

NATIONAL CATHOLIC SAFEGUARDING COMMISSION

DRAFT Minutes of the Meeting held on Wednesday 14th January 2009 from 11.00 to 16.00
At: Sion Centre for Dialogue and Encounter, 34 Chepstow Villas, London, W11 2QZ

Present: Bill Kilgallon (Chair)
Bishop Declan Lang (Vice Chair)
Sister Jane Bertelsen (Vice Chair)
Roger Bird
Father Matthew Blake
Valerie Brasse
Kevin Caffrey
Ann Collier
Sister Ann Cunningham
Eileen Dunn
Susie Hayward
Steve Landy
Father Kristian Paver

In attendance: Adrian Child, Director, CSAS
Rose Anderson, Secretary, NCSC

- 1 **Apologies for Absence** were received from Bishop John Rawsthorne and Bishop Peter Doyle.
- 2 **The opening prayer** was led by Declan Lang
- 3 **The minutes of the meeting held on 29th September 2008** were accepted as a correct record, subject to the correction of the spelling of Adrian Child's name on page 5, item 9, Induction Standards.
- 4 **Matters arising from the minutes:**
 - 4 i Action List 4.5 vi *Members addresses to CSAS*
Rose Anderson confirmed that these had been forwarded to CSAS.
 - 4.6 v *NCSC Work Programme*
The draft work programme layout was discussed. Members agreed that there should be A work programme, regularly updated and circulated to members. Work streams should be included. **(ACTION: ROSE ANDERSON)**
 - 4.7 iii *PO Box*
Rose Anderson advised that despite some initial problems with the PO Box deliveries the system was now working well.
 - 4.7.vi *Logo*
The Chair confirmed that the logo was now in use and would be used on all official communications from the NCSC.
 - 4.8 ii *Safeguarding Terminology*
Adrian Child advised that he is forming a working group to look at this issue. Members were concerned that there could be confusion about the use of the titles- Safeguarding Officer/Safeguarding Coordinator and Safeguarding Adviser. Adrian confirmed that Adviser and Officer were use interchangeably but that Coordinator described a different role. **It was agreed that** the term Officer should be used and Adviser dropped. **(ACTION: ADRIAN CHILD)**

11 *Management group – Terms of Reference*

The terms of reference had been amended. Members requested that copies of the minutes of the Management Group be circulated to all members.

(ACTION: ROSE ANDERSON)

12 *Anglophone Conference 2009, Rome.*

The Chair reported that he and the two vice chairs would be attending.

5 **The Annual Report**

A paper had been circulated prior to the meeting.

Adrian Child informed members that the paper showed the work of the working group, which had met three times to date. There had been consultation with Diocesan and Religious Commissions and their officers throughout the summer of 2008. The CSAS staff were now collecting the statistics, as in previous reports, together with new information, including training and other activities. Adrian also advised that the report will include information on the work of the NCSC.

Adrian advised that there is one additional field in the statistics section relating to the number of Covenants of Care in place.

It was agreed that the NCSC Members should have an overview of all of the statistics being collected and that this work should be included in the Work programme.

(ACTION ADRIAN CHILD & ROSE ANDERSON)

Members discussed a number of issues relating to the annual report, collection of data and audit of activities. The following points were noted:

- i There is a need to look at the “lessons learned” from cases in the various Diocesan and Religious Commissions. Some commissions regularly review their cases to identify areas for change/improvement.

It was suggested that an overview of these issues would be suitable for thematic reviews to be undertaken by the NCSC and CSAS.

- ii There is no national system in place for the exchange of information between commissions, although the Cross Boundary Policy is applicable in some situations. Adrian Child confirmed that the National Data Base can't be used for adding on case information. Members were of the view that information should be exchanged in 2 strands: for the collection and analysis of data and for learning from individual, anonymised cases.

The Chair referred to his forthcoming meeting with the Charity Commission and the need to consider their requirements for reporting information.

The “Supply” policy and the system for authorising clergy and religious to minister in other dioceses were noted.

It was agreed that there should be further discussion on the use of the data base and on the exchange of information between commissions.

It was further agreed that the Cross Boundary Policy and the Supply Policy should be reviewed before the meeting in July 2009, and that this should include discussion with the Safeguarding Coordinators and Officers at their national meetings (Diocesan in March and Religious later in January).

(ACTION: CHAIR & ADRIAN CHILD)

It was agreed that the work on the annual report should continue as outlined in the paper.

(ACTION: ADRIAN CHILD & Working Group)

6 **Independent Investigation**

A draft document – “The Independent Investigation Protocol” had been circulated prior to the meeting. Steve Landy, chair of the sub group asked Roger Bird to present the paper to the members.

Roger presented the paper which he advised was in its second draft.

There was lengthy discussion on a number of issues and the following points were noted:

- Para 1.3. This referred to an initial investigation by the appropriate officer (AO). **It was agreed that** this was not clear and should be rewritten.

