,000 children compete. An Feis Maitiu has its own board, independent of the Capuchin Order, and their child protection policy and procedures document is on public display on their website.

STANDARDS

This section provides the findings of the review. The template employed to present the findings are the seven standards, set down and described in the Church guidance, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. This guidance was launched in February 2009 and was endorsed and adopted by all the Church authorities that minister on the island of Ireland, including the Capuchin Order. The seven standards are:

Standard 1 A written policy on keeping children safe

Standard 2 Procedures – how to respond to allegations and suspicions in the Republic of Ireland and Northern Ireland

Standard 3 Preventing harm to children:

- recruitment and vetting
- running safe activities for children
- codes of behaviour

Standard 4 Training and education

Standard 5 Communicating the Church's safeguarding message:

- to children
- to parents and adults
- to other organisations

Standard 6 Access to advice and support

Standard 7 Implementing and monitoring the Standards

Each standard contains a list of criteria, which are indicators that help decide whether this standard has been met. The criteria give details of the steps that a Church organisation - diocese or religious Order - needs to take to meet the standard and ways of providing evidence that the standard has been met.

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Standard 1

A written policy on keeping children safe

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.

Compliance with Standard 1 is only fully achieved when a Congregation/Order meets the requirements of all nine criteria against which the standard is measured.

Criteria

Number	Criterion	Met fully or Met partially or Not met
1.1	The Church organisation has a child protection policy that is written in a clear and easily understandable way.	Met fully
1.2	The policy is approved and signed by the relevant leadership body of the Church organisation (e.g. the Bishop of the diocese or provincial of a religious Congregation).	Met fully
1.3	The policy states that all Church personnel are required to comply with it.	Met fully
1.4	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.	Met fully
1.5	The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays.	Met fully
1.6	The policy states how those individuals who pose a risk to children are managed.	Met fully
1.7	The policy clearly describes the Church's understanding and definitions of abuse.	Met fully
1.8	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.	Met fully
1.9	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 by the relevant diocesan or Congregational authority before distribution.	Met fully

The policy document of the Irish Capuchin Province entitled *The Child Safeguarding Policy of the Irish Capuchin Province* is now in its fourth edition having been updated to its current form in January 2015. The first policy document was produced by the Irish Capuchin Province in 1995. The current document is readable, comprehensive and well researched. It is compliant with *Safeguarding Children: Standards and Guidance Document for the Catholic Church in*

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Ireland (2009) and meets the expected standards. The policy document is easily accessible on the Irish Capuchin Franciscan website. www.capuchinsfranciscans.ie It states:

Conscious of our grave responsibility to prevent the sexual, physical, and emotional abuse of children and their neglect, the Capuchin Order undertakes to report all allegations made to it of such abuse to the civil and Church authorities without delay; we also urge all who disclose allegations of abuse against our members, or anyone else, to do likewise. Anyone making an allegation of abuse will be received with respect and listened to, will be informed of actions taken as a result of their disclosure and will have their need for counselling met, if required. Those against whom allegations of abuse have been made will be given every opportunity to vindicate their good name but, without prejudice, will be asked to stand aside from all ministry, not wear the Capuchin habit or clerical garb, pending the results of the investigations by the civil authorities and any subsequent enquiries by the ecclesiastical authorities.

The policy document states that the principles underlying the policy are derived from Gospel values, international law, and domestic legislation and HSE guidelines i.e. *Children First: National Guidance on the Protection and Welfare of Children (2011)*. The guiding principles in this document are clear and transparent. The policy states as one of its principles:

It is the statutory duty of the civil authorities, not individuals or organisations, to investigate reports of child abuse.

It also holds the principle that:

Organisations have a corporate responsibility to operate effective systems to ensure the protection of children. They should ensure best practice in relation to recruitment and selection processes, provide appropriate training and ensure that all personnel are aware of their responsibility both to prevent child abuse and to report concerns about child abuse.

The policy document is a solid well-structured document. It is supported by a comprehensive appendix section which includes a useful *Safe Recruitment and Selection Checklist* and relevant forms used in recruitment. Also included in the policy document are parental consent forms which are used by the Capuchins in the event that children are involved in church activities.

The reviewers note that the following sections included in the policy document are particularly well detailed: Signs and Symptoms of Abuse; Anti-Bullying Policy; Codes of Behaviour for Adults and Children.

The Capuchin policy document offers clear role definitions of personnel within the Capuchin Order who hold special responsibility for child safeguarding. It offers unequivocal guidance in the actions that should be taken by the Provincial in relation to his response to a complainant coming forward with a child safeguarding concern.

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The reviewers were impressed with the clarity of detail offered with regard to the steps taken in the management and support of the respondent friar in the event of a complaint being made. The reviewers note that this is an area not always referred to in such detail in policy documents generally and commend the Capuchins for their comprehensibility in this respect.

In the course of the review the reviewers were made aware of several policy documents created by local friaries and presented in pamphlet form for local distribution. The information regarding child safeguarding policy contained in these documents was consistent with the provincial policy.

The policy document of the Capuchin Order is a robust and comprehensive document which clearly communicates the Order's commitment to follow safeguarding practice to a high standard.

All criteria are fully met within Standard 1.

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Standard 2

Management of allegations

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.

Compliance with Standard 2 is only fully achieved when a Congregation meets the requirements of all seven criteria against which the standard is measured.

Criteria

Number	Criterion	Met fully or Met partially or Not met
2.1	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).	Met fully
2.2	The child protection procedures are consistent with legislation on child welfare civil guidance for child protection and written in a clear, easily understandable way.	Met fully
2.3	There is a designated officer or officers with a clearly defined role and responsibilities for safeguarding children at diocesan or Congregational level.	Met fully
2.4	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.	Met fully
2.5	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.	Met partially
2.6	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.	Met fully
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.	Met fully

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The Child Safeguarding Policy Document of the Irish Capuchin Province outlines clearly and comprehensively the procedures and process adopted by the Province on receiving a complaint regarding a child protection concern. It outlines the Province's commitment to offering support and counselling to a complainant, including the provision of a support person if the complainant chooses to avail of that support.

The policy document offers excellent clarity in terms of the respondent friar and the specific actions taken by the Provincial in the event of a complaint. This section outlines in detail the different levels of response that can be taken by the Provincial with regard to the respondent friar in the event of an allegation being made against him. The policy details actions under headings such as removal from public ministry, from a parish, if he has been assigned to one, restrictions imposed, reporting to civil and Church authorities, reasons why case files are sent to the Congregation for the Doctrine of the Faith (CDF) in the Vatican, and long term supervision of the accused in the Province.

The policy document also refers to the restoration of the good name of those wrongly accused. There is a clear guideline chart provided which describes the reporting process within the Capuchin Order and there is a comprehensive list of important contacts such as Local Child Safeguarding Representatives across the different Capuchin friaries and communities in Ireland. The names of those on the Child Safeguarding Committee and also the priest/brother Advisor are also available. The policy document includes a recording form for allegations/suspicious.

In terms of Criteria 2.5 the reviewers note that whilst there is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children there is no reference given to timescales concerning the resolution of the complaint. For this reason this criteria is deemed met partially.

All other criteria under this standard are fully met.

Recommendation 1

The Provincial, in conjunction with the safeguarding committee should revisit the policy regarding the making of complaints by adults and children about unacceptable behaviour toward children and in doing so formulate clear timescales in which complaints will be addressed and resolved.

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Table 1

Incidence of Safeguarding allegations received within the Capuchin Franciscan Order from 1st January 1975 up to time of review.

1	Number of Capuchins of the Province of Ireland against whom allegations have been made since the 1 st January 1975 up to the date of the review	21
2	Total number of allegations received by the Capuchin Order since 1 st January 1975	72
3	Number of allegations reported to An Garda Síochána involving Capuchins since 1st January 1975	72
4	Number of allegations reported to TUSLA/HSE (or the Health Boards which preceded the setting up of the HSE) involving Capuchins since 1st January 1975.	72
5	Number of Capuchin friars (still members of the Order) against whom an allegation was made and who are living at the date of the review.	7
6	Number of Capuchins against whom an allegation was made and who are deceased.	13
7	Number of Capuchin friars against whom an allegation was made and who are in ministry.	1
8	Number of Capuchin friars against whom an allegation was made and who are 'Out of Ministry', but still members of the Order.	6
9	Number of Capuchins against whom an allegation was made and who are retired	6*
10	Number of Capuchin friars against whom an allegation was made and who left the Order/religious life	1**
11	Number of Capuchin friars who have been convicted of having committed an offence or offences against a child or young person since the 1st January 1975	2

Footnote: *The term allegation in this table includes complaints and expressions of concern*

** These men are those included in 'Out of Ministry' group. There is no retirement per se in the Capuchin Order, all men are asked to hear confessions or say mass no matter what age he is unless incapacitated in mind or body. 'Out of Ministry' men are retired under obedience.*

*** This former friar has died since leaving the Order*

The reviewers examined all files of living respondents and are satisfied that all documentation was made available to them. This was confirmed to them by the Provincial, Fr. Adrian Curran. The case documents in themselves were vast but comprehensively categorised. It was evident to

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the reviewers that much work has been undertaken over a period of time to research, assemble and collate documentation.

