

NATIONAL CATHOLIC SAFEGUARDING COMMISSION

Minutes of the meeting held on Tuesday 7th July 2009

**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
Ann Collier
Sister Ann Cunningham
Bishop Peter Doyle
Eileen Dunn
Susie Hayward
Steve Landy
Father Kristian Paver
Bishop John Rawsthorne

In attendance: Adrian Child, Director, CSAS
Carol Parry, National Learning and Development Adviser, CSAS
Rose Anderson, Secretary, NCSC

1 **Apologies for absence** were received from Steve Landy and from Sally Robinson, National Safeguarding Systems Adviser, CSAS, who was to have attended for item 5.

2 **The opening prayer** was led by Declan Lang

3 **The minutes of the meeting held on 2nd March 2009** were accepted as a correct record, subject to the correction of two spellings: page 2, para 13.i Hirst and page 3: para 5. Adrian.

4 **Matters arising from the minutes of 2nd March 2009:**

4a. *Action List:*

4 The NCSC Work Programme had been revised and circulated, and would be addressed later in the meeting.

The Standardising of titles of Safeguarding Coordinators, Officers and Advisers.

Adrian Child reported that every Diocese has a Safeguarding Coordinator; however the Coordinators, Officers and Advisers preferred to keep their respective titles. IN order to avoid confusion **it was agreed that** policy documents should refer to the Safeguarding Coordinator, who is responsible for ensuring that the policies are implemented. **(ACTION: Policy subgroup)**

Review of Cross Boundary Policy and Supply Policy

Adrian Child reported that this had been discussed at the Diocesan and Religious Safeguarding Coordinators meetings and legal advice was being taken on the use of the data base for this purpose. He agreed to report back to the next meeting.

(ACTION: Adrian Child)

Media Advice – this item was deferred to later in the meeting.

Insurance Protocols.

Rose Anderson reported that the March draft had been circulated after the last NCSC meeting and the latest draft (May 2009) had been circulated with the agenda papers. The May draft was discussed at length and the following points noted:

- Many of the comments from the NCSC have been incorporated, though not all.
- The document should not be an add on to the National policies, but integrated into them
- The new titles could be confusing; e.g. the “Insurance Officer”, who is the Diocesan Finance Officer
- There was concern that the personal files would be held by the “Insurance Officer”
- There is no reference to this process being preliminary to a Canonical Process
- There are some Diocese and many Religious Orders who do not insure through the CCIA and in order to ensure the “One Church” approach there will have to be negotiation with them
- The guidelines, when agreed, should either be incorporated into the National Policies or appended to them.
- The Insurance Guidelines should refer to the National Policies- the May version does not.
- It was not clear why a letter had to be issued within three days.

It was agreed that members should make any further comments to Rose Anderson, prior to the Insurance Subgroup reconvening to make further comments.

(ACTION: ALL to comment; RA to arrange meeting of subgroup)

5 Vetting and Barring this item was deferred to later in the meeting.

6 Independent Investigation Protocol

Rose Anderson reported that following the meeting in March members had been asked to comment on the final draft and following this the Protocol was agreed and circulated by CSAS.

The Chair referred to a Law Report, Regina (G) v Governors of X School, which had been reported in the Times (Register) on 24th April 2009. The article was tabled.

Roger Bird advised that this was a case in which a teacher attended an internal tribunal following various allegations and had not been allowed to be legally represented. He had claimed that this was against the Human Rights Act. The judge had found that he was entitled to be legally represented, in view of the serious nature of the allegations.

Roger Bird referred to para 4.5 of the protocol which states: *"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"* and suggested that the court finding, that the accused was entitled to legal representation may require the Protocol to be altered.

Following lengthy discussion it was noted that the Court report referred to the tribunal which was a final hearing. In the Independent Investigation Protocol the hearing is a preliminary hearing and progression to a Canon Law hearing would be the equivalent of the Tribunal. Kristian Paver advised that in all Canon Law hearings there must be legal representation for the person accused.

It was also noted that the preliminary hearing was entrusted to the Safeguarding Commission by the Bishop or Congregation Leader and was of importance as it would only be following this that the Bishop or Congregation Leader would instigate the Canon Law Procedures.

It was agreed that the Independent Investigation Protocol should remain as agreed following the March meeting.