- Para 2.3 This also referred to the initial investigation. **It was agreed** that this was not clear and should be rewritten, taking into account that it is the role of the Independent investigator to carry out the investigation.
- Para 2.5 **It was agreed that** the competencies of the Investigator would not normally appear in the protocol, but should be used in drawing up the person specification for applicants for this role.
- Para 2.6 **It was agreed that** this para. required further clarification on the role of the Appropriate Officer.
- Para 2.7 The recommendation in the Cumberlege report was that the Independent Investigator should be from another Diocesan or Religious Commission and that there should be an agreement between diocese/religious commission for sharing of workload. The intention was not to pay independent consultants to carry out this work. **It was agreed that** should it be necessary to find an independent consultant there should not be differential pay rates across the country. **It was also agreed that** for the purposes of the pilot this para. should be removed from the protocol.

Section 3 – The Investigation

- Para 3.2 It was noted that it is not the role of the independent Investigator to make recommendations to the panel. That is the role of the panel after considering the findings of the investigator. It was agreed that the paragraph be reworded to clarify this.

Section 4 –The Commission Panel.

- Kristian Paver reminded members that the panel hearing has the nature of an internal disciplinary hearing, not a quasi judicial trial. A canonical trial may follow the conclusion of the investigation, depending on the decision of the bishop/congregational leader. Roger Bird clarified that the hearing should be seen to be fair to the accused. The Authorised Officer should manage the process and bring the report to the panel. The Independent Investigator is a witness who is called to present the findings of his/her investigation to the panel, and the accused has the right to question him/her. This is in line with the recommendations of Cumberlege as agreed by the CBCEW and the CoR.
- Para 4.2 **It was agreed that** this should be reworded and the reference to judicial and quasi judicial be removed. A canonical trial, properly so-called, might follow the making of a recommendation, depending on the decision of the Bishop/Congregational Leader.
- Para 4.4 **It was agreed that** the phrase “*but that person may not address the panel*” should be removed as the accused’s representative should have the right to address the panel and question witnesses on behalf of the accused.
- Para 4.6 It was noted that in some cases the person who made the complaint may not wish to attend the hearing.
- Para 4.8 **It was agreed that** this should be rewritten to reflect the fact that the panel makes a **recommendation** to the Bishop/Congregational Leader, and not a decision.

Section 5 – Risk Assessments

It was agreed that there should be clarity about the definition of “Risk Assessment” in this context, as they can be carried out at different levels and complexity. **It was also agreed that** it should be clear when a risk assessment should be requested and that the brief should be clear about the questions to be answered.

Valerie Brasse reminded members that a risk assessment should not be used to find out whether there is any substance in the allegation, but to assess the level of risk when there is found to be substance to the allegations.

It was agreed that the sub group should redraft the protocol and than forward the draft to Kristian Paver and Valerie Brasse for comment.

(ACTION: INVESTIGATION SUBGROUP/KRISTIAN PAVER /VALERIE BRASSE)

It was agreed that the Pilot should commence from the 1st April 2009 and that Adrian Child should commence recruitment form the Northern Province for potential Independent Investigators.

(ACTION: ADRIAN CHILD)

It was also agreed that there should be a minimum of 6 cases in the pilot and that a protocol describing indicators of success should be drawn up. This should include information for the Independent Investigator and where s/he should go for advice. This will be discussed at the meeting on 2nd March

(ACTION: ROSE ANDERSON)

It was agreed that the Chair and Adrian Child would write to the diocesan and religious commissions within the Northern Province, which had volunteered for the pilot.

(ACTION: CHAIR & ADRIAN CHILD)

7 **Study Day for Bishops and Congregation Leaders**

Venues and bookings. Rose Anderson reported that venues and dates had been confirmed. 3rd March at Hinsley Hall Leeds and 12th May at Maria Assumpta, Kensington. Invitations had been sent to all Bishops and Congregation leaders for England and Wales. As the response had been slow **it was agreed that** a reminder be sent out; to the Bishops by Declan Lang and to the Congregation Leaders by Jane Bertelsen.

(ACTION;DECLAN LANG & JANE BERTELSEN)

Programme. Adrian Child described the proposed programme as follows:

- 1 Introduction – What is meant by safeguarding?
- 2 The Theology of Safeguarding (Jim McManus)
- 3 “If we don’t get it right and things go wrong.....” (The Geese Theatre Company)
- Lunch
- 4 Abusive images of children (Donald Findlater)
- 5 Group discussions
- 6 Plenary

It was suggested and agreed that the Introduction and Theology sessions should include information about the particular responsibility of Bishops and Congregation Leaders for Safeguarding within the Church and that there should be an emphasis on Pastoral issues within the Theology session.

(ACTION: ADRIAN CHILD TO LIAISE WITH SPEAKERS)

It was agreed that the Chair would introduce the day and refer to the particular responsibilities of Bishops and Congregation Leaders. Adrian Child would present – What is meant by safeguarding.

It was also agreed that the Safeguarding issues within Theology, spirituality and pastoral work should be considered in the work programme of the NCSC.

(ACTION: ROSE ANDERSON TO ADD TO WORK PROGRAMME)

8 **NCSC meeting venues**

A paper had been circulated prior to the meeting.

