

# **CHILD ABUSE: Pastoral and Procedural Guidelines**

**A report from a Working Party  
to the Catholic Bishops' Conference of England and Wales  
on cases of sexual abuse of children  
involving priests, Religious and other Church workers**

## PREFACE

During the past decade, the increased public awareness of Child Abuse in its many forms and enduring consequences, has led government departments to combine their resources to sharpen the principles and policy by which this evil is to be resisted. The official documents include the request that voluntary bodies become partners with the statutory agencies. This report, building on the discussion document *The Sexual Abuse of Children* (January 1993), enables the Catholic community to play its full part in dealing with the sad reality of the abuse of young people and address its responsibilities in this area.

In its turn, the Catholic community in England and Wales has become increasingly aware of incidents when persons who hold positions of responsibility within the Church, including priests, have abused young people, physically, sexually, emotionally and by neglect. In introducing this document, which has been prepared at the request of the Bishops' Conference of England and Wales, I wish to apologise sincerely to the survivors of abuse and their families and communities, particularly when there has been abuse by people exercising responsibility in the Church. They have been hurt, not just by the abusers but also by mistaken attitudes within the Church community at all levels. I acknowledge that far too often there has been insensitivity and inadequate response to their hurt.

These guidelines should indicate that the Working Party has listened carefully to many of those who have been abused. They ought to enable those in authority in the Church to respond more effectively to the needs of survivors, and to take steps to minimise the possibility of abuse in the future. They endorse the priority that young people should be protected from danger of abuse, while recognising that only truth and justice can ultimately guarantee that protection.

In this document we have tried to formulate procedures which will enable the Church to collaborate effectively with the statutory and voluntary agencies. For this reason I welcome the generous cooperation of those

from both statutory and voluntary agencies who have played an essential role in the Working Party. I thank them, and all who have contributed to the composition of this document.

In the course of our work, I was conscious that fundamental teachings from our Catholic tradition underpin the procedures and guidelines that we have sought to develop. Every person has received from the hands of God a personal dignity that is inviolable and inalienable. Any abuse of a young person is an assault on the dignity of a person who is vulnerable, and so is failure to listen to that person. When that abuse is sexual it treats a human being as an object of sexual gratification, and undermines that human being's capacity happily and freely to achieve the parental and companionable relationships which are the objects of sacramental marriage. It is a specific, gross, destructive, and abusive use of power. When it is perpetrated by a person with responsibility, status or office within the Church, it contradicts the ministry of Him who came to serve, not to be served. We share much of this teaching with other Christian traditions who are also addressing this issue. Each tradition will bring its contribution to a comprehensive Christian response to this evil.

As is the nature of the case, these guidelines are of a provisional nature and will need to be kept under review and updated in the light of the experience of dealing with these matters in the community. They are offered as the basis of good practice in the Roman Catholic dioceses of England and Wales.

The Working Party takes responsibility for the main text of these guidelines. Some additional material has been added by way of appendices, the sources of which are clearly indicated. I hope the whole document will assist all dioceses in developing their own guidelines and promoting understanding of the issues within their communities. I regard the development of procedures in each diocese as a matter of some urgency for the welfare of the local diocesan Church.

This is the first of two documents. The Bishops' Conference has a Working Party which is already investigating how the Church can offer care and support to victims/survivors of abuse, their families and others (see Appendix 8). This will help to develop a better understanding of the nature of abuse, especially sexual abuse, and lead to a more sensitive approach to those who have been abused, and all others whose lives have been affected.

The Catholic community needs to appreciate the extent of the harm caused by abuse. It needs to develop effective ways of meeting the needs of those abused, and of protecting young people from abuse. This effort must also include a review of selection procedures for all those, whether clergy or lay, who undertake work with young people in the Church.

Finally, in commending this document to the dioceses, I wish to repeat once again the Church's commitment to dealing with this evil wherever it occurs, and to promoting such values in society that will protect young people from abuse and support good relationships between people, young and old.

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Bishop of Plymouth

Chairman, Department for Christian  
Responsibility and Citizenship and  
Chairman of the Working Party

June 1994

At the end of the Low Week Meeting 1994, the Bishops' Conference of England and Wales passed the following resolution:

"The Bishops' Conference thanks the Working Party for its document, 'Child Abuse - Pastoral and Procedural Guidelines'. Bishops and Ecclesiastical Superiors can find an important resource in this document for directives and guidelines which each should issue to meet local needs".

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## **TERMS OF REFERENCE**

The Working Party was appointed by the Bishops Conference  
“... to develop advice on appropriate ways of dealing with cases involving  
the sexual abuse of children by priests, religious and other Church workers”.

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### **Acknowledgments**

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## INTRODUCTION

“Child Abuse” is a comprehensive term which describes the ways in which a child’s development and health are damaged by the actions of adults or older children. The stories of children who are tortured and killed, abandoned in inhuman conditions, or are the victims of sexual perversion, come as a terrible shock to everybody. Such mistreatment of children is universally recognised as abuse. Other, less publicised, but equally reprehensible behaviour, may have comparably devastating effects on the child, either immediately or later in life. Abuse has many forms. Its impact can vary according to the culture, moral expectations and complex social setting in which it takes place. But anything that prevents a child achieving his or her full potential, or contradicts the dignity and rights of a child, is abusive behaviour.

Those concerned with the well being of children will continue to debate the causes, manifestations and devastating effects of the abuse of children. In the meantime, government departments in England and Wales, together with the NSPCC and other voluntary organisations, have agreed on principles and a programme to counter the evil of child abuse. The Roman Catholic Bishops of England and Wales now pledge their full cooperation.