The implementation of the Protocol was then discussed. The Northern Province had originally been proposed to carry out the pilot of this protocol, however to date this had not been possible due to the concern of various Commission chairs and the Coordinators and Officers about the potential workload. The Chair reminded members that the Bishops and Congregation Leaders had accepted the need for an independent investigation and therefore the pilot must go ahead. Members discussed alternative means of carrying out the pilot and **it was agreed that** commissions should be asked to report all suitable cases to the NCSC. The NCSC will then refer them to the CSAS where an independent investigator would be identified, and asked to carry out the investigation. **It was further agreed that** the Chair should write to the Chairs of all Diocesan and Religious Safeguarding Commissions, advising them of this decision regarding the pilot study. **(ACTION: BK)**

7 The Protocol for the Development and Approval of Policies

The Chair reported that the protocol had been discussed and approved by the CoR. It had also been discussed at the Bishops' Conference where it had been suggested that para 3.7.2 and 3.8.1 should be reversed, indicating that the NCSC were giving the final approval.

Members discussed this and agreed that there appeared to be some misunderstanding of the terminology used in para 3...8.1, which states: *The NCSC will send the policy to the Bishops and Congregation Leaders who will "receive" the policy.*

It was agreed that this should now read: *The NCSC will send the policy to the Bishops and Congregation Leaders for implementation.*

(ACTION: RA to amend; Adrian Child to circulate)

8 Review Protocol

Rose Anderson reported that the names of all review panel members had been published on the website.

9 Revised Terms of Reference

These had been circulated to members and were deferred for discussion later in the meeting.

10 Circulate Budget projections to members.

These had been circulated after the March meeting.

11 Non aligned religious – subgroup

This item was deferred until later in the meeting

12 Organise the website to go live

The website had gone live in April; further discussion was deferred until later in the meeting.

13 Appointment of Secretary to the Commission

The Chair reported that Rose Anderson had been appointed to the permanent position of Secretary to the NCSC from 1st May 2009.

4b Other matters arising, not already on the agenda.

There were no items raised from the minutes.

Reports into abuse in the Church in Ireland and their potential impact for England and Wales were raised and a discussion followed.

The Chair advised that further reports were due to be published. He had been in discussion with Archbishop Nichols and that he had been asked to respond to press interest in England and Wales. He advised that he would be meeting with the Catholic Communications Network (CCN) later in the day.

Members acknowledged the need for the Church in England and Wales to respond with compassion and to provide pastoral support for any victims now living in England and

Wales. Adrian Child advised that there had been a discussion at the recent meeting of Diocesan Safeguarding Coordinators and the need to offer pastoral support.

5 Vetting and Barring

a. Report from 'subgroup on Barring' and discussion on the Confidential Declaration Form

The minutes of the subgroup meeting, held on 12th May 2009, had been circulated prior to the meeting. The Chair reported that there had been three main points of discussion: - the definition of a Volunteer in the Church; CRB Disclosures and the Confidential Declaration Form.

The need for all Extraordinary Ministers of Communion to undergo CRB disclosure was questioned as some members felt that not all of them would meet the frequency and intensity test for Vetting and Barring. Members were reminded that Extraordinary Ministers of Communion are commissioned to take Holy Communion to people in their own homes and should therefore be included in the group for Vetting and Barring and CRB disclosure. Following discussion it was recognised that in some Diocese there are Extraordinary Ministers of Communion who are commissioned to assist at Mass only.

Adrian Child informed members that work was underway to review the various roles in the Church and a tool kit would be developed, with a few questions relating to the frequency and intensity of the individual's role and whether they should be part of the Vetting and Barring Scheme and CRB disclosure.

It was noted that currently ISA do not have Faith Leaders listed as requiring registration with ISA, however they will have to register by virtue of their role.

b. Briefing Note for NCSC concerning the wider issues around ISA and Vetting & Barring

This paper had been circulated prior to the meeting.

The discussion was led by Adrian Child, in the absence of Sally Robinson. He advised that there was a need to clarify who in the Church was the "regulated activity provider" (RAP). This person would be responsible for ensuring that the scheme was correctly administered, including the monitoring of all employees, and liable for any breaches of the scheme. The RAP would also be the point of notification, by ISA, of any changes in a persons registration status. Members were reminded that priests are not employed by their Bishop, but incardinated into the diocese, and that the Bishop is responsible for appointing and removing them; however in Canon Law it is the Parish Priest who is responsible for his parish.