Using the widest criteria possible, approximately 72 allegations of child sexual abuse, some of which have been anonymous, and a small number relating to third party information have been made against 21 members of the Irish Capuchin Province within the time frame of this review i.e. 1st January 1975 to March 2015. There are seven men living who have had allegations of sexual abuse made against them. Of these seven men, one man has been convicted of sexual abuse charges in the criminal courts and received a prison sentence of three years. This man along with five others of the seven is deemed 'out of ministry' and under restrictions by the Provincial. In a sense all 'out of ministry friars' are retired from ministry, under obedience. In relation to these six men current safeguarding plans are in place. The seventh man, following a process of internal investigations and reviews undertaken by the Order was deemed to be of good standing in 2008. He continues to be included in this group of men against whom an allegation or an expression of concern has been made because a complaint was made against him and for record purposes his name is retained with this number. The reviewers are satisfied however that the assessment that this friar is in good standing is the correct one.

This group of seven men have between them 23 allegations, or expressions of concern, recorded against them. The vast majority of complaints arise from the 1970's and early 1980's. In the case of one man complaints arise from the mid 1960's. In another case a recent allegation refers to the early 1990's.

Amongst the group of men who are deceased, who have had allegations made against them, is one prolific offender who has a total of 18 complaints made against him. This man received a conviction in relation to a number of charges against him. His case was discussed in the Dublin Commission Report. In the period following the publication of that report to the present date, 9 further allegations have been made known to the Capuchins. This case is further cited below.

The reviewers noted that in examining the files of the deceased men a significant number of complaints have been received by the Order many years after the death of the men in a number of cases.

The Designated Liaison Person (DLP) is a friar appointed by the Provincial. He is in post since 2007 and was reappointed in 2013 by the incoming Provincial for a three year term as DLP. The deputy DLP is also a friar in the Province who was also reappointed to that role by the Provincial in 2013. The DLP is also secretary of the Province. The reviewers are of the view that the depth of knowledge, experience and academic interest of the DLP has enabled him to carry out his responsibilities in the role of DLP to a high level.

Notification to Civil Authorities

The reviewers have viewed documentation given to them by the Capuchins indicating their policy of reporting allegations to the civil authorities as early as 1995, at the time when the Irish Capuchins initially set in place their child safeguarding structures. A letter from the Provincial

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Delegate (DLP) to the Province's solicitor who was also a member of the Provincial Advisory Panel in 1996 states:

You are probably aware that it is now our policy to report even a well-founded suspicion of sexual abuse by one of our friars. After much debate this is the agreed policy, which is motivated by our concern to protect young people

The Provincial, in a letter informing a bishop of allegations against one of the friars living in his diocese in 1997 wrote the following:

The people involved in the other allegations demanded confidentiality for themselves while knowing that our policy was to report the allegations. We followed our policy in fact

The reviewers also saw many references in minutes of the Provincial Advisory Panel in their discussion of cases of the requirement to report all incidents to the civil authorities. So there is no dispute of the existence of the policy that all allegations, were to be reported to the civil authorities, by the Capuchin Order as they became aware of them. However, the reality was that not all allegations were reported, contrary to the understanding of those key personnel involved at the time. The delegate (1995-2007) and convenor of the advisory panel, a canon lawyer, was responsible for reporting allegations to the authorities and it was understood by members of the advisory panel that was the case. Letters seen by the reviewers and written in 2013 by three members of that panel give testament to this fact. It had been their understanding, belief and advice that all allegations of child sexual abuse were reported to the civil authorities. Not all complaints were made known to the civil authorities in a period around the late 1990's. It is open to speculation borne out by some correspondence that the confidentiality demanded by some complainants may have taken precedence over reporting of complaints to the civil authorities. This matter became known by the Order around 2003 through their own analysis and research of case documents. There followed efforts made by the delegate to inform An Garda Síochána of all complainants and respondent friars. It seems that the delegate was instructed in 2003 to notify and inform all complaints to the authorities. Letters naming many respondents, but still not all of them, were sent to the civil authorities during that time.

It was not until the present DLP assumed his role at the beginning of 2007 that the process of full and formal notification began in respect of all allegations against men living and dead. The DLP undertook to report all known respondents and all complainants to An Garda Síochána. Case files, in particular, those relating to men where a lengthy history of complaints existed were extensively researched and documented and notification made to the civil authorities. The Provincial at that time (2006-2010) insisted that all allegations current and historical be reported to the civil authorities. There followed what could even be described as over reporting as a consequence in that the complaints were reported several times over, for example, to all the HSE Child Care Managers in every area that a man may have lived in, even if a complaint did not arise from that area.

There is undeniably significant development in case management since the current DLP took up post. The reviewers commend his and the Provincial's efforts at reviewing files, notifying

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authorities, putting in place case management plans and collaborative working with the civil authorities

Following the Dublin Archdiocese Commission of Investigation led by Judge Yvonne Murphy (2006-2009) in which the cases of five Capuchin friars were examined, the Irish Capuchin Province was directed to make known all its child abuse allegations to a special office (Area 9 HSE). The office has monitored the Province's policy for dealing with such allegations (2009-2013) and officials from that office have visited the Friaries at Church Street and Halston Street and the Day Centre in Bow Street.

Consequential to the Murphy Report, Assistant Garda Commissioner, John O'Mahony, was entrusted with the task of investigating whether any crimes had been uncovered by the Murphy investigation and all files already submitted to the Murphy investigation were further examined by the O'Mahony investigation.

The HSE carried out an audit of the Irish Province of the Capuchins in January 2014 in respect of child sexual abuse complaints known to the Province. At the time all complaints (72) and respondents (21 see Table 1, p 11) were examined. This resulted in a reduction of the numbers since not all allegations met the HSE's threshold of child abuse allegations. That audit examined case files of all members against whom allegations were made who were alive on 01-01-1996 and also files relating to all men who were alleged to have sexually abused from that date to 31-03-2013. Amongst other criteria used by the HSE leading to removal of names from the Capuchin lists of complainants and respondents of living men at that time were anonymous complaints, unknown identity of accused; allegations later withdrawn by complainant; third party allegations, where no action was taken by the complainant, or where no action could be taken by the HSE or An Garda Síochána. The final report of the HSE audit has not been published yet. The reviewers have seen correspondence dated 12-03-2014 from the HSE to the Provincial in relation to that audit which indicates the HSE position: :

All allegations of child sexual abuse against members of the Capuchin Order are known to the Child and Family Agency.

The reviewers are satisfied that for the purposes of this review all known allegations of child sexual abuse against members of the Capuchin Order have been notified to the civil authorities. Since 2010 the policy of routine notification or reporting to the NBSCCCI and the relevant diocese has been adhered to in a diligent and conscientious manner.

Canonical Processes

The reviewers note that from the period of 1995 onwards, the Provincial adopted the process of immediately removing a man from ministry once an allegation of sexual abuse was made against him. The respondent friar was usually asked to undergo assessment and treatment and was placed under restriction. The issuing of canonical decrees initiating Church investigation under Canon 1717 has taken place in most cases of men living at the time of the NBSCCCI review against whom allegations have been made in the Province. The names of all living friars have

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been reported to the General Minister of the Capuchin Order in Rome and to the Procurator General (the Order's canon lawyer). There are documents in the case files of some friars that testify to assistance given from the General Procurator's Office in the form of advice and support in relation to child abuse matters. There is also evidence of much correspondence between the DLP and the General Procurator in the case files of respondent friars in this respect especially in the years 2007 onwards. In the case of one friar in particular, the file contains extensive documentation between the Provincial and the General Minister in Rome, and running for many years duration, commencing in 1996, the year following the friar being placed under restriction. This documentation shows the challenges and difficulties the Order had in managing the case of a man who was resistant to accepting support and therapeutic intervention and at the same time denying the allegations made against him. The names of men against whom allegations have been reported to the CDF since 2008 and a letter on file written in February 2009 by the Secretary of the CDF to the Provincial confirms that:

Substantive allegations have been made against twelve deceased and seven Friars of the Province

The reviewers are satisfied that the names of all friars, who are priests, against whom allegations have been made currently in the Province are known to the CDF). In relation to one man a case file has been with the CDF for several years for adjudication and the outcome of that referral is still awaited by the Provincial. The lengthy delay in response from that authority to the Order is a source of much frustration for the Provincial and DLP and for the friar in question.

The reviewers note with interest that despite canonical preliminary inquiries having taken place into a significant number of allegations against respondent friars and taking into consideration that all names of current respondent friars, who are clerics, have been submitted to the CDF, along with the Case /file of one friar, no canonical trial has taken place.