### **The Church’s Response: Two Stages**

- 1 This present document is the first stage. The Working Party has been asked to present an outline of definitions, principles, structures and procedures. In line with Government documents and those of the NSPCC, reference is made to four categories of child abuse (neglect, physical injury, sexual abuse and emotional abuse), although the more precise guidelines for action are presented with sexual abuse as a prime consideration.
- 2 The second stage will examine the needs of victims/survivors and all other persons affected by child abuse with a view to the Church playing a full and appropriate role in support and rehabilitation. Those who suffer from abuse must be led towards new hope and enabled to retrieve some positive worth following the ordeals experienced in the past. Counselling, therapy and spiritual support must lead to that love within human relationships which has been denied those who need it most, and to the restoration of that self esteem which has been devastated by any form of abuse (see Appendix 8).

This present document is the first of these two stages. It deals with definitions, principles, structures and procedures.

**This Working Party was given the limited objective of establishing guidelines for Church authorities dealing with cases of child abuse, alleged or proven, involving those exercising responsibility in the Church, including clergy, members of religious orders and lay people.**

This document addresses two tasks:

**Part One** includes a brief analysis of the nature of child abuse, together with the principles which have been put forward to ensure the protection of children.

**Part Two** recommends to those in authority in the Church some procedures and pastoral approaches for use when persons with responsibility in the Church are guilty of or accused of child abuse, especially if this takes the form of sexual abuse.

Inevitably, wider issues are involved. The community as a whole is now much more aware of the evil of child abuse. This growing awareness of the frequency, nature and consequences of abuse is helping to break through the secrecy, denial, fear, suppressed anger, guilt and sense of betrayal which child abuse generates. When the adult involved in child abuse is perceived as a person acting in the name of the Church there is a sense of double betrayal — by an adult, and by someone who is seen, in a sense, to represent God’s love for his children. When this betrayal takes place, the Church will unequivocally condemn the behaviour which is both immoral and criminal.

The consequences and hurt of child abuse may overflow into families and communities. The effects can persist as the child becomes an adult and the weakened trust breeds suspicion and anxieties; the distress is deep and enduring. All this can affect adult relationships in later life, including relationships with their own children.

In the initial stages of some cases there is a conflict between the protestation of innocence on the part of the person accused of child abuse, and the suspicion, rumour and emerging accusations against such a person. The principle of “innocent until proved guilty” is thought to be being sacrificed to the concern for the immediate and practical protection of children in possible danger. Given the widely varying nature of child abuse, it is possible that there may be little or no physical proof that the child has been abused because there is no physical evidence or third party corroboration available. Abuse can involve unwitnessed behaviour in private circumstances. How to judge the truth of an allegation may depend on a

judgement, a decision about whose word is to be believed: that of the assumed victim or the alleged abuser. This is not always an evenly balanced matter, especially in alleged child sexual abuse cases where it may involve the word of an adult, with an adult's experience, knowledge of the world and facility of expression, all against the word of a child. Because of the nature of child abuse, it is not always possible to achieve a position of absolute certainty. Nevertheless, if children are to be protected, decisions will have to be made about whether abuse has occurred, and about appropriate action to be taken in consequence. No one wants to misjudge an innocent person, but neither should we use the lack of certainty as an excuse for not exercising judgement to protect children. There is no escape from the exercise of prudential judgement (see also Appendix 6).

This report can only respond to some of the problems raised by the abuse of children. But we do hope to reaffirm the need for complete openness and honesty in dealing with these sensitive and complex problems. To assist in this process, attention is drawn to two official documents:

- 1 *Working Together Under the Children Act 1989: A Guide to Arrangements for Inter-Agency Cooperation for the Protection of Children from Abuse*. This publication was issued in 1991 jointly by the Home Office, the Department of Health, the Department of Education and Science and the Welsh Office.
- 2 *Procedures and Guidelines* produced by the Lancashire Child Protection Committee with representation including the police, social services, probation services and health education services. In effect *Procedures and Guidelines* is a regional application of *Working Together*.

The area Child Protection Committees throughout the country have produced similar procedures for local use. The Lancashire document, *Procedures and Guidelines*, is presented as one example among many possible models. Agencies and individuals should refer to comparable documents in their own areas.

## PART ONE: Definitions and Principles

### 1 What is Child Abuse?

It is difficult to define child abuse because of the variety of moral codes of behaviour, social evolution and culture. The very term "child abuse" has only recently replaced expressions such as "cruelty to children" and "battered babies". In the last century it was presumed that children were subject entirely to the parents and it was accepted that parents had the duty to instil moral standards by means of physical sanctions.

The United Nations General Assembly (1989) adopted the Convention on the Rights of the Child. This respects the child as a human being with personal dignity and rights, a view promoted for many years by individual commentators. The child is now recognised internationally as a person of intrinsic worth entitled to respect equal to that enjoyed by every citizen.

Thus, to attack or to withhold this status or to frustrate the natural development of the child constitutes "child abuse", a term which encapsulates all the ways in which a child's normal development is hindered or damaged by other people.

The Lancashire Child Protection Committee Guidelines define an abused child as a boy or girl under the age of 18

"who has suffered from physical injury, physical neglect, failure to thrive, emotional or sexual abuse, which the person who has had custody, charge or care of the child either caused or knowingly failed to prevent. Having custody, charge or care includes any person, in whatever setting, who, at the time is responsible for that child".  
(*Procedures and Guidelines*: 1.1)

A legal limit can be applied to the term "child", but moral responsibility for the ill-treatment of young people depends on more than actual age. Child abuse is an abuse of relationships, a betrayal of trust, and this abuse by an adult can never be justified.