Members considered who should be the identified RAP for dioceses and religious congregations and it was suggested that the options be put to the Bishops and Congregation Leaders. **Members agreed that** the Parish Safeguarding Representative would not be the RAP.

It was agreed that a paper should be sent to the CBCEW and to the CoR outlining these points. **(ACTION: Adrian Child)**

Members discussed the Confidential Declaration form. Adrian Child advised members of the work currently underway to review and redesign the form. A draft is now with solicitors for their opinion. A continuing question exists around the length of time the forms are to be stored – currently 100years. Canon Law states that data should be destroyed when a person dies. **It was agreed that** information should be collected from other agencies on the length of time they store such data.

(ACTION: Chair and Rose Anderson)

6 Non aligned Religious –sub group.

The notes of the subgroup teleconference held on 19th June 2009 had been circulated prior to the meeting. Jane Bertelsen advised members of the progress with this work. An application had been made to Porticus to fund the project which would collect information on all religious

congregations in England and Wales, relating to their alignment to the Church's safeguarding arrangements. Once the data is collected there will be issues around maintaining the database and the follow up training of those congregations not currently aligned. The grant application would be considered by Porticus on Friday 10th July.

7 **a. NCSC Strategic Business Plan**

A draft paper had been circulated prior to the meeting. The intention of the document was to set out the work programme for the coming year. **The contents were noted and agreed**, subject to the removal of heading no 2.1 and the renumbering of subsequent items. **(ACTION: Rose Anderson)**

b. Work Programme

A revised draft work programme had been circulated prior to the meeting. **Members agreed that** the revised format was helpful and requested that it should always be presented alongside the CSAS workload tracker. Members were asked to send comments to Rose Anderson. **(ACTION: ALL)**

c. Thematic Reviews

The Chair reminded members that one of the functions of the NCSC was to carry out thematic reviews of the safeguarding work in the Church. There was discussion on the possible topics for the first thematic reviews and how this should be carried out. **It was agreed that** a small group of member should consider the issues and report back to the next meeting. Eileen Dunn and Ann Collier agreed to carry out this work.

(ACTION: Chair; Ann Collier; Eileen Dunn and Rose Anderson)

8 **NCSC Terms of Reference**

Draft 3 of the terms of reference had been circulated prior to the meeting.

Paras 2.3, and 6.2 were amended and **it was agreed that** para 4.1 should be reviewed against the Cumberlege recommendations. **(ACTION: Rose Anderson)**

9 **Annual Report**

A draft version of the Annual Report for 2008 had been circulated prior to the meeting.

Adrian Child informed members that the draft had been produced following work with a stakeholder group and a working group of Safeguarding Coordinators and Officers.

The Chair asked members for their comments on the content and layout of the report.

It was suggested that para 1.c may need to be reworded to reflect the relationship between the NCSC and the CSAS.

A question was raised about the data and Adrian confirmed that the data reports included the same information as in previous years. He advised members that from this year (the 2009 report) there would data reports on Vulnerable Adults. Members asked that a statement to this effect be included in the 2008 report. **(ACTION: Adrian Child)**

Members were asked to submit any further comments by the end of July. **(ACTION: ALL)**

10 **Chair's report to the Conference of Religious and Bishops' Conference**

A copy of the Chair's report to the CBCEW, March 2009, had been circulated prior to the meeting. The Chair advised members that a similar report had been sent to the CoR. He informed members that at the CBCEW meeting he had advised the Bishops that the position of the CSAS in the Department of Christian Responsibility and Citizenship in CATEW would be reviewed in the future, taking into account issues concerning property, IT and budget management.

11 **CSAS Management Committee- minutes of meeting held on 11th May 2009 and Verbal report of meeting held on 07 07 09**

The minutes of the meeting on 11th May had been circulated prior to the meeting, and were noted by the members.

The Chair reported that the meeting held earlier in the day had included a discussion with Laurence Fenton, (Assistant General Secretary, Operations, CATEW). Issues of property, IT and budget management had been discussed.

12 **Organisational Structures Review Project Plan**

The papers relating to the Organisational Structures Review had been circulated prior to the meeting.

The Chair thanked Carol Parry for attending the meeting to discuss the project plan.

Adrian Child advised members that at a previous meeting they had given approval for a review of the existing National Policies. The first to be reviewed was the Organisational Structures Policy. The documents described how this review would take place.