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) have been notified of those non-cleric friars against whom allegations of child sexual abuse have been made

In a number of cases, criminal and civil proceedings have been pending until recent years which precluded canonical action being taken against these men.

Case analysis

The case files of all seven men living against whom allegations, or expressions of concern regarding child sexual abuse exist, have been examined by the NBSCCCI review team.

Friar A

In the case of Friar A, the case documents contain allegations of child sexual abuse in relation to seven complainants. It is clear from analysis of the file that the Capuchin Order became aware of allegations against this friar initially in 1987/1988 when two people separately made their allegations known to a member of the Province. In the case of one complainant the disclosure was made at the person's insistence that it was to be treated as strictly confidential. No action was taken in either case at that time. It appears from file notes that both complainants were

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invited separately to confront the alleged perpetrator with their solicitors present and in the presence of the member of the Order to whom the allegations were made known. It appears that this invitation was not taken up by either person.

In November 1994 and February 1995 both complainants again separately made contact with the Provincial at the time and spoke again of their complaints. One complainant (N 1) again insisted that their disclosure remain strictly confidential and according to case notes was not reported to the civil authorities at that time. In relation to the second complainant, (N 2), case notes indicate that the civil authorities were informed by the Provincial verbally at the time (1995). The response by the Provincial on this occasion was immediate and effective and in stark contrast to that in relation to the earlier response to the complainants. The Order also responded to the second complainant (N 2) by paying tuition fees for a three year course in addition to her own counselling.

The allegations against Friar A continued.

As a consequence of the first two allegations, the Provincial placed friar A under restrictions, removed him from ministry and relocated him to a friary in a different part of the country. Civil authorities were notified verbally and in July of the same year notification was given that the DPP confirmed that no prosecution would follow the investigation carried out by An Garda Síochána. Friar A was also sent for psychological assessment and treatment in 1995 and although treatment was offered on that occasion he refused to avail of it. A Child Safeguarding Care Plan was drawn up on 12-04-1995. Later in December 1999 he agreed, under obedience, to undergo further assessment but would not cooperate with the treatment on offer over an extended period in a residential setting overseas.

The Order responded to complainant (N 1) with the provision of counselling for up to 6 years (1997-2003). At the request of this complainant the Provincial arranged for a meeting to take place which allowed for the complainant to confront the respondent friar at a location in 2003. The complainant self-reported the abuse to An Garda Síochána in 2002. A mediation process took place in 2006 which facilitated a financial settlement in the case.

In August 1995, following the decision of the DPP not to prosecute, the Provincial commenced a canonical investigation. In the course of that investigation a third party in interview gave the name of a person, (N 3) who had informed him that she too had suffered abuse by Friar A. There was some suggestion at this interview that the abuse may have been perpetrated on her as an adult. This person had already been known to the Order as a result of a separate matter. In the notes of a meeting to discuss another matter the Provincial and another friar had with complainant, (N 3), the latter told them that she had been abused when a minor by Friar A. The case was discussed at the Provincial Advisory Panel meeting in December 1995 where it was agreed that the allegation should be made known to An Garda Síochána. There is no evidence on file to indicate that this in fact took place at that time.

In 2010, fifteen years later, this complainant (N 3), again told the Order, in the person of a member of the Provincial Advisory Panel that she had been abused as a child by Friar A. This allegation was immediately reported to both An Garda Síochána and the HSE and various Church authorities in which the respondent friar had ministered. In December 2010, the

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complainant in the company of her therapist met with the DLP and told of her abuse by Friar A. She was urged to report her complaint to An Garda Síochána which she eventually did in 2013. The Gardai investigated and the DPP decided against prosecution. The complainant received counselling and therapy and a civil case was settled with her in 2013.

In November 2002 a letter was received by the Provincial seeking assurance that Friar A was no longer in ministry and this complainant, (N 4), outlined an allegation of abuse of her in 1979, when aged 17 years. In her letter she referred to having her personal experiences presented previously to the Order's superiors by the then DLP. There is no record of documentation that relates to this allegation prior to the letter of November 2002. This correspondence and its contents were not notified to the Gardai until February 2009 when a lengthy overview letter containing all allegations in relation to Friar A were reported to the Domestic Violence and Sexual Assault unit of An Garda Síochána in Harcourt Square. The HSE was informed of this allegation some months later.

In March 2005 a phone call was received by a religious sister from a complainant (N 5), who made a disclosure that she suffered abuse by Friar A in 1978 when aged 13 years, at a school retreat. The allegation was reported to the Provincial on 07-03-2005. The civil authorities were not notified until February 2009. The complainant who called did not make further contact and no assistance could be offered by the Capuchins at the time.

In June 2009, complainant (N 6) contacted the Capuchin Designated Person with allegations of sexual abuse perpetrated on her as a teenager in the 1970s by Friar A. At the time of her disclosure she had been receiving counselling through the Faoiseamh counselling service for four years, paid for by the Capuchins, although they were unaware of her identity, as per normal with that counselling service. She was responded to immediately by the DLP who outlined to her the Capuchin policy on receiving an allegation. The following day a Decree in accordance with Canon 1717 was issued by the Provincial, opening and suspending the preliminary investigation. Within two weeks a member of the Advisory Panel who was also a trained psychotherapist along with the DLP travelled overseas to meet with the complainant and her therapist. An Garda Síochána were notified by the DLP on 09-07-2009 and the HSE was notified of the allegation in 02-04-2010. It appears that this delay in notification to the HSE was as a result of the Order seeking permission from An Garda Síochána to inform the HSE. The allegation was discussed at the Provincial Advisory Panel in July 2009. In June 2010 the respondent friar was interviewed by An Garda Síochána as part of their investigation and in October 2010 the DLP was informed by the Gardai that no prosecution was recommended by the DPP. At the time of this allegation the respondent friar remained out of ministry and under supervision, as had been the case since 1995. The civil authorities in his area of residence were informed of the allegations.

There is a further complaint on file in relation to Friar A which indicates that the complainant, (N 7), self-reported her allegation to An Garda Síochána on a date unknown. The file contains no further relevant information.

Friar A continues to live under supervision and out of ministry. He is advanced in years. The span of allegations against him covers a 20 year period and in that time period there have been varying responses according to the different approaches adopted by key personnel in place

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within the safeguarding structure in the Province at the time. In some instances, there was no response to a complainant making an allegation, in other instances there was a delayed response, to the progression of immediate and clear responses to complainants. What is clear is the immediate response taken by the Provincial in 1995 of removing the respondent friar from ministry on hearing the two separate allegations at that time. It is unfortunate that when the first allegations became known in 1987/1988 no action was taken. It is not known if any further abuses took place in the period from 1987/1988 until 1995 when Friar A was placed under supervision and removed from ministry. As already stated the respondent friar had two separate periods of assessment in two different institutes abroad but refused treatment on both occasions. The findings of the two assessments vindicated the Order's decision to step aside the respondent friar from ministry and place him under restriction in the interests of child safeguarding.

Beginning in 1995 a list of restrictions and Child Safeguarding Care Plans were imposed on Friar A, by a succession of five Provincials. In the light of the many allegations of child sexual abuse made against him and the judgements of the therapeutic teams that he posed a serious risk of abusing children, successive Provincials with the advice of the Provincial Advisory Panel believed that children were best protected if Friar A's freedom of movement and communication with outsiders was limited by a definite set of rules. These restrictions were strongly opposed by Friar A and while they were altered over the years becoming more flexible and then more rigid again they have remained in place to date. The safeguarding plans are documented in detail in case documents.

The Order indicated to the NBSCCCI reviewers that despite the best efforts of the Order to help Friar A come to terms with his harmful psychological tendencies, which constituted him a danger to children, his refusal to acknowledge his wrongdoing and to be remorseful have represented a challenge to the Order in their management of him in the twenty years since his removal from ministry. All civil and criminal matters have reached a conclusion in this case and the reviewers note that the Provincial has notified the CDF for their consideration in this case.

Friar B

In this case two separate matters alleging child protection concerns were made known to the Order in November and December 2012 respectively, relating to abuse having taken place over 30 years previously. Each allegation was similar in its level of vagueness and lack of detail. The first concern involved a relative of a man who alleged that he had been subject to abuse by this friar when aged 12. The relative who remained anonymous declined to give any further information which would help identify the individual. It was stated by this person that An Garda Síochána had been informed of the complaint. The DLP immediately informed the Gardai on receipt of this information and inquired if the complaint had been received by An Garda Síochána. He was told that none had been made.

The second concern made known to the Order involved possible child sexual abuse concerning (age of 'youth' not specified) an unidentified person disclosed by Friar B to a third party who in turn informed the Order by letter of this information. No details regarding the name of this person were given and the age at the time of the alleged abuse was not specified.