While in some cases one form of child abuse may occur, there may be incidents which involve a number of different types of abuse. The official guide, *Working Together*, lists four categories of child abuse.

### **i Neglect**

"The persistent or severe neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold or starvation, or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive".

*(Working Together 6.40)*

Severe abuse can result from denying young persons, especially children, normal support and protection; protection from hunger and physical exposure together with the general care which a child needs and expects for health and human development. This care is a right, and there is a corresponding duty resting on adults responsible for the child.

### **ii Physical Injury**

"Actual or likely physical injury to a child or failure to prevent physical injury (or suffering) to a child ..."

*(Working Together 6.40)*

Physical abuse includes any form of unnecessary force used on a child; sadistic torturing, imprisonment and physical restraint are forms of physical abuse. Some bizarre rituals fall into this category, and are also found in other forms of child abuse, especially sexual abuse.

Physical injury and abuse are quite distinct from the case of the responsible parents using moderate restraint on their children simply to protect and guide a loved one. Public perception of what is reasonable restraint has become significantly more caring and enlightened.

### **iii Sexual Abuse**

"... actual or likely exploitation of a child or adolescent. The child may be dependent and/or developmentally immature".

*(Working Together 6.40)*

There are many forms of sexual abuse ranging from looking, exposing, touching and fondling, to full genital penetration. Sexual abuse of a child includes revealing indecent material such as pornography to the child or using the child as a subject of indecent productions. Sexual abuse includes obscene language or terminology, or the misguiding of a child by suggestion and indecent provocation of any kind.

In general terms, all these forms of sexual abuse are

divided into contact assault and non-contact assault (see also Appendix 2).

As children mature they may test the boundaries of their influence. Children naturally seek warmth and affection from adults they trust, and as they develop they become conscious of their own identity and sexuality. Behaviour perceived as provocative may be a normal part of growing up, whereas highly sexualised behaviour is indicative of learnt behaviour acquired through earlier abuse.

**Abuse by an adult can never be justified by the behaviour of the victim.**

It should be noted that abuse, including sexual abuse, can be perpetrated on young people by other young people. There is a serious obligation resting on those responsible for young people, whether it be within the family or elsewhere, to detect such forms of abuse and provide the appropriate control and therapy.

While most cases of child abuse occur within the family setting (involving members of the family, close carers and relatives), there are cases of organised abuse which implicate groups of abusers. The NSPCC has defined organised abuse as: "the exploitation of children involving systematic sexual, physical or emotional abuse by groups of abusers, who manipulate, coerce or use threats, to control children for personal gratification or gain". *Working Together* states:

"Some organised groups may use bizarre or ritualised behaviour, sometimes associated with particular 'belief' systems. This can be a powerful mechanism to frighten the abused children into not telling of their experiences."

*(Working Together 5.26)*

### **iv Emotional Abuse**

"... actual or likely severe adverse effects on the emotional and behavioural development of the child caused by persistent or severe emotional ill-treatment or rejection".

*(Working Together 6.40)*

Emotional abuse can be difficult to detect and may exist in the absence of any form of physical ill-treatment. When an adult is over aggressive towards a young person, then the young person is being abused emotionally. Emotional abuse would then include derogatory language, supercilious comment and tone of voice, exaggerated favouritism, negative discrimination, constant hypercritical comment, sarcasm and simply ignoring the child. By these means the child's need for love, security,



encouragement, recognition and stimulation are unmet, leading to serious and possibly irreparable damage to the child's emotional stability.

This form of abuse can arise when parents and other adults become over-protective and neutralise normal growth in social relationships. Misplaced "humour" on the part of an adult can be so misunderstood by a child that enduring emotional scars result and, when the context is that of religion, unhealthy fears and guilt complexes can be caused by comments which, reasonable in an adult context, are totally misinterpreted by the immature mind.

## In Conclusion

No one theory appears capable of explaining all forms of child abuse. Nevertheless, in all forms of child abuse there is a misuse of power on the part of the adult. It may well be that a person who is sexually, physically and socially inadequate can only exercise authority in terms of his or her dominance over those whose age or immaturity makes them vulnerable (see also Appendix 3).

In this document the term "child abuse" can refer to any or all of the four categories listed above.

However, while all forms of child abuse are of the most grave concern, the guidance contained in this document is concerned primarily (but not exclusively) with child sexual abuse.

## 2 Why Speak Out?

A number of factors call for a response from the Church at this time.

- i The Church believes unconditionally in the dignity of children, and reasserts her unambiguous condemnation of child abuse. It is the pastoral duty of the Church as a whole to meet the spiritual and emotional needs of all involved.
- ii Cases of child abuse involving people who appear, in varying degrees and situations, to have responsible positions in the Church, undermine people's faith and challenge the credibility of the Church. It is essential that the Church has a clear, practical programme of action to meet these situations.
- iii Public awareness of child abuse has risen during the

past ten years, especially since the Report of the Enquiry into Child Abuse in Cleveland (1987). There have been a number of reports, surveys and reactions to the question of child exploitation (see also Appendix 1). It is important that the Church publicly declares willingness to cooperate with the statutory agencies, in the light of the lessons learned.

## Professional/Voluntary Cooperation

This present document does not intend to review all the issues raised in recent years or cover all the reports and surveys, but wishes to highlight the alliance between the Home Office, the Department of Health, the Department of Education and Science and the Welsh Office which produced the document *Working Together Under the Children Act 1989: A Guide to Arrangements for Inter-Agency Cooperation for the Protection of Children from Abuse*. This calls "for all professionals to combine in an open-minded attitude to alleged concerns about a child with decisive action when this is clearly indicated". (*Working Together* Preface).

