

NATIONAL CATHOLIC SAFEGUARDING COMMISSION

Minutes of the Meeting held on Monday 2nd March 2009 from 11.00 to 16.00

**At: The Parish of Our Lady of Mount Carmel and St Simon Stock
41 Kensington Church Street
London W8 4BB**

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

In attendance:
Rose Anderson, Secretary, NCSC

- 1 **Apologies for absence** were received from Ann Collier, Eileen Dunn and Adrian Child, Director, CSAS
- 2 **The opening prayer** was led by Jane Bertelsen
- 3 **The minutes of the meeting held on 14th January 2009** were accepted as a correct record, subject to an amendment to page 5, item 8 last paragraph, which should read: -

“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”

- 4 **Matters arising from the minutes of 14th January 2009:**

Action List:

NCSC Work Programme

The addition of the work streams had not yet been completed. **It was agreed that** the revised work programme should be made available in advance of the next Commission meeting.

(ACTION: ROSE ANDERSON)

Standardise titles of SC/Os

This item was deferred pending a report from Adrian Child.

(ACTION ADRIAN CHILD)

Circulation of Minutes of the CSAS Management Committee

The minutes of the Management Committee meeting of 24th November 2008 had been circulated to members on 20th January 2009.

A question was raised about the attendance of Charles Wookey, Assistant General Secretary, CBCEW at the NCSC Commission meetings. The Chair confirmed that he would not be in regular attendance, but would be invited for specific items.

5 *Annual Report:*

i. Statistics

ii. Review of Cross Boundary Policy and Supply Policy

This item was deferred pending a report from Adrian Child.

(ACTION: ADRIAN CHILD)

7 *Study Day for Bishops and Congregation leaders*

Members were advised that there would be twenty eight delegates attending the study day on 3rd March, and so far sixty three had registered for 12th May.

The Chair reported that 75% of all of the Bishops had registered to attend the study day; the remaining had other engagements on both days. The Chair also advised that the CBCEW is to pilot a training programme for new bishops to be held later in the year which will include a session on safeguarding.

Members were advised of the generous support from the Catholic Church Insurance Association in the funding for the study days, and that a similar day had been requested for the Diocesan Financial Secretaries/Trustees.

9 *Media Advice*

Rose Anderson reported that CCN would, in principle, be prepared to assist in the highlighting of relevant articles from the press. A discussion between the Chair and Alexander DesForges had yet to take place.

(ACTION: CHAIR)

13.i *Insurers*

The Chair reported that comments on the revised draft protocols have just been received from Brown Jacobsen (Solicitors). They have made a number of comments on the need to align the insurance protocols with the National Catholic Policies. Further comments are awaited from Jonathon Hirst, the author of the original protocols. It was noted that the protocols should include the requirements to report to the Charity Commission.

It was agreed that the revised protocols should be circulated to members of the sub group who had previously met with the CCIA.

(ACTION: ROSE ANDERSON)

13.ii *Charity Commission*

The Chair reported on his meeting with representatives of the Charity Commission, which was also attended by Adrian Child. He advised that the Charity Commission now has a requirement for Charities to report to them when a Serious Untoward Incident (SUI) occurs. The Charity Commission had decided to audit the 22 R.C. Dioceses of England and Wales, in order to check compliance with this requirement. So far 21 have met the standard and there are ongoing discussions with the remaining diocese.

The Chair reported that it is not clear why the Charity Commission chose to audit the dioceses, and whilst he had asked if this was an individual agenda or because the Church was considered an easy target. They had neither denied this nor offered an alternative reason. The Chair of the Charity Commission will be meeting the Bishops at their conference in April in order to discuss the issue.

John Rawsthorne informed members of the audit of his diocese; he had been told that it was an enquiry which had arisen from a comment at a meeting concerning a number of pending cases. He had been advised that the issue was not just a risk to the single charity, but to the charity sector as a whole. John Rawsthorne had suggested to them that the way in which this audit was carried out had brought the Charity Commission into disrepute.

Jane Bertelson advised that although the Religious Orders sit within the dioceses they had not been contacted by the Charity Commission.

A discussion followed on whether the audit should have been carried out via CSAS, but it was suggested that CSAS would not necessarily have information on all current SUIs, though these are all reported at the end of the year for the Annual Report. Members were concerned about the transfer of information to the Charity Commission and the potential breach of the Freedom of Information Act. There was concern that victims may not wish to give a full

disclosure when they are told that the information may have to be passed on to the Charity Commission.

The Chair advised that at the end of this meeting the representatives of the Charity Commission had apologised for the way in which the audit had been handled.

Other matters arising, not already on the agenda. There were no further matters arising from the minutes

5 CSAS Management Committee

Report from meeting 23rd February

Office Accommodation

Declan Lang reported that the main focus of the meeting had been the need to find suitable premises for the CSAS offices. There had been a suggestion that the CSAS should move to 39 Eccleston Square, as there was now vacant space, and this may increase the integration of the CSAS into the CBCEW. This proposal had been rejected.