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These unrelated events prompted the Provincial to seek the return of this friar from overseas ministry. The two matters were initially reported to the NBSCCCI in the early days of 2013. The friar underwent psychological assessment beginning in January 2013 and concluding in April 2013 during which time Friar B had no ministry.

In tandem with this the Vicar Provincial and the DLP presented the two cases to the National Case Management Reference Group (NCMRG) of the NBSCCCI in May 2013. The NCMRG advised that there was no complaint at that time to report to the Irish authorities in respect of the two cases. Ministry was restored to Friar B with some restriction and under certain conditions. One of these conditions was that he attend a residential treatment programme. Friar B complied with this condition and attended a treatment programme from September 2013 to March 2014 after which he entered a post-treatment care and supervision programme which continues to the present day. Friar B is subject to a child safeguarding care plan which features his exclusion from all public ministry and other restrictions (for example, his mobile and computer are checked on a regular basis).

In July 2014 a firm of solicitors informed the Capuchin Order that a client of theirs had made an allegation of child sexual abuse against Friar B. This allegation was immediately notified to the civil authorities by the DLP. The Provincial initiated a canonical decree in July 2014 which was put on hold pending the outcome of criminal/civil investigations. A priest/brother Adviser was assigned to Friar B. The reviewers note that pastoral care and support was offered by the Capuchins to the complainant in this case through their communication with his solicitors.

This case is currently being managed well by the Capuchins. The reviewers accept that on-going supervision is in the hands of a number of professionals and support people involved in this case and separate supervision notes may be kept by the respective personnel. The reviewers note that the provision of a regular co-ordinated supervision record on file may be useful in this case.

Friar C

In the case of Friar C, three separate allegations of child sexual abuse were made against this friar in the years 1997, 2004 and 2011 respectively, relating to abuse having taken place between 1960 and 1980s. The first allegation relates to a family member and the abuse is alleged to have taken place when the child was aged 10 years. The Provincial asked his DLP to investigate the allegation fully. Interviews took place with the respondent friar and also with the family member who made the allegation on behalf of another family member. The DLP, having consulted with the Order's solicitor following this investigation, closed the case citing 'no substance to the allegation following investigation'. The Provincial Advisory Panel was not consulted in this case. There were significant delays in formal notification of this allegation to the civil authorities which took place in 2008 (An Garda Síochána) and 2009 (HSE) The complainant in this case died in 2001.

In relation to the second allegation, the respondent friar was interviewed by An Garda Síochána in November 2004. He was subsequently interviewed by the DLP in relation to this matter which

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concerned the sexual abuse of a boy on two occasions. Friar C denied this allegation. The file indicates that notification was made to the Health Board at this time. The Provincial Advisory Panel was consulted in May 2005 in respect of this second matter and made recommendations to the Provincial in relation to restrictions from ministry. The restrictions included removal from all public apostolates. . The advisory panel also recommended that a risk assessment of the respondent friar be undertaken. This was done in early 2006 where it was found the level of risk for future sexual offending was judged to be low. In January 2008 a child safeguarding care plan was put in place along with a precept. Removal from all ministries, including a ban on wearing the religious habit and clerical garb was enforced in February 2009. These restrictions and the child safeguarding plan continue to be in place and are reviewed regularly by the Provincial and supervised by the Guardian of the community in which the respondent friar lives.

A third safeguarding concern was made known to the DLP in March 2011 in respect of this friar. The caller, who did not disclose a full name or contact details, made an allegation that she and her brother had been sexually abused by this friar when they were children. In respect of these new allegations the file indicates that the civil authorities were immediately notified by the DLP.

The respondent friar continues to remain under restrictions and out of ministry. The case of this friar was reported by the Order to the Capuchin General Curia in Rome in August 2008 and inquiries were made to the appropriate Dicastry in the Vatican – The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) in May 2010 regarding the correct procedures for reporting the case so as to meet canonical obligations with respect to non-cleric friars. An acknowledgement was received by the Provincial but no further correspondence has been forthcoming from that Dicastry. This case was subject to several reviews, in the first instance in 2008, by the Provincial Advisory Panel who recommended that efforts be made to offer support to the family of the first complainant, who had died some years earlier. The Order made exhaustive efforts to locate the complainant’s relatives but to no avail. An Garda Síochána were asked by the Order to help locate the second complainant but again no information as to his whereabouts was available. The third allegation received by phone call did not allow for further contact or pastoral contact because of a lack of detail given at the time.

The Provincial brought the case to the NCMRG for discussion on 29th October 2013 and a recommendation that a full review of the case be undertaken by an independent consultant. The writer of that independent review in 2014 stated that:

(he) believes that the restrictions on friar C are reasonable and prudent.

The content of the file suggests that all appropriate correspondence was entered into with the civil authorities in the case of the HSE from 2005 onwards, where a collaborative approach on management and information sharing in this case has taken place. Correspondence with An Garda Síochána from 2008 represents a delay in reporting from when the first allegation became known to the order.

Friar D

Friar D was convicted of the sexual abuse of a relative in 2005 as a result of a complaint brought by the relative to An Garda Síochána in 2003. An Garda Síochána informed the Order and the

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Provincial promptly responded by drawing up a list of restrictions which were meant to minimise risk to children. This document was signed by Friar D, his Provincial and a witness in May 2004. Counselling was offered and taken up by the complainant. Friar D served a prison sentence and was released in August 2006 and placed on the Sex Offenders Register. A series of communications is evident on file between the designated liaison person (DLP) and the HSE commencing in October 2006 indicating a collaborative approach to managing the risk posed by Friar D following his return to the community. Equally the Church authorities and An Garda Siochana have been informed of changes in the respondent friar's address which have taken place from time to time.

The transfer of friars from one friary to another every few years is a feature of Capuchin life. Occasionally friars, against whom allegations have been made, are moved from one Capuchin community to another in an effort to manage strategically the risk they may pose to children in that friary at a particular time.

The Designated Liaison Person informed the various Church authorities of previous addresses of the friar. The Provincial Advisory Panel discussed the case in March 2008 and a precept of obedience was recommended to be placed upon the respondent friar. In July 2008 the friar was informed that he could no longer wear the Capuchin habit or clerical garb. In the same month a decree was issued in relation to the allegation. In August 2008 a letter was sent by the DLP to the General Procurator in the Capuchin General Curia in Rome informing him of the allegation against this friar for forwarding to the relevant authority there for adjudication.

In the course of his research of documents in January 2010, the DLP became aware of information of a further possible allegation against this friar, which may have been known in March 2005 to the then Provincial. At the time, in March 2005, the respondent friar was incarcerated. There is no further information on file regarding this complainant or of any pastoral response to him. The Provincial in 2010 issued a decree under canon 1717 in relation to this new allegation. Friar D continues to live under supervision and restriction.

Friar E

The case relating to Friar E relates to abuse in 1990s involving one complainant who came forward in 2007 alleging sexual abuse, when he was aged approximately 12 years. The actions by the Provincial and his DLP in this case as evidenced in the file were clear and appropriate. Notification was made to the civil authorities and to the NBSCCCI in a speedy fashion. The respondent friar was immediately taken out of ministry though, on Garda advice, the identity of his accuser and the nature of the alleged abuse was not disclosed to him until the Garda investigation had been concluded. On the 12-10-2007 the Provincial issued a decree in accordance with canon 1717, for internal investigation to commence following the conclusion of the civil authority investigation. Church authorities and HSE personnel in the friar's areas of residence/ministry were also informed. Pastoral care was offered to the complainant. The Provincial Advisory Panel was consulted and made recommendation that an Independent Investigation involving a multi-disciplinary approach be undertaken. Further assessments followed corroborating the initial finding that the status of 'out of ministry' was the correct action.

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The case file was sent to the General Procurator in Rome for forwarding to the relevant authority (CDF) for adjudication in May 2009. The respondent friar remained out of ministry while at the same time protesting his innocence. In April 2012 the CDF granted the Irish Provincial derogation from prescription with respect to this case which effectively meant that an administrative process could be followed instead of a canonical trial. This extra judicial process involved two canon lawyer/ assessors and a defence canon lawyer for the respondent friar and the result of which was sent to the CDF in June 2013 in Rome. The Provincial continues to await a response. The friar continues to live under restriction and supervision.

The reviewers are satisfied that all appropriate steps were followed in this case.

Friar F

The case of Friar F was dealt with at length in the Dublin Commission Report and this review will not discuss those allegations which arose in that report. However, since the publication of the Murphy Report in 2009, three new allegations of sexual abuse were disclosed to the Order in respect of this friar. The reviewers are satisfied that the DLP dealt with these new allegations appropriately in terms of notification to civil authorities. The DLP also offered contact and pastoral support to the complainants. One of the complainants lived abroad and it is noted that much effort was made to organise counselling for this person at a location suitable to her.