Voluntary organisations concerned with children, including the Church, can help by "bringing children who are thought to be in need of protection to the attention of the statutory agencies" (*Working Together* 4.45). The Church wishes to assure the community that full cooperation will be given by the Church authorities to these statutory agencies.

## The Responsibility of the Church

During recent years much publicity has been given to cases of child abuse. In cases where priests or members of religious orders have been found guilty there has quite rightly been full publicity, and the question arises of how the Church should act in these situations. Because of the unique standing of a priest, even one such case is unacceptable, and the trust extended to the whole Church is undermined. Like other organisations confronted by cases of child abuse, the Church authorities must act responsibly.

The guidelines offered in this document are meant to point the way and offer the correct emphasis to be adopted at this stage and beyond, placing the processes of the Church within the context of the statutory processes of *Working Together*. When a person with responsibility in the Church, especially a priest, or a religious, is accused of misconduct, there is a temptation to protect that person, and the Church, from the glare of publicity. There is an added temptation to preserve silence when suspicion falls on a close colleague or personal friend.

Against this, it must be made clear that the first concern is the child. Any attempt to cover up abuse, or even the suspicion of abuse, is misguided and highly dangerous. The research now available has uncovered the reality of child abuse: the damage caused is profound at the time, and continues sometimes, even permanently. Consequently anything less than an unequivocal search for the truth is immoral and unjust.

### **In Conclusion**

This document underlines the Church's condemnation of child abuse, so that all Catholics, and the general public may know once and for all, that 'cover-up' is never acceptable. It is wrong because it is unjust, untruthful and unwise.

## **3 Persons with Responsibility in the Church**

This document is a call to people with responsibilities and positions of trust in the Church, particularly when they are in a position to identify abuse and to take appropriate action. It is addressed in the first place to dioceses, and covers a wide range of people who in a variety of ways hold positions, exercise functions, or engage in activities which seem in some way to imply the Church's approbation. Most strictly this applies to clergy and religious, over whom their bishops and religious superiors, exercise particular authority, and for whom they have particular responsibility. It also concerns those working in an employed or voluntary capacity, staffs of Church sponsored schools, Church youth workers, lay pastoral workers, staff of Church sponsored social service organisations, and even those whose activities in Church charitable organisations, in parishes and in small groups, give them an added responsibility.

All child abuse includes a betrayal of trust, and adults have a responsibility for the care of all the immature members of the community. This betrayal of trust is compounded when a person is presumed in consequence of their position, to act according to certain moral standards. So there is a terrible contradiction when a cleric is guilty of such behaviour, since symbolically and sacramentally, he makes present the redemptive mediation of Christ, restoring in human children the consciousness of divine parental love. Even granted an understanding of human imperfection, child abuse committed by a priest arouses a mixture of shock, disbelief, outrage, shame, betrayal and many other emotions which can be fully expressed only by those

who have been victims themselves or have been close to them.

So this document addresses any person who knows of such situations or has reasonable suspicion that misconduct may be taking place. There is a responsibility resting on all people to be vigilant. Misguided loyalty or fear of public disclosure can create a conspiracy of silence which, in turn, can breed more evil. **Fear of public scandal is no reason for silence.** There is never any excuse for children to remain at risk. The emphasis must always be laid on the protection of children, even when the reputation of an individual, a group, a parish or the Church is threatened by public scandal. There is a duty to report any danger threatening a child, especially because the results of abuse in childhood may persist throughout life either consciously or subconsciously, and all subsequent relationships may be affected.

### **In Conclusion**

This document is in effect:

- i a guide to those who exercise authority in the Church;
- ii a serious reminder of the obligations resting on all those whose status, activities and responsibilities in any way derive from the Church;
- iii an alerting of every person who is aware of the dangers of child abuse to their duty to take appropriate action.

## **4 The Paramountcy Principle**

"The Paramountcy Principle is the principle that the welfare of the child is the paramount consideration in proceedings concerning children."

*(Working Together Appendix IX 9)*

The Children Act 1989 states that:

- i the child's interests are paramount and the statements or accusations made by children must be taken seriously;
- ii it is the duty of parents and the duty of local authorities to support family life;
- iii there must be an appreciation of the child's cultural upbringing;

- iv there must be collaboration between those working in the relevant disciplines, both statutory and voluntary.

The Paramountcy Principle is being addressed in *Working Together* when reference is made to:

“A responsibility to investigate reports of children suffering, or likely to suffer significant harm and to take appropriate action to safeguard or promote the child’s welfare.” (3.3)

And when this official document requires:

“A close working relationship between social service departments, the police service, medical practitioners; community health workers, schools, voluntary agencies and others.” (1.2)

And again:

“Specialist training is required for selected staff of Social Services Departments, the NSPCC, the Health Service and the Police who will be involved in the joint investigation of cases and subsequent intervention.” (7.2)

And again:

“Interviews must always and only be conducted in the best interests of the child.” (7.3)

The guidelines presented in this report indicate what action must be taken in cases of proven guilt. Likewise in cases of reasonable suspicion or repeated expressions of concern action must be taken, and it is important that all persons with responsibilities in Church understand that the Paramountcy Principle is accepted by, and will be acted on, by those in authority in the Church. One clear implication of this principle is that “administrative leave” (or “leave of absence”) will have to become a standard practice when there is reasonable suspicion which requires further investigation. This is one way of protecting children, and enabling those responsible to discover the truth.