Valerie Brasse introduced the topic, explaining that the Cumberlege Commission had suggested that the NCSC should be available to the diocesan and religious commissions, their officers and parish representatives. It had been suggested that this could be partly achieved by holding NCSC meetings in different parts of England and Wales, opening up part of the meeting for attendance by those with a particular interest in the work of the NCSC. After discussion **it was suggested and agreed that** rather than move the main NCSC meetings around the country the Members should visit the diocesan and religious commissions and attend the national meeting of diocesan and religious commission chairs and

officers. In order to facilitate this members would be provided with a list of dates and inform the Secretary of those which they would be able to attend. **(ACTION: ROSE ANDERSON & ALL MEMBERS)**

It was also agreed that in order to promote openness and transparency the Agendas and Minutes of the NCSC meetings would be posted on the website and that there would be an invitation on the website for the public to suggest items which could be included on the NCSC agenda, subject to the agreement of the Chair. **(ACTION: ROSE ANDERSON)**

9 **Media Advice**

The Chair reported that he was arranging to meet with Alexander DesForges ,CCN to discuss this issue. **(ACTION: CHAIR)**

10 **Standing Committee for Policies- Draft protocol for the development and ratification of policies.**

The draft policy had been circulated prior to the meeting.
Jane Bertelsen introduced the document, explaining the work that had been done by the subgroup in order to simplify the routes for approval. Members were concerned that the approval process would be lengthy. Jane explained that It was complex because of the different ways in which the CBCEW and the CoR work, and their status and regulation under Canon Law. She highlighted the four times within the policy when matters could be referred back to the two conferences for further discussion or advice. It was suggested that there should be clarification about the process for “emergency” or “urgent” policy development, though it was acknowledged that these would be rare events. Discussion included the need for wide consultation at the earliest point in the development of policies, and it was acknowledged that CSAS would lead on this.
There was discussion on how NCSC would be involved in policy development when other organisations had the responsibility for the policy and it was noted that the other organisations should invite the NCSC to comment or to assist with this work.
It was also noted that within the dioceses the bishops had to give approval for the policy, and should consult with their Trustees as required in English Charity Law.

It was agreed that the draft policy be sent to the Department for Christian Responsibility and Citizenship(CRC) meeting for discussion. As a member of the CRC Jane would speak to the policy. **(ACTION: ROSE ANDERSON TO SEND POLICY TO CRC)**

11 **The Review Process- update**

Adrian Child and Valerie Brasse reported on progress with the appointment of review panel members. To date four lay members and four Canon Lawyers had been appointed. Interviews were scheduled for a further six candidates. A Training day had been arranged for Review Panel Members to take place on 10th February 2009.

The second request for a Review had been received.

12 **Induction Standards**

Adrian Child referred to the paper which had been circulated prior to the meeting. Members discussed the need for supervision and annual appraisal within a safeguarding context in the Church. It was noted that it is the responsibility of the commissions to ensure that supervision and appraisal are in place, and that within the parish the Parish Priest should ensure that parish safeguarding representatives are being supported.(Table 4 should be amended to reflect this.
Members supported the proposals.

13 **Insurers and Charity Commission**
13 i Report on meeting with CCIA

The Chair reported on the meeting with the CCIA and referred to the notes of that meeting which had been circulated prior to the meeting. IT was noted that a response had not yet been received from the CCIA with regard to the amendments to the protocols. The Secretary was asked to follow this up.

(ACTION: ROSE ANDERSON)

13 ii The Charity Commission

The Chair reported that he would be meeting with the Charity Commission on 23rd January 2009.

14 Finance and Budget

14 i Independent Financial arrangements

The Chair referred to the paper which had been circulated prior to the meeting and advised that the accounts were now being managed through CARITAS Social Action Network.

Members supported this change.

14.ii NCSC Expenses Form

Members agreed to use the new claim form for all expense claims.

Rose Anderson advised that all claims should be submitted monthly as soon as possible after the end of the month.

14 ii Budget for 2009

The Chair deferred this discussion to the next meeting.

15 Non aligned Religious orders

Jane Bertelsen referred to the paper which had been circulated prior to the meeting. Members were concerned by the number of congregations which had not registered within the safeguarding framework. There was discussion about who was responsible for the various orders, and it was noted that this varied, depending on how they were formed under canon law.

It was suggested that there should be an audit of all orders and that dioceses should be asked to assist in this work.

In order to progress this work **it was agreed that** a subgroup be formed and the following were nominated: Jane Bertelsen, Kristian Paver, Matt Blake, Susie Hayward, Adrian Child (and possibly Sally Robinson). A teleconference would be arranged.

(ACTION: JANE BERTELSEN)

16 E-policies(for approval)

It was agreed that the E-policies should be made live on the internet.

(ACTION: ADRIAN CHILD)

17 Website

Members had been able to look at the proposed website during the lunch break and had made a number of observations to the web designer, which he had noted and would incorporate into the next version.

It was suggested that the chart showing the safeguarding structure within the Church should be included to demonstrate where the NCSC sits in relation to other Church bodies. **(ACTION: ROSE ANDERSON)**

18 Any other business

There were no matters raised.

19 Date and time of next meeting:

Monday 2nd March 2009, in London. Venue to be advised.