This respondent friar has been under supervision and restriction since 1995. There is a child safeguarding care plan in place which, it is noted, the respondent friar has refused to sign since 2010. Nonetheless, the file notes that the conditions and restrictions are being followed. The file references the fact that this friar has consistently denied the allegations against him. He was sent for psychological assessment and underwent treatment for several years until recently.

Friar G

In the case of Friar G, a complainant contacted the Order in September 1995 requesting to see this friar in an attempt to seek an explanation for an aspect of his behaviour towards him when he was younger. The file notes that the complainant was not making an allegation of abuse by this respondent friar at the time. Advice was sought from the Provincial Advisory Panel, and the complainant was interviewed on two occasions by two members from that group, the then Delegate (DLP), who was also a trained canon lawyer and a psychotherapist-trained, religious sister. They concluded that there 'was not a reasonable cause to suspect child abuse in this instance'. The advisory panel recommended that An Garda Síochána be informed, nonetheless. The file notes that it was the intention of the DLP to inform An Garda Síochána but there is no evidence to confirm that was indeed the case. The complainant later wrote a letter asking about counselling which was offered to him at an earlier meeting. It is unclear whether or not he was responded to at that time. This was clearly a missed opportunity on the part of the Order to offer support to this complainant. The respondent friar strongly denied any wrong doing. At the time, he had no ministry with children and was engaged only in administrative work. This continues to be the case today.

In 2008 the then Provincial ordered a review of all safeguarding files and this case was again referred to the advisory panel. The notes on file of the discussion undertaken by the Advisory

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Panel from that time stated that they formed the view that it was ‘not necessary that this matter be reported to the civil authorities’. The Provincial, however, at that time decided to report to the civil authorities. He also wrote to the respondent friar to ask him to step aside from all ministries. Strenuous efforts documented on file were made by the DLP to try and contact the complainant in 2009, on the advice of the HSE, but to no avail. In 2013 the DLP was informed by An Garda Síochána that the complainant did make a complaint to them in 2003, but the investigation did not take place as the complainant died from natural causes before he could be interviewed. No other allegations were made against this friar. In 2010 the respondent friar was considered to be of good standing and the DLP informed the reviewers that a discussion with members of the NBSCCCI took place around that time which concurred with the Provincial’s direction of good standing.

This case illustrates the requirement of clear and definite notification to the authorities and the importance of communication between the different agencies. Crucially, in perhaps what can be described as an overzealous effort on behalf of the Provincial Advisory Panel to test the veracity of the allegation, the provision of pastoral outreach to the complainant was overlooked. It is acknowledged by the NBSCCCI reviewers that the manner in which this case progressed historically caused anguish and stress for this respondent friar, who has seen no resolution in his case over the years.

Extent and Management of Abuse

The number of allegations and respondent friars illustrates the extent of the task that the Capuchin Provincial Team have in managing risk in their communities.

Six of the accused seven men are “out of ministry”, are under restriction and have safeguarding plans in place which are reviewed and updated on a regular basis.

The seventh friar was deemed to be of good standing in 2010.

One of the six men has been convicted in a criminal court on child sexual abuse charges and has served a prison sentences in the past. The majority of the men deny the abuse of children. In total, nine friars of the Capuchin Order, in their lifetimes, have had allegations of child sexual abuse made against them; only three have admitted to abusing children. Overall, the office of the DPP has considered files concerning five friars but has directed prosecution against two to date one of which is deceased.

Seven respondent friars continue to live in five different locations within four dioceses in Ireland. Allowing men remain as members of the Province and continue to live as friars within communities has been a subject of discussion for Provincials and their Councils on several occasions and the Province has produced a number of discussion papers regarding this situation over the years. A recent paper entitled:

Points for Consideration in relation to written agreements (Child Safeguarding Care Plans) between the Provincial and those alleged to have abused in the Province

sums up best the position the Province has adopted in this regard:

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This decision was made to protect children from further abuse by these men. It was felt that children were safer if these men continued to live as friars under supervision in communities rather than by being expelled from the Order and sent out into society, where they would live unsupervised lives and so could be a greater danger to children. It was also believed that their acceptance by the Province and their living as religious in a fraternity of brothers would help them live 'a life of penance and prayer' by which they would repent for the harm they had done and be motivated to live offence-free lives in the future

As a result of these men continuing to live within Capuchin communities, rules aimed at restricting the movements of the friars in question and their contact with people have been drawn up. The reviewers note that the first of these child safeguarding care plans, has been in existence since 1995 in the cases of two men. In respect of the other four men, who are under restriction, their safeguarding plans (CSCPs) have been drawn up at different but appropriate time frames. The Order is clear that the primary purpose of such agreements or plans is primarily for the protection of children. The terms of the agreement also guide the Guardian and the members of the community in their task of supervising and assisting the respondent friar in living an offence – free life. The reviewers were informed that the responsibility for supervising the safeguarding plans is shared by all members in the community in which a friar resides. It was also interesting to hear that key lay members of a community, for instance, officer or administrative staff in a friary also have knowledge of a friar who is under restriction. In addition, each friary has a lay Local Child Safeguarding Representative who has knowledge of men on restriction. In this respect a friar's personal information regarding his offending behaviour is respected. The local Guardian and members of the community are charged with the daily implementation of the safeguarding agreement. The Guardian keeps a journal in which is recorded any noteworthy developments. At community meetings with the friar in question present, matters of relevance are raised and discussed and possible breaches of the protocol are addressed. On his annual visit to each community, the Provincial, in conjunction with the Guardian and community, reviews the child safeguarding care plan and discusses with each friar any issues which might have been brought to the attention of the Provincial. If there are breaches during the course of the year the Provincial is informed and the protocol allows for the local Child and Family Agency manager to become involved, if a risk to children is perceived. As a matter of course in recent years, the Provincial and his DLP have liaised with both the Child and Family Agency and with the NBSCCCI in relation to the efficacy of the agreements in place.

The reviewers note that a detailed policy document has been produced by the Province in relation to hospitalisation of a respondent friar and steps were and continue to be taken to ensure that the safeguarding plan is conveyed to the hospital authorities in the event of a friar being admitted to hospital for any period of time. This in itself has posed some problems for hospital authorities and the provisions they have made for such eventualities and an example was given of one hospital's reaction to this information. This level of transparency and openness taken by the Capuchin Leadership team in ensuring the protection of children is to be commended.

The management of risk posed by men against whom there has been a child safeguarding concern is a current, prevalent and significant task for the Province, which is embraced by the Provincial, his Council and his safeguarding team with the utmost sense of responsibility and

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accountability. It is an onerous task well managed by the Capuchin Order. The Capuchin Provincial and his Council have been forthright in their acknowledgment that their endeavours to manage their procedures and policies over the years, most notably in the years 1995-2003, specifically in relation to the enforcement of proper notification in all cases have been problematic and less than adequate. A perceptible change in procedure is in evidence since early 2007 coinciding with the taking up of office of the current DLP. The reviewers are confident that proper procedure is now being followed in this respect, and commend the Provincial and his DLP for their diligent work in following their policy and procedures in a conscientious and responsible manner.

The reviewers have examined a number of child safeguarding care plans in place and are satisfied that they are robust and comprehensive in nature. It is evident that the management of allegations and of risk is seen as a priority for the Irish Province of the Capuchin Franciscan Order. No new safeguarding allegation or concern (apart from historical cases) have become known to the Order since the implementation of safeguarding agreements in any case as far as the reviewers can ascertain.

The reviewers note that one respondent friar is currently receiving therapeutic support. The file in this case did not appear to indicate an update record of supervision or progress of his therapeutic intervention. In relation to the other men, who are supervised within their communities, it is recognised that local supervision records are maintained but it may be useful to have summary updates of supervision recorded in the safeguarding file in each case where supervision and restriction is in place. In respect of the foregoing the following recommendation is made:

Recommendation 2: The Designated Liaison Person should ensure that up to date supervision records including reviews of Child Safeguarding Care Plans of men out of ministry and /or on restriction or in treatment should be maintained on the case files.

Deceased Friars

The Capuchins have case files in relation to 14 men who are deceased, who have had allegations of child sexual abuse made against them within the time frame (1st January 1995-1st March 2015) of the NBSCCCI review. The reviewers 'had' the opportunity to examine all the files in relation to all of these men. A total of 30 allegations relate to these seven men.

Three of this group were discussed in the Dublin Commission Report and this review does not refer to that section of their file discussed in the Murphy Report. However, in the case of one prolific offender, nine further allegations against him have being made known to the Order since the publication of the Murphy Report. This friar, who is deceased since the publication of that report, had already a similar number of allegations against him which were discussed in the Murphy Report. He was convicted in relation to a number of charges against him and received a suspended sentence. He was out of ministry and under restriction until the time of his death. Even at times of death, the Capuchin Order strictly keep to their own funeral protocol concerning those who have abused, in that funeral services are kept ceremoniously low key and religious habit or clerical garb are not allowed for burial. The objective here is to minimise the possibility of any further trauma and pain being caused to the victims.