The Paramountcy Principle must continue to apply after proceedings have been completed and the person who has been found guilty has paid the penalty and wishes to be fully re-established. Subsequent pages of this document deal with these sensitive areas of decision. The Paramountcy Principle would apply even if someone working in the name of the Church were to approach a person who has authority within the Church in order, voluntarily, to disclose personal misconduct.

The relationship between confidentiality and the para-

mounty of children’s interests, will be clearer if the principles on which the Church authorities will act have been made clear and very public.

The document *Procedures and Guidelines* from the Lancashire Area Child Protection Committee, provides the following criteria for exchange of information:

“Professional codes of confidentiality now allow disclosure of information without consent where there is felt to be danger to others and this would certainly be the case in child abuse. However, such information should only be shared on a need-to-know basis and, as far as possible, careful distinction made between fact, gossip and hearsay. Care should also be taken that information shared in connection with child abuse is not used for any other purpose without first consulting the person who provided it.”

*Working Together* states:

“In child protection work, the degree of confidentiality will be governed by the need to protect the child.” (3.15)

The confidentiality here referred to is not the confidentiality of the Sacrament of Reconciliation, which is absolute. A penitent who refers to this matter should be advised to discuss any relevant information outside the sacramental context. Reference here is to a pastoral/professional situation which normally includes confidentiality.

The Paramountcy Principle applies pastorally, and the Church authority should extend pastoral support to the victims or alleged victims and to others who may be affected, where appropriate. **In particular, what a child says must be taken seriously;** the automatic acceptance of the word of an adult against that of a child does not apply. Furthermore, serious attention must be paid to any abnormal behaviour patterns which may indicate that a child has been abused.

*Working Together* states that:

“Any person who has knowledge of, or a suspicion that a child is suffering significant harm, or is at risk of significant harm, should refer their concern to one or more of the agencies with statutory duties and/or powers to investigate and intervene — the Social Services Department, the Police or the NSPCC... All the referrals, whatever their origin, must be taken seriously and must be considered with an open mind which does not pre-judge the situation.” (5.11.1)

The possibility of false accusation cannot be ruled out, especially in our society, where topics such as child abuse are debated publicly and explicitly. There may be, occasionally, the suspicion that a young person is maliciously making untrue allegations against an adult.

*Working Together* states:

“The interviewer must always be open to the possibility that the events have not taken place.”

(5.14.7)

It may be that a young person or adolescent will make false accusations against an alleged abuser. In this case the appropriate authority must offer suitable help to the young person, whose accusations may indicate a profound psychological need.

The Church authority will be faced with the necessity of making a judgement on what action is to be taken. By consulting with the statutory agencies the Church will be drawing on the expertise and sensitivity of those experienced in these matters, and so be in a better position to evaluate the truth of the situation. *Working Together* states that staff selected for this work must be persons of acknowledged competence, who have undergone appropriate staff development and training (5.14.6).

### **In Conclusion**

There must be no doubt in anyone's mind that the Church is committed to the paramouncy principle and to collaboration with the requisite statutory authorities in the interests of children's' welfare.

## **PART TWO: Structures and Procedures**

### **1 Diocesan Structures**

#### **i Diocesan Representative**

It is recommended that each diocese identify a priest to be the bishop's representative (or delegate) in attending to issues of child abuse. As far as the Church's channels of communication are concerned, it is to this bishop's representative that any cases of child abuse, actual or suspected, must be referred.

The bishop's representative must be a person of mature pastoral judgement, prepared to undergo appropriate professional training, and capable of handling a small crisis management team. This crisis management team will act as a first line of discernment to assess any immediate danger to children and deal effectively with any reports or incidents. The crisis management team must be aware of current legal requirements and practice in dealing with child abuse, and the team members need to build up working links with the statutory agencies in their area and the NSPCC.

The crisis management team should make available to the bishop's representative resources of informed and appropriate professional skills and advice.

The priest who is acting as a bishop's representative will always require professional training, guidance and support. It may be that one priest in each province could be a link between the delegates of each diocese within the province who, together, become a mutual support group.

The bishop's delegate will be responsible for informing both clergy and laity concerning the nature and extent of child abuse, and the method by which actual or suspected cases can be referred to the Church authorities, and to statutory agencies which have investigative powers (see also Appendix 5).

The bishop's representative through his training must become aware of available specialist and statutory agencies which can offer guidance and support for abused people together with families, schools and other communities concerned.

In addition, he will need to acquire knowledge of appropriate organisations for treatment to which those who have been guilty of child abuse and admit the need for reform can be directed, and it will be within his remit to take such action in consultation with the bishop.

It is expected that the priest who is responsible for this area of concern keeps the bishop of the diocese fully informed, and works within the diocesan policy and practice. When the bishop has to make the judgement that there is sufficient suspicion about the committing of a crime (child abuse) to require reference to the statutory agencies, he should do so in consultation with his delegate who will be the appropriate line of communication between the diocese and the public authorities.

Voluntary agencies in the diocese concerned with children and families can help by "bringing the children who are thought to be in need of protection to the attention of the statutory agencies" (*Working Together* 4.45).

"All staff in the education service — including those in Grant Maintained and Independent Schools, Sixth Form and Further Education Colleges and Youth Service should be aware of the need to alert the social services, the NSPCC or the police, when they believe a child has been abused or is at risk of abuse."

(*Working Together* 4.36)

These official guidelines additionally require that in each educational establishment:

"The head teacher or other senior member of staff be designated as having responsibility for liaising with SSDs and other relevant agencies over cases of child abuse."

(*Working Together* 4.37)

In all these situations, it is desirable that the bishop's representative is kept informed to avoid confusion, omission, reduplication or mistakes.