Adrian informed members that he had shown the papers to the Chairs of Diocesan and Regional Commissions at their recent national meeting. They had expressed some concerns about the possible outcomes of the review.

Members asked for the following points to be included:-

- Page 1: Cumberlege recommendation 34 -37 should be added, with reference to the Religious Congregations.
- Page 2: The seven outcomes for vulnerable adults should be included alongside the five outcomes for children.
- Terms of Reference: should be clear about the need to identify and manage any risks

A discussion followed covering the role of the Parish Priest in setting the agenda for safeguarding in the parish; the benefits of the CSAS sitting within the CBCEW and being able to link with the work undertaken by other departments and agencies; e.g. CARITAS work on vulnerable adults and dementia.

Adrian Child advised members that the basic requirements for each commission should include some capacity for:-

- Casework and casework management
- Awareness raising and training
- Administration

This should be resourced according to the need.

Other issues to be covered included the involvement of the Parish Priest; contact with other agencies/communities and the Theology of Safeguarding.

13 **Study Day for Bishops and Congregational Leaders.**

The Evaluation Report had been circulated prior to the meeting.

Members who had attended the study days gave feedback on their impressions and on their conversations with other delegates.

There was discussion about the ongoing responsibility of the NCSC for similar study days. Member were advised that part of Carol Parry's role was to devise a National Training Programme for the Church .It was suggested that a study day every three years be included for Bishops and Congregation Leaders. **(ACTION: Carol Parry)**

14 **Religious Resources Pack**

Adrian Child reported on progress with the contents of the pack. The draft text is to be discussed at the next meeting of the Religious Safeguarding Representatives, with a view to obtaining approval and it was hoped that the draft would be completed by the end of the year. However in view of the changes in safeguarding, with the introduction of Vetting and Barring in 2010, it had been agreed at the CSAS Management Committee that the publication of the pack should be deferred until May 2010 so that it could include the correct information for the Vetting and Barring processes.

15 **Reimbursement for Dioceses when their Coordinator/Officer does work for a Religious Congregation**

Members questioned why there should be a need to reimburse for work between the Dioceses and the Religious Congregations. Adrian Child advised that in some cases the work done by a

diocese on behalf of a Religious Congregation could run into many hours and high cost. The Diocesan Coordinators and Officers had prepared a template and supporting paper for this. IN one case the cost had been several thousand pounds.

It was agreed that Adrian should take a paper to the CoR and then to the NCSC for approval.

(ACTION: Adrian Child)

16 **Seminary Files**

A letter from the Rev Monsignor Harry Turner, Diocesan Coordinator for Westminster had been circulated prior to the meeting. Adrian Child explained that during the Past Cases review it had come to light that personal files from the Seminaries in England and Wales were not always returned to the Bishop when the student had completed their course. It was not known whether those from the Venerable English College and the Bader in Rome and the college at Valladolid were retained by the seminary or returned to the Bishop.

Members agreed that the files should be returned to the Bishops. **(ACTION: Adrian Child)**

17 **Anglophone conference**

A paper presented at the Anglophone Conference in Rome and a report on the conference had been circulated prior to the meeting.

The Chair reported that there had been some useful presentations at the conference, including work on pastoral care of those who had been abused.

He informed members that on alternate years the conference is held at the Vatican, though hosted by one of the contributing countries. In the other year it is held in the host country. In 2010 it will be hosted by the Church in Ireland, and held in Dublin. The Chair, on behalf of the NCSC and CSAS, had offered to organise the 2011 conference in Rome. Conferences are held at the end of May/beginning of June.

18 **NCSC website**

A report on the website had been circulated prior to the meeting. Rose Anderson reported that on average there were about 100 hits per week. There have been three contacts via the website. One has been referred to the Chair, one enquiry related to the time when minutes would be posted on the website and the third was to express concerns that in some parishes there is still no information about vulnerable adults, and the terminology of "safeguarding" is still not used. These concerns were noted by members.

19 **Dates/Venues of meetings for 2010**

It was agreed that the meetings should be held on the second Tuesday of March, June, September and December. The dates agreed are:

Tuesday 9th March 2010

Tuesday 8th June 2010

Tuesday 14th September 2010

Tuesday 14th December 2010

All meetings will be from 11.00 to 16.00. Venues to be agreed at a later date.

20 **Any other business**

There were no other items raised.

21 **Date and time of next meeting**

23rd September 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