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The reviewers note that the allegations which have come to the Order since 2010 in respect of this man have been dealt with appropriately in terms of proper formal notification to the authorities and efforts have been made to offer pastoral support to complainants where possible.

Having examined safeguarding files in relation to fourteen men both living and deceased against whom allegations have been made there are a number of common points which can be summarised as follows:

- The vast majority of allegations which have come to the Capuchin Order are historical in origin and relate to alleged incidents from the 1950's, 1960's and most predominately from the 1970's. Less than a handful of allegations arise from other times. The most recent time frame of an allegation arises from early 1990.
- In respect of the living respondent friars, all but one are under active supervision and restriction. A definite pattern of this course of action taken by the Provincial is in evidence from the mid 1990's. There is evidence of men being brought back to the Irish Province, if serving in an overseas ministry, when an allegation has being made known to the Order.
- The reviewers were informed that priest/brother Advisors had been offered to all men against whom allegations have been made. Only one man currently has such an Advisor. The other men, whose cases are longer term cases, have declined over the years to accept the Provincial's offer of an Advisor mainly on the basis of their assertion of innocence.
- The provision of Support Persons for complainants is not generally in use.
- All names relating to the above group of friars have been referred to the General Procurator of the Capuchin Order in Rome and one case file is currently with the CDF for determination. Canonical decrees have been issued by the Provincial in the majority of cases.
- There has been inconsistency in the past in notifications to the civil authorities and in some cases there is evidence suggesting ambiguity in acknowledging the veracity of allegations. This has in some instances led to complainants not being heard or believed in the first instance. There were cases where clearly no action was taken by the Order at the time of the allegation. The reviewers saw evidence in several cases of complainants repeating their allegations sometimes years later before they were heard. This was a notable feature in some allegations relating to the late 1980's/ mid 1990's. As a consequence, pastoral support and outreach has often been inconsistent in that time frame.

The reviewers note that this is not the case presently where there is a clear effort in evidence in responding in a genuine way to complainants. There is evidence that many victims have been treated fairly and with compassion by the Capuchins.

- The Order continues to receive allegations of sexual abuse and the Provincial and DLP are actively dealing with a number of these matters. Reporting to civil authorities in cases arising over the last five years, in particular, is prompt and appropriate.
- There is a definite emphasis on clarity and transparency in evidence in the case documents especially from 2008/2009 onwards which shows greater conformity and

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consistency in making formal notifications to the civil authorities. This willingness to engage collaboratively with the civil continues to significantly improve to the present day.

- The Advisory Panel which was drawn together in 1995 and remained in place until its dissolution in 2010/2011 was proactive and appropriate in its advisory role. The Capuchin Order has now joined the National Case Management Reference Group (NCMRG) and has brought several cases to that group for advice.
- The reviewers are satisfied that all risk is managed well and conforms to best safeguarding practice.

Pastoral response

It is noted that difficulties are sometimes encountered by Orders in making contact with complainants if allegations come to them in cases of litigation and where a complainant's legal representative informs the Order of a complaint in the first instant. The Capuchin Order has acknowledged difficulties in making pastoral contact with complainants in respect of allegations made against friars both living and deceased. There have been instances where they have been rebuked by counselling services for making direct contact with a complainant. The Capuchin Order has tried to overcome this problem, by requesting the complainants' legal representatives or An Garda Síochána or a third party, whichever is applicable, to inform the complainant that the Provincial or members of his safeguarding team are available to meet and offer to arrange the provision of counselling and pastoral support. On occasions they have written a letter 'for the attention of the complainant' and given to third parties to inform the complainant of their position in relation to pastoral support. There is no guarantee that the complainant has received that information and in several cases it is noted that no contact has been established between the Order and the complainant. It is accepted that some complainants could have made the choice not to engage with the Order, but it is probable that some complainants are not fully aware that pastoral care is available for them. In order to ensure that all complainants are informed that the Order is willing and available to meet with the complainant, the Provincial, along with the DLP, should consider how to reach out to all complainants who become known to the Order by way of a standard letter expressing their interest in offering pastoral support. This could be given to An Garda Síochána or the complainant's legal representatives if they are involved. When a complainant comes forward and makes personal contact with the Order, it may be beneficial for them to receive a letter at that point indicating that pastoral support is available and how to access it with relevant contact numbers.

Recommendation 3

The Provincial, the Designated Liaison Person and the Complainant's support person (if they are involved) must record all contacts with the complainants in order to both reflect their views and the support offered.

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Standard 3

Preventing Harm to Children

This standard requires that all procedures and practices relating to creating a safe environment for children be in place and effectively implemented. These include having safe recruitment and vetting practices in place, having clear codes of behaviour for adults who work with children and by operating safe activities for children.

Compliance with Standard 3 is only fully achieved when a congregation meets the requirements of all twelve criteria against which the standard is measured. These criteria are grouped into three areas, safe recruitment and vetting, codes of behaviour and operating safe activities for children.

Criteria – safe recruitment and vetting

Number	Criterion	Met fully or Met partially or Not met
3.1	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.	Met fully
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	Met fully
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.	Met fully

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Criteria – Codes of behaviour

Number	Criterion	Met fully or Met partially or Not met
3.4	The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children.	Met fully
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Met fully
3.6	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.	Met fully
3.7	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.	Met fully
3.8	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.	Met fully
3.9	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Met fully

Criteria – Operating safe activities for children

Number	Criterion	Met fully or Met partially or Not met
3.10	There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home.	Met fully
3.11	When operating projects/ activities children are adequately supervised and protected at all times.	Met fully
3.12	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.	Met fully

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The Capuchin Provincial Policy Document outlines comprehensive procedures undertaken in the recruitment and vetting of personnel. Presently there are 61 friars vetted within the Province along with sixteen persons who work in the friaries or Capuchin ministries. The Order has centralised its vetting procedures since 2013, when the present Provincial took office and vetting is now undertaken through the Garda Vetting Administrator in the Dublin Archdiocese. The DLP and assistant DLP organise the vetting forms to be sent from the different communities to this service. In this way the monitoring of the process country wide can be easily done. A box file of completed vetting forms, which is kept in the Capuchin Child Safeguarding Office, was made available to the reviewers. The Child Safeguarding Coordinator also informed the reviewers that the need for up-to-date vetting is a discussion which is on-going within that Committee.

All friars have an identity card dated and signed by the Provincial Minister testifying that they are members in good standing of the Capuchin Order. (In the case of a priest this is known as a *Celebret* and indicates in addition that he is permitted to celebrate the sacraments.) All friars visiting the Irish Province are required to produce an identity document to say they are in good standing in the Order. The Capuchin Provincial policy document states clearly that visiting friars be informed of the Provincial policy on child safeguarding, and they are required to make a commitment to adhere to it.

Guidelines for safe recruitment are clear in the policy document and include a helpful *Safe Recruitment and Selection* section, a *Recruitment Form* and *Confidential Declaration Form* for adult volunteers.

Provincial Child Safeguarding Committee

The Child Safeguarding Committee oversees the implementation of the seven standards. The Safeguarding Coordinator is a lay person. This Committee was established in 2011 and its members were reappointed by the incoming Provincial in 2013 for a three year term. The reviewers were impressed with the skill set and experience and professional ethos of this committee. The members include a professional person working in the area of managing offenders, a barrister, a grandmother and the DLP and assistant DLP. There is a genuine interest and commitment on the part of the Committee members to fulfil their role to the highest standards. All safeguarding committee meetings have been minuted with formal agendas covering a range of topics. All members have been Garda vetted and have undergone training specific to the role of the committee itself. The committee oversees the vetting of all personnel who are active in ministry in the Province and has a role in assessing the training needs of friars and safeguarding representatives. The committee was instrumental in formulating papers and brochures for the Capuchin Child Safeguarding Sunday which took place for the first time in 2014. One of the first tasks undertaken by the committee was to supervise the preparation of the self – audit forms now used by the Province. The self-audit was developed to be more than just a tick-box task and the committee overcame this by undertaking to collate the results of the audit and feed back to each community. In this way each community has to take responsibility and be accountable for their response to the self-audit. In the coming years the members of the Committee hopes to visit each community to discuss the role of the Safeguarding Committee and to promote the message of safeguarding and the importance/feedback of the community self-audit.