Some **religious orders** have prepared guidelines which deal with their own members or persons representing the religious orders. This is not universally the case. The support given by diocesan structures should be made available to both male and female religious orders, and reciprocal agreements must ensure that relevant information is made available to the bishop or his representative.

## ii Communications Officer

It is important that a communications officer is appointed by the bishop to supply information as required to the public concerning incidents of child abuse, whether actual or alleged. It is essential that such a person has full and accurate knowledge of the situation but is sensitive to the confidentiality to which people are entitled. If there is only one such spokesman, confusion

can be avoided and the information supplied will be kept within the legal limits when court proceedings are envisaged. The communications officer must work in collaboration with the Press/Communications Department of the Statutory Agencies.

This function may be carried out by the Diocesan Communications Officer, but not normally by the bishop's delegate.

Specific people (eg victims, survivors, parents, the accused) have a right to information. It may be that a parish, a school or a Church organisation must be informed, and such a task will be carried out by the bishop's appointed representative. The person providing information to those personally involved should be distinct from the communications officer who is the focal point for the media. The right to know, and the manner in which the information is shared, will vary according to personalities and situations.

## 2 Investigation into Allegations

Church authorities may be made aware of rumours, gossip or allegations which point to a priest or other person with Church related activities or responsibilities being involved in compromising behaviour. The individual concerned should not ordinarily be challenged by the Bishop, his representative or anyone else, with a view to determining whether there are reasonable grounds for believing that abuse has occurred.

The preliminary investigation must be circumspect. This is to ensure that any official investigation is not impeded by a guilty party who is forewarned and attempts to distort the evidence or threaten witnesses.

Referring to "low level" suspicion of sexual abuse the *Lancashire Procedures and Guidelines* refers to very general suspicions, and suggests that:

"In such situations it is likely to be inappropriate and probably counter-productive for the professional network to respond immediately with a formal investigation. Clearly action in such cases will need to be decided on the basis of the information available and professional judgement."

The bishop's representative must take action to determine whether reasonable grounds for suspicion may exist. At the outset there may be only tentative information or blatantly inaccurate and contradictory rumours. The suspicions may arise because of anonymous communications, but anonymous information should not

be ignored. Within a time frame which is not detrimental to a child's interests, there may be a process of discernment involving the crisis management team working with the bishop's representative. This is an initial, basic evaluation and clarification of the situation. In the interest of all parties, especially of the child, enquiries and, if necessary, any subsequent actions must be prompt. The Canadian Bishops in their Guidelines on Child Sexual Abuse of June 1992 state:

"The delegate (ie the bishop's representative) should be empowered and directed by the bishop to act immediately (ie within 24 hours or as soon thereafter as possible) ..." (VII B)

If, after this preliminary evaluation, doubts concerning possible abuse remain, action must be taken. **This action should normally begin by checking with responsible agencies.** *Procedures and Guidelines* states:

"Professionals should share their information, anxieties and concerns within the professional network. Others may have similar or other relevant concerns or information." (3.4.2.)

This approach to the statutory agencies will normally be made by the bishop's representative, who will need to feel confident that an approach to these statutory agencies will not automatically initiate an inappropriate child protection investigation. *Working Together* states that:

"There must be confidence that agencies will act in a careful measured way when suspicions are brought to their attention." (1.1/3)

The bishop and his representative should appreciate that, if there is doubt, the Church should use the assistance of staff of statutory agencies working under Area Child Protection Committees (ACPC) with which they can share their anxieties. *Working Together* outlines the nature and actions of these ACPCs.

"The protection of children requires a close working relationship between Social Services Departments, the Police Service, Medical Practitioners, Community Health Workers, Schools, Voluntary Agencies and others." (1.9)

These official committees

"provide a mechanism whereby, if one agency becomes concerned that a child may be at risk, it shares its information with other agencies."

(1.11)

The members of these committees form a supportive,

trustworthy and experienced group, a balanced aid at the disposal of the Church.

If reasonable suspicion of abuse follows preliminary investigation and consultation, then the Church authorities will have to place the alleged abuser on administrative leave with pay/financial support, until the investigation process has been completed. Administrative leave does not imply either the guilt or innocence of the person under investigation, and is a recommended procedure for dealing with these allegations.

The person accused may resist agreeing to administrative leave, on the grounds of being innocent. It must be pointed out that local authorities have statutory duties which

"impose a responsibility to investigate reports of children suffering or likely to suffer significant harm and to take appropriate action to safeguard and promote the child's welfare." (3.3)

This investigation will involve

"liaising with other investigating agencies (eg Police, NSPCC)." (3.6)

In other words, the accused person, however strongly he/she protests innocence, will ultimately be forced to stand aside while investigations take place.

The procedures of the government departments as listed in *Working Together* were issued under Section 7 of the Local Authorities Social Services Act 1970. These procedures outline accepted and responsible reaction to the possibility of child abuse, given the unique nature of such offences. If the representative (with the knowledge of his bishop) has followed these procedures, the Church will be considered to have reacted responsibly. In a judgement by the Court of Appeal (27 May 1993) it was made clear that:

"The Guidelines set out in the report of the Enquiry into Child Abuse in Cleveland, although not given effect by statute, should be regarded as expert advice as to what would normally be the best practice to adopt..."

Therefore, if a child or adult makes a serious comment or complaint, then positive action must follow. Once the serious complaints or rumours are shared with agencies with statutory responsibility, then the Church will have made clear its determination to seek the truth, however unpalatable that truth may be.

In its mission the Church has a particular concern for the

protection of the innocent and just treatment of the accused. In promoting justice in the world at large the Church is judged by the way it conducts its own affairs. In this report, the Church is contributing to the development of a climate in which fears and allegations can be voiced without recrimination, and listened to with respect.