The present offices did not meet the needs of CSAS, and therefore it was agreed that alternative accommodation should be found and that a lease of at least 5 years should be sought, in order to provide some stability and continuity. The staff of CSAS were searching for suitable accommodation, in order to assist CBCEW in this task.

There was a question about Adrian Child's workload. The Chair advised that he meets regularly with Adrian and that workload is discussed regularly. He also advised that Adrian is currently working with the Department for Christian Responsibility and Citizenship at CBCEW on issues of Domestic Violence.

Vetting and Barring

The Chair advised that a letter had been received from Archbishop Nichols (Birmingham Archdiocese), supporting a paper written by the Safeguarding Coordinator for the Archdiocese. This paper suggested that too many roles within the Church are subject to vetting and CRB screening, and that the Confidential Declaration form is excessive in the questions asked.

The Chair advised that the NCSC should take a view on this issue and **it was agreed that** the paper should be circulated to all members. **(ACTION: CHAIR & ROSE ANDERSON)**

There was a discussion about the various issues involved in screening and vetting people for their roles in the Church, including:

- Issues about the difference between "regulated" and "controlled" posts
- CRB approve the list of posts with CSAS
- The authority which certain positions give to the holder
- The need to review the lists, but to do this when the ISA guidance is issued for the faith sector

Valerie Brasse advised that the ISA registration will include a CRB disclosure; that ISA registration is a once only event and is transferrable to all activities/organisations for which the person works; there is discussion about how to make ISA and CRB one, and to make CRB portable.

It was noted that Adrian Child is a member of the Faith subgroup of ISA.

Jane Bertelsen referred to the comments in the paper concerning the Confidential Declaration form and the questions this raised concerning:

- Dismissal from previous positions
- Being subject to disciplinary investigation or procedure
- Previous disciplinary action

Valerie Brasse advised that in the future anyone dismissed from their job over a safeguarding issue would have to be referred to ISA.

Members questioned the origin of the form and its questions and it was agreed that Jane Bertelsen should discuss this with Sally Robinson, Business Manager, CSAS. **(ACTION: JANE BERTELSEN)**

On the issues of where the form was kept and for how long, **it was agreed that** this information should be checked with Adrian Child. **(ACTION: ROSE ANDERSON & ADRIAN CHILD)**

It was also agreed that Sally Robinson be invited to the next NCSC meeting to speak on this issue.

(ACTION: ROSE ANDERSON)

It was noted that the NCSC should see the final amended form in order to approve it for use.

6 The independent Investigation Protocol

Roger Bird introduced the 2nd Draft of this protocol, circulated prior to the meeting, which had been renamed "The Independent Investigation and Local Commission Hearing Protocol". He advised that the subgroup had amended the protocol with input from Valerie Brasse and Kristian Paver.

Following a lengthy discussion it was agreed that the following amendments be made to the protocol, prior to its circulation to all members for final comments.

- Para 3.5.1: The word "normally" should be removed. The "Congregational Leader" should be added after "Bishop"
- Para 4.2: When the chair of the Panel is not a lawyer, there should always be someone available to give legal/canonical advice. This should be arranged in advance of the hearing and should not be vetoed by the Financial Secretaries
- Para 4.4: Should reflect that there should "normally" be a preliminary hearing
- Para 4.5: The victim should be invited to attend the hearing. The accused may be accompanied by a person of his/her choice, not acting in a legal capacity
- Para 4.7: the phrase "and the panel considers there is no good reason for the non attendance" should be removed.
- Paras 4.6 and 4.7 should be merged
- Para 4.8: The "Congregational Leader" should be added after "Bishop"
- Para 5.2: Should reflect that the Bishop/Congregational Leader/Ordinary must agree to the need for a Risk Assessment, as a refusal to undertake the assessment would be an issue of Canonical Authority. This would apply to clergy, lay employees and lay volunteers.

(ACTION: SUBGROUP TO REDRAFT. ROSE ANDERSON TO CIRCULATE REVISED DRAFT)

There was a question about the status of the final version of this protocol when the Policy approval protocol had not yet been ratified by the CBCEW and the CoR. The Chair advised that as this would be a Pilot the NCSC could approve its use.

7 Draft Protocol for the development and ratification of policies

Jane Bertelsen reported that the draft protocol had been discussed at the meeting of the Department for Christian Responsibility and Citizenship, CBCEW and a decision made to recommend the protocol for ratification by the Bishops at their conference in April.

Kristian Paver suggested an amendment to the flowchart, removing the circular paths of referral. It was agreed that this amendment be made, and then the protocol be submitted to both the CoR and the CBCEW for ratification.

(ACTION: ROSE ANDERSON TO AMEND. CHAIR TO SEND TO CBCEW AND COR)

8 The Review Process

Kristian Paver provided an update on the appointment of Review Panel members and their training. There are 21 Review Panel members with a wealth of experience and backgrounds in safeguarding both children and vulnerable adults inside and outside the Church, and in Canon Law. They have attended training about the process.