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This and other courses of action are contained in the *Three Year Plan* drawn up by the safeguarding committee. This plan is noteworthy in its detail and presented in spread sheet format detailing what actions to be taken by whom and the expected time frame. It is a plan which is both comprehensive and realistic. Briefly the plan will include the following:

- To oversee the revision of the current Provincial Policy Document in line with the revised NBSCCCI guidance.
- Dissemination of information to Local Child Safeguarding Representatives (friars and lay people) and employees and volunteers.
- To oversee the implementation of Child Safeguarding Policies and Procedures;
- Drawing up of self-audit questionnaires and implementation of self-audits on a yearly basis; reporting and evaluation of self-audits;
- Communicating the safeguarding message – Promotion of Child Safeguarding Sunday;
- To provide training and oversee safe recruitment;

Child Safeguarding Representatives

In each community the Guardian or Vicar is the Child Safeguarding Representative. In most cases each Guardian is assisted in that role by a lay person who is entrusted with the role of Local Child Safeguarding Representative. The reviewers met with four child safeguarding representatives, three lay people and one friar. The lay representatives especially spoke of their sense of inclusion within the Capuchin communities in respect of the local safeguarding plans in place. It was impressive to note that within the last year the lay local child safeguarding representatives have been invited into community meetings at times of self-audit. The reviewers were informed that this ‘outside’ involvement resulted in a dynamic within those meetings and one which is understood to have produced much discussion in relation to safeguarding issues.

The knowledge of and enthusiasm for safeguarding on the parts of the safeguarding representatives in their different areas of responsibility was impressive.

Recommendation 4

In terms of sharing knowledge and ideas and to promote the message and culture of safeguarding the Provincial should consider bringing together the Local Child Safeguarding Representatives from all- the Capuchin/Friaries in the country to collectively pool their knowledge and ideas and to thereby support and validate the important nature of their work.

Criteria 3.1 – 3.3 are deemed to be met in this standard.

The policy document contains an extensive section on Codes of Behaviour and Best Practice Procedures which are in full compliance with all criteria under this standard.

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Standard 4

Training and Education

All Church personnel should be offered training in child protection to maintain high standards and good practice.

Criteria		
Number	Criterion	Met fully or Met partially or Not met
4.1	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.	Met fully
4.2	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Met fully
4.3	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.	Met fully
4.4	Training programmes are approved by NBSCCCI and updated in line with current legislation, guidance and best practice.	Met fully

The reviewers had access to the training schedule undertaken by the different members of the Capuchin Order. Training has been extensive and appropriate and on-going and the reviewers noted that as early as April 1994 members of the Order attended relevant targeted training. Both the DLP and the assistant DLP have between them an extensive knowledge and understanding of issues in relation to child safeguarding and management of risk. Both friars are trainers who have used their ability to further disseminate their knowledge on an on-going basis within the Order as evidenced in the training spread sheet examined by the reviewers. In addition, the Capuchin Order has availed of training courses offered by the NBSCCCI. The Policy document of the Capuchin Order in its section entitled *Training and Education for the Safeguarding of Children* states:

5. Apart from training schedules organised by the Province itself, it is the policy of the Province to avail of training events organised on national, diocesan or parish level, and to encourage participation in these by friars and relevant employees.

6. In addition to the training programmes, it is the policy of the Province that the conscientisation of the friars on the issue of safeguarding children be an on-going concern of superiors. Hence, every friar is to have a copy of the Provincial Child

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Safeguarding Policy, and likewise all relevant staff and volunteers; and copies are to be made available in each Friary for perusal by any member of the public on request.

7. The issue of Child Safeguarding and the best practices of ensuring it, is to be part of the Provincial Programme of Initial Formation for all candidates to our Order.

Recent training events which took place included a Review of the Seven Standards and training on the roles of the Child Safeguarding Committee which was attended by the Safeguarding Committee and members of the formation community and was facilitated by the NBSCCCI. In January 2015 a training event entitled *'Revision, updating and reflection on the needs of communities'* facilitated by the Dublin Diocesan Safeguarding Office was attended by the Guardians and Vicars from all the Friaries.

The Child Safeguarding Coordinator and the Child Safeguarding Committee are charged with making continual assessments of local needs and help make arrangements for appropriate training. The need for on-going training for personnel who hold key positions in the safeguarding structure is always present. For example, the reviewers note that there is one friar actively engaged in the role of *Advisor* to a brother friar. He received training for that role in the years prior to taking on his current responsibility. As a means of support for this friar with this specific role and who may be in role indefinitely due to the exigencies of the case the committee could consider sourcing further on-going relevant training. A data base of training needs and training events managed by the Safeguarding Committee is one way of allowing the Order keep up to date with training requirements. The reviewers suggest that possible topics for future training events could include topics around the complainant, their needs and how to actively engage and sustain meaningful contact with complainants. The management of men under restriction and support of communities in which they live is a live topic for the Capuchins and is one which the reviewers envisage will be at the forefront of training needs and discussion for some time.

The reviewers were informed by the safeguarding committee that in an effort to keep the safeguarding message alive and in the consciousness of the friars there is a time allocated for discussion on different aspects of safeguarding within the monthly community meetings. The experience for the Order is that this is seen as a far more effective and meaningful way to keep the safeguarding message alive as opposed to friars attending full-day training sessions, which many, because of age and general wellbeing, may not be able to attend. Friars are encouraged to avail of safeguarding training which may be available in their own local areas. The criteria under this standard are considered to be met.

Recommendation 5

The Provincial in consultation with the Provincial Child Safeguarding Committee should undertake a training needs analysis in respect of all personnel who hold key safeguarding posts within the Capuchin safeguarding structure.

Standard 5

Communicating the Church's Safeguarding Message

This Standard requires that the Church's safeguarding policies and procedures be successfully communicated to Church personnel and parishioners (including children). This can be achieved through the prominent display of the Church policy, making children aware of their right to speak out and knowing who to speak to, having the Designated Person's contact details clearly visible, ensuring Church personnel have access to contact details for child protection services, having good working relationships with statutory child protection agencies and developing a communication plan which reflects the Church's commitment to transparency.

Criteria

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

The Child Safeguarding Policy of the Irish Capuchin Province is now in its fourth edition and was updated in 2015. It is a very comprehensive and easily readable document. It contains an extensive list of child safeguarding contacts including a very expansive list of contacts for advice and support. The reviewers have seen a copy of the safeguarding notice which is on display at all Capuchin Friaries and communities. Contact names are once again clearly on display. It is available however only in the English language. In the Dublin Capuchin Churches in particular, where other non-English-speaking Church groups have an arrangement to use the Church on a regular basis this notice should be available in several different languages. The Provincial Child

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Safeguarding Committee should therefore give some consideration to having the safeguarding notice translated into languages frequently used in the Churches.

Recommendation 6

The Provincial ensures that the Provincial Child Safeguarding Committee should assess the needs for the provision of safeguarding signage in different languages in the different friaries.

Each friary has adapted the Province's policy to suit their own situation and the reviewers had the opportunity to look at a number of these. They are written in clear easy- to- understand language and contain a list of local contacts. The Capuchin Order also uses its website to communicate very effectively its safeguarding message. The website conveyed details of the upcoming NBSCCCI review and invited those with any concerns to come forward.

In 2014 the Capuchin Province initiated its first *Safeguarding Sunday* in its Churches which presented an opportunity for information and posters to be displayed and for safeguarding literature to be available for distribution. The reviewers saw examples of safeguarding posters and flyers used in the different churches conveying the safeguarding message. Local safeguarding representatives also had the opportunity to describe their safeguarding role. Feedback was requested by the Safeguarding Committee in relation to the public's response to *Safeguarding Sunday* and several friaries wrote of their experiences from that Sunday. This was an innovative idea to gain feedback and will hopefully build on further such events. In this way it can be acknowledged that the Capuchin Safeguarding Committee has commenced the on-going process of gaining feedback from the public and those they come into contact with.

The reviewers were given access to a collection of homilies written by the Capuchins in the years 2009/2010 in which the safeguarding issue was addressed and communicated to parishioners. This was during a time of great difficulty for the Church in general and the homilies conveyed a humble but proactive message in which people with concerns were invited to come forward and seek help.

The reviewers also had the opportunity to read abstracts from addresses by Provincial Ministers to the assembled friars at the three yearly Provincial Chapters from the years 1998-2013. These abstracts concerned the safeguarding themes covered during these chapters. The information given to assembled friars was striking in its honesty, not only about the allegations that had been made to the Order but also about the men against whom allegations had been made. This theme of transparency in communication both within the Order and outside it is one that was evident time and again. The Provincial and his safeguarding team explained to the reviewers that by having such openness the promotion of safeguarding and knowledge of safeguarding issues becomes a real concept, the responsibility of which is shared by all friars.

All criteria under this standard are deemed to be met.

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Standard 6

Access to Advice and Support

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.

Criteria

Number	Criterion	Met fully or Met partially or Not met
6.1	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.	Met fully
6.2	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.	Met fully
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.	Met fully
6.4	Information is provided to those who have experienced abuse on how to seek support.	Met partially
6.5	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.	Met fully

The reviewers consider that there is a reservoir of knowledge and information available from within the Capuchins' own team garnered not only from the experience gained from over twenty years of actively dealing with safeguarding issues but also and most probably due to the academic interest of and involvement in key initiatives that key personnel, in particular the DLP and assistant DLP have engaged in over the years. Notwithstanding that, the safeguarding team have also engaged in and with specialist support and advice services and agencies for many years in an effort to provide comprehensive assessment and therapeutic services and advice for the management of safeguarding issues.