**No rules or guidelines can match every possible situation.**

It does happen that some criminal investigations do not lead to a prosecution even though there is evidence of guilt. This is a decision made by the Crown Prosecution Service that on grounds of public interest or lack of sufficient evidence, prosecution should not be initiated. A particularly young child witness may not be considered sufficiently competent to give evidence or it may be that more harm might befall a child by putting him or her into the witness box.

While legal proceedings may not be pursued through the courts, there remains an obligation resting on the Church authorities to review the pastoral consequences of such a situation. A person known to be a danger to young persons should not continue in any position within the Church which enables him or her to have access to children or young persons.

When a person is committed to trial for child abuse, but is found "not guilty", the matter does not necessarily end there. Strong suspicion may remain. It is important to check if these suspicions are shared by a significant number of responsible persons who are in a position to form a judgement. Such suspicions must be disentangled from mere rumour, uncontrolled gossip and, possibly, an understandable anxiety if actual proven incidents of child abuse by others have already disturbed the community.

Even if these suspicions persist, the person or persons responsible for good order in the Church may be restricted in the options for action which are at their disposal. This means that good practice is limited to damage control.

If suspicions are shared by a number of informed and responsible persons, it is probable that unusual attitudes and behaviour patterns will have been noted and these must continue to be monitored. It is essential that the Paramountcy Principle of protecting children is maintained. This demands a regime of vigilance by informed and responsible people who are concerned about the alleged abuser and anyone making allegations.

If after careful scrutiny and monitoring, of both those

making the allegation and of the alleged abuser, it is suspected that a young person is making false, even malicious, allegations against an adult, the Church authority should consult with the Statutory Agencies. If this consultation proves inconclusive in evaluating the young person's accusations, the vigilance must continue until judged no longer necessary.

From the first moment that a case of suspected child abuse comes to the Church's notice, it is of the utmost importance that accurate records of allegations, actions taken, relevant comments made and evidence discovered, should be kept. Such records may be required for criminal, civil and ecclesiastical proceedings. Omissions may have serious consequences.

It is particularly important to maintain continuity in the chain of information. When there are regular replacements of superiors as happens in religious orders, or there are changes in the personnel of a committee, or indeed, when any person in authority is replaced, there is a danger that the relevant information may not be passed on. For instance, a new bishop requires access to complete records. If serious matters are recorded, the new bishop, superior or chairman will be protected against making decisions with incomplete information.

Again, when accusations are made some years after an alleged event, a record of measures taken at the actual time of any alleged incident may clarify vague memories. "Stale" evidence and confused recollections do not serve justice well, but accurate records may provide the required facts.

It is to be expected that the reactions of the accused to the accusations will vary, and this will affect what the Church authorities will be able to do. Among possible reactions, once official procedures have begun, are the following:

- the accused person may confess guilt without reservation (very rarely);
- the accused person may admit the actions but deny the damage done or claim that consent was given, etc;
- the accused person may admit to indiscreet and misguided behaviour, but not to any immoral or criminal activity;
- the accused person may refuse to discuss the allegations or refuse to answer any questions;
- the accused person may deny the allegations.

In the light of these, and other possible reactions, the

options open to the Church authorities will vary accordingly. While at all times safeguarding young people, a selection of procedures ranging from vigilance to the more precise procedures listed in these guidelines, may be applied, but it is impossible to anticipate every possible set of circumstances.

It is important to understand how information is to be passed on to statutory agencies or the NSPCC. In practice, the bishop's representative, as an essential element in his training, will become personally acquainted with relevant persons within the agencies. In this way he will be in a position to judge which individual member of a statutory agency is the precise person best positioned to assist the Church in establishing truth in each particular situation.

In other words, in following the implications of the Paramountcy Principle, the Church is taking full advantage of the confidential facilities extended by public agencies by way of support and guidance.

### **3 The Responsibility of the Church**

#### **i During Official Investigation**

Serious charges may be brought against a priest or other Church person by the police, and it may be only then that the bishop is made aware of the situation for the first time. Church authorities must make every effort to support the police and others who are working to establish the truth. It is clear that official action will take its course, but this does not mean that the Church authorities can only stand aside and await the outcome.

Whatever the outcome of the investigations, it is important that the Church is pro-active in ensuring that all is well within the area of ecclesiastical responsibilities. Official investigations provide an opportune moment for checking on the administration of a school or residential home. It will be necessary to review the normal and required procedures, and this should be done, preferably, in association with statutory agencies.

In particular, there should be a thorough review of procedures and practice in making appointments to posts where the person appointed has responsibility within the Church. Within its terms of reference such a review can act as an official channel of comment and concern, either uncovering further misconduct or providing reassurance that there is no need for disquiet. A review of procedures may be initiated provided it is not prejudicial

to criminal proceedings.

Even though at this stage no conclusions have been established, it is certain that great distress and apprehension will be experienced by parents and others closely associated with the situation. When it is necessary for protective work to be done with the children, this should not be delayed because of the review. But because of the risk that active work with individual children may result in contamination of evidence required for a criminal case, the nature of the work should be cleared in advance with the Child Protection Team, and, if appropriate, the Crown Prosecution Service.

It is essential that pastoral support should be available, and the bishop or his representative should make himself available to hear the immediate needs of those involved. During this uneasy interval between accusations and verdict, there will be restrictions on what may be said or done. It is likely that it will not always be appropriate for one and the same individual to respond personally to the pastoral needs of all the parties involved. A range of responses to meet the needs of different individuals and interests, will be required.