It was suggested and agreed that the list of Review Panel members be brought to the NCSC and that it be sent to both the CBCEW and the CoR.

It was suggested and agreed that the list of names, with a brief statement about each, should be placed on the NCSC website.

(ACTION; VALERIE BRASSE AND KRISTIAN PAVAR TO PROVIDE LIST FOR NCSC; ADRIAN CHILD TO OBTAIN PERMISSION FROM REVIEW PANEL MEMBERS TO PLACE THEIR NAMES ON THE WEBSITE)

It was suggested that there should be a day for all Review Panel members after the first year of this protocol being in place.

9 Terms of Reference for the NCSC

A Draft paper had been circulated prior to the meeting.

Members requested the inclusion of all NCSC activities within the document and the need to stress the independence of the Commission.

It was also noted that there should be reference to the process for negotiating, consulting and agreeing the budget for the CSAS and the NCSC. This should include that the NCSC has a responsibility to agree the budget with the CBCEW and the CoR.

(ACTION; ROSE ANDERSON TO AMEND THE TERMS OF REFERENCE AND CIRCULATE TO MEMBERS)

10.i **Finance report 2008**

A paper outlining the expenditure for the NCSC during 2008 had been circulated prior to the meeting. The contents were noted.

A question was raised concerning the budget for the NCSC and how it had been set.

The Chair reported that a sum of £50,000 had been set aside for the implementation of the Cumberlege recommendations, including the setting up of the NCSC. It had been agreed that a nominal budget of £20,000 would be set for 2009.

10.ii **Budget 2009**

A draft of the anticipated expenditure for 2009 had been prepared, but not circulated. The figure was based on the average monthly expenditure for 2008, but did not include the setting up of the Review Panel List, which had overrun from 2008, the anticipated visits for NCSC members to the Diocesan and Religious Commissions, or the possible shortfall if the Study Days for Bishops and Congregational Leaders were not fully subscribed.

It was agreed that the paper on anticipated expenditure be circulated to members.

(ACTION: ROSE ANDERSON)

11 **Non aligned Religious Orders**

Jane Bertelsen reported on the teleconference which had taken place on 27th February 2009. The notes of the teleconference were tabled.

Jane advised that during the teleconference the following actions were agreed:

- A data set should be developed to determine the information required from each Religious Order
- Resources would be sought to enable the collection of the data and follow up work, including education. Possible sources of funding had been discussed, together with the need for a project proposal to be submitted when applying for funding.
- The Vicars for Religious, within the Dioceses, should be contacted for information about those congregations within each diocese.
- The Association for Independent Congregations should be approached.
- After the initial collection of information the subgroup would hold a further teleconference in May.

It was agreed that the proposals from the sub group be carried out.

(ACTION: SUBGROUP)

12 **Website**

Members confirmed that they had visited the latest version of the website **and agreed that** it should now go live, and the details be circulated to the Diocesan and Religious Congregations, CBCEW and CoR.

(ACTION: ROSE ANDERSON)

13 **CARITAS Conference June 4th – 5th 2009**

Members were advised of the dates of the forthcoming conference "*How does Catholic Social Action help to build a more equitable society, especially for the most marginalised in our midst?*"

14 **Dates/Venues of meetings for next 12months**

Dates for future meetings were agreed as follows:

7th July 2009, 23rd September 2009 and 8th December 2009.

Dates for 2010 would be agreed at the meeting on 7th July.

15 **Any other business**

- Susie Hayward advised members that she had been approached by a journalist from the Tablet, suggesting that there should be coverage of the NCSC within that journal. Members suggested that any article should be submitted by the NCSC and that the NCSC should have the right to agree the contents of any published material. **It was agreed that** journalists seeking information would be directed to the Chair.
- The Chair advised members that the position of Secretary to the Commission had been filled initially on a temporary basis, in order to determine the requirements of the post, and that it was now time to advertise the permanent post. **It was agreed that** the post should be advertised and the appointment dealt with by the Chair and two Vice-chairs.
(ACTION: CHAIR AND VICE CHAIRS)
- Matthew Blake raised the issue of pastoral support to victims and the accused, and the need to find solutions for dealing with this. It was noted that support to victims and the accused was covered in the draft protocols, currently being revised by the Insurers. It was also suggested that this topic was pertinent for the Trustees of Diocese and Religious Orders and should be covered in the proposed training day. It was suggested that there should be guidance from the Charity Commission on the balance for Trustees between the beneficiaries of a charity and protecting the assets of the charity. **It was agreed that** the Chair of the Charity Commission should be invited to comment on this at her meeting with the Bishops in April. **It was proposed and agreed** that the Chair should write to the General Secretary of CBCEW suggesting that this question be put to her in advance of the meeting..
(ACTION: CHAIR)

16 Date and time of next meeting:

Tuesday 7th July 2009 from 11.00 to 16.00 at:

The Parish of Our Lady of Mount Carmel and St Simon Stock
41 Kensington Church Street
London W8 4BB