The reviewers had the opportunity to speak with members of the various statutory bodies who have the contact with the Capuchins in the area of child safeguarding and its management. The

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feedback from representatives from both agencies, An Garda Síochána and Tusla was unanimous in their opinion that a positive professional relationship exists between the Capuchin Order and those agencies. Both agencies were of the opinion that an open and transparent system of communication exists with the Capuchin Order in terms of the receipt of proper notifications and sharing of information. Moreover it was commented by each agency that there is willingness on the part of the Irish Capuchin Order to engage with the agencies to share and receive knowledge and advice as a means to improving safeguarding practice within the Order. It is noted that the Order has sought advice from the NBSCCCI in respect of case management issues.

The reviewers acknowledge that counselling and other supports are, where possible, offered by the Order to a complainant. The Capuchins have significantly contributed to Faoisheamh / Towards Healing being the provision of psychotherapy for complainants since 1997. In addition many complainants have been generously compensated. However, the criteria in regard to 6.4 is considered met partially, not because there is a reluctance on the part of the Order to engage with a complainant but because the reviewers consider that not all complainants have the opportunity to engage in a pastoral sense with the Capuchins. Taking into account the fact that a not insignificant number of people have made allegations in recent years, the evidence of on-going contact with complainants in case files is scarce. The difficulty of having access to complainants in litigation matters has already been discussed.

The reviewers have been informed that whilst the Capuchin Order does not have victim support people as part of their own safeguarding team, they have at their disposal, the possibility of accessing the services of the support people who work with the different dioceses around the country. This is as a result of entering into agreements with the different diocesan offices in this respect.

All other criteria under this standard are deemed to be fully met.

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Standard 7

Implementing and Monitoring Standards

Standard 7 outlines the need to develop a plan of action, which monitors the effectiveness of the steps being taken to keep children safe. This is achieved through making a written plan, having the human and financial resources available, monitoring compliance and ensuring all allegations and suspicions are recorded and stored securely.

Criteria

Number	Criterion	Met fully or Met partially or Not met
7.1	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.	Met fully
7.2	The human or financial resources necessary for implementing the plan are made available.	Met fully
7.3	Arrangements are in place to monitor compliance with child protection policies and procedures.	Met fully
7.4	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.	Met partially
7.5	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	Met fully

The reviewers are aware that the process of gaining feedback from parishioners, children and adults has begun particularly in relation to the *Child Safeguarding Sunday* event but the process has yet to become established overall for this criterion to be deemed fully met.

There are clear arrangements in place to monitor compliance with child protection policies and procedures and the reviewers note that allegations or expressions of concern are recorded and kept securely in a fireproof safe.

The written safeguarding plan, referred to in Standard 3 above sets out in detail the responsibilities of the Child Safeguarding Committee in the on-going development, implementation and monitoring of the Order's safeguarding policies and procedures. The plan highlights priorities, naming the key personnel charged with their implementation with specific deadlines. It is a solid and well developed plan. Implementation of this plan will ensure the future safeguarding of children.

Conclusion

The reviewers are satisfied that the *Child Safeguarding Policy Document of the Irish Capuchin Franciscan Order* is robust and stands up well to scrutiny in terms of methods used to implement the policy and procedures. It is noteworthy that the Order fully meets all but three of the criteria under the seven standards. The three criteria not fully meeting the criteria are deemed to be met partially. The reviewers are confident that the Provincial along with his Child Safeguarding Committee will address these matters to bring them to meeting fully the criteria. The safeguarding plan is well constructed and feasible.

The commitment to enforce the highest standard of child safeguarding protocols is in evidence under the leadership of Fr. Adrian Curran, Provincial Minister. The reviewers commend both the Provincial and his DLP in this regard. It is very important to acknowledge the positive work in child safeguarding that is taking place within the Irish Capuchin Province in terms of both management of allegations and prevention. The safeguarding team in its entirety is impressive for its enthusiasm and commitment and dedication to the promise of keeping children safe.

Recommendations

Recommendation 1

The Provincial, in conjunction with the Provincial Child Safeguarding Committee should revisit the policy regarding the making of complaints by adults and children about unacceptable behaviour toward children and in doing so formulate clear timescales in which complaints will be addressed and resolved.

Recommendation 2

The Designated Liaison Person should ensure that up to date supervision records including reviews of Child Safeguarding Care Plans of men out of ministry and /or on restriction or in treatment should be maintained on the case files.

Recommendation 3

The Provincial, the Designated Liaison Person and the Complainants' Support Person (if they are involved) must record all contacts with the complainants in order to both reflect their views and the support offered.

Recommendation 4

In terms of sharing knowledge and ideas and to promote the message and culture of safeguarding the Provincial should consider bringing together the Local Child Safeguarding Representatives from all the Capuchin Friaries in the country to collectively pool their knowledge and ideas and to thereby support and validate the important nature of their work.

Recommendation 5

The Provincial in consultation with the Provincial Child Safeguarding Committee should undertake a training needs analysis in respect of all personnel who hold key safeguarding posts within the Capuchin safeguarding structure.

Recommendation 6

The Provincial ensures that the Provincial Child Safeguarding Committee should assess the needs for the provision of safeguarding signage in different languages in the different friaries.

Review of Safeguarding in the Catholic Church in Ireland

Terms of Reference (which should be read in conjunction with the accompanying Notes)

1. To ascertain the full extent of all complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Church Authority (Diocese/religious Congregation/missionary society) by individuals or by the Civil Authorities in the period 1st January 1975 up to the date of the review, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Church Authority, and examine/review and report on the nature of the response on the part of the Church Authority.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Church Authority by individuals or by the Civil Authorities in the period 1st January 1975 to the date of the review, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Church Authority.
3. Examine/review and report on the nature of the response on the part of the Church Authority.
4. To ascertain all of the cases during the relevant period in which the Church Authority
 - knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
 - had strong and clear suspicion of child sexual abuse; or
 - had reasonable concern;
 - and examine/review and report on the nature of the response on the part of the Church Authority.

As well as examine

 - Communication by the Church Authority with the Civil Authorities;
 - Current risks and their management.
5. To consider and report on the implementation of the **7 Safeguarding Standards** set out in ***Safeguarding Children*** (2009), including the following:
 - a) A review of the current child safeguarding policies and guidance materials in use by the Church Authority and an evaluation of their application;
 - b) How the Church Authority creates and maintains safe environments.
 - c) How victims are responded to by the Church Authority
 - d) What training is taking place within the Church Authority

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- e) How advice and support is accessed by the Church Authority in relation to victim support and assessment and management of accused respondents.
- f) What systems are in place for monitoring practice and reporting back to the Church Authority.

Accompanying Notes

Note 1: Definition of Child Sexual Abuse:

The definition of child sexual abuse is in accordance with the definition adopted by the Ferns Report (and the Commission of Investigation Report into the Catholic Archdiocese of Dublin). The following is the relevant extract from the Ferns Report:

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990¹ and later developed in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 1999) which state that “child sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or that of others”. Examples of child sexual abuse include the following:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of a child;
- intentional touching or molesting of the body of a child whether by person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child whether oral, vaginal or anal;
- sexual exploitation of a child which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape, or other media) or the manipulation for those purposes of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the ‘grooming’ process by perpetrators of abuse.”

The term allegation is defined as an accusation or complaint where there are reasonable grounds for concern that a child may have been, or is being sexually abused, or is at risk of sexual abuse, including retrospective disclosure by adults. It includes allegations that did not necessarily result in a criminal or canonical investigation, or a civil action, and allegations that are unsubstantiated but which are plausible. (NB: Erroneous information does not necessarily make an allegation implausible, for example, a priest arrived in a parish in the Diocese a year after the alleged abuse,

¹ This definition was originally proposed by the Western Australia Task Force on Child Sexual Abuse, 1987 and is adopted by the Law Reform Commission (1990) *Report on Child Sexual Abuse*, p. 8.

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but other information supplied appears credible and the alleged victim may have mistaken the date).

Note 3: False Allegations:

The National Board for Safeguarding Children in the Catholic Church in Ireland wishes to examine any cases of false allegation so as to review the management of the complaint by the Diocese/religious Congregation/missionary society.

Note 4: Random sample:

The random sample (if applicable) must be taken from complaints or allegations, knowledge, suspicions or concerns of child sexual abuse made against all deceased Catholic clergy/religious covering the entire of the relevant period being 1st January 1975 to the date of the Review.

Note 5: Civil Authorities:

Civil Authorities are defined in the Republic of Ireland as the Health Service Executive and An Garda Síochána and in Northern Ireland as the Health and Social Care Trust and the Police Service of Northern Ireland.