#### **ii After Sentence**

If the accused is found to be guilty it is presumed that normal pastoral support will be provided throughout this period, whether the guilty party is in prison or on probation. The timing of any ecclesiastical procedures will be adjusted to the requirements of criminal penalties.

Since the implementation in October 1992 of the Criminal Justice Act 1991, the Secretary of State will normally be under a duty to consider parole after the prisoner has served one half of his or her sentence. Those serving 12 months or more will be compulsorily supervised by a probation officer or social worker until the three-quarters point of the sentence.

A court sentencing a sex offender may order that supervision by the probation service should continue to the end of his or her sentence rather than the three-quarters point. In exercising this power, the court must have regard to the need to protect the public as well as securing the rehabilitation of the offender, and the Church authorities must take note of what has or has not already been achieved before moving to offer further specialised assistance.

If a man/woman has been found guilty of sexual abuse and serves a sentence, he/she is a Schedule I Offender (Children and Young Persons Act 1933) and the local Probation Service and Social Services Department will



be informed of the discharge from prison so that necessary precautions can be taken to safeguard children who may be at risk.

### **iii When a cleric is guilty**

In the case of a cleric (for example, a deacon or priest) being found guilty of child abuse, the question of his future as an officiating pastor must be faced.

The priest must be required to undertake counselling, therapy and spiritual renewal to bring him to a full realisation of the evil he has done, and set him on the road to effective conversion of life. This must precede any consideration of a return to ministry.

The decision about the possible return to active ministry by a priest who has been convicted of child abuse, who has served his complete criminal sentence, and now requests reinstatement, is subject to a series of conditions:

- i the protection of children is the priority;
- ii the bishop should judge each case on its merits, excluding no possibility, until all the elements of the case are available;
- iii full, reliable and positive reports following therapy must be available, together with an independent assessment by an appropriate professional agency which evaluates progress and comments on the future prognosis;
- iv the priest himself must be fully aware of the delicate, possibly hostile circumstances in which he will find himself and be prepared to live with this;
- v any clergy and laity who are aware of the total history and situation must be allowed to advise the bishop. Such informed comment should consider both the eligibility of the priest himself to re-enter the active ministry and the willingness of the community to accept him;
- vi ongoing personal support (including therapy) for the priest must be available;
- vii the nature of the ministry to which the priest may be assigned is of special consequence;
- viii if these strict requisites are not met and it is considered inappropriate that the priest re-enter active ministry, this must be explained fully to the priest concerned and he must be given the opportunity to request to be laicised;

- ix if the priest is found unsuitable for ministry and is not prepared to request that he be laicised, canonical procedures must be followed which could remove the priest from the clerical state.

## **4 Pastoral Support**

### **i Victims and Survivors**

Most of this document is devoted to guiding Church authorities in taking immediate action over incidents of child abuse.

There is also the pastoral care and support to be offered to the victims. This will vary according to whether the abuse is considered as affecting an individual, a family, a parish, a school or an organisation. There remains a pastoral obligation on the diocese to be completely involved in the restoration, as far as possible, of normal relationships.

In such a complex process, further reflection is indispensable (see also Appendix 8).

A commitment to support victims and survivors will not match the needs unless some insight into the consequences of child abuse is developed, and the general pattern of return to normality is appreciated.

- i There must be a constant listening to the injured people, including the voice of survivors of abuse in past years, and a genuine attempt to understand the complexity of their emotions. The violation can be a mixture: physical, sexual, emotional, social and spiritual. A feeling of powerlessness and rejection may make the damage seem irreparable. When reviewing the events of the past, conscientious parents may mistakenly transfer guilt on to themselves.
- ii If the offence has been committed by a person with responsibility in the Church, there can be a crisis of faith, an ongoing conflict concerning all religious values, and a loss of spiritual assurance. Faith counselling, together with the Church's expression of genuine sorrow, will be required to sustain the victim/survivor. There may be an ongoing, perhaps life-long, disturbance within the victim/survivor, including a possible sense of guilt and great difficulty in establishing relationships.
- iii The betrayal associated with child abuse is not unlike bereavement, and the grieving process is part of a return to some degree of normality. It is never right to urge people to "forgive and forget". Actually

remembering and being able to discuss or reflect on what has taken place can be the first stage of healing. 'Forgiveness' (which has a variety of meanings) is often the last stage of healing. In the healing process listening to victims is an essential element, and, when counselling is necessary, it is best left to those skilled or naturally gifted in the process. There must be a careful choice of priests and others available to work with the victims and the affected communities. Spiritual retreats/missions must be developed which are sensitive to all the emotions which can exist in abused communities. However, the Church, while offering to those who need them whatever resources are available, should never presume or impose them.

- iv The occurrence of a child abuse scandal causes great publicity but the high public profile may not last. On the other hand, the effects of such traumatic events endure. Even when the public attention fades, the Church must still remember and sustain all who have suffered.
- v There is today a climate of vigilance, which may inhibit conventional, relaxed relationships between adults and children. This is to be regretted, but adults must be prudent. No set of rules can possibly provide the discretion required to meet every circumstance, and mention of this is made here in the hope that those who associate with young people behave in a manner which is above suspicion.
- vi When an investigation is initiated by the police, Social Services are involved at the outset, so that the child is usually interviewed jointly by a representative of both agencies. Social Services have a responsibility to support and rehabilitate the child and, as appropriate, work with the family. The timing for the commencement of any such programme should be wholly dependent on the needs of the child. It may be that Victim Support will have some involvement, although the volunteers in this organisation are trained more to deal with adults rather than juveniles. Some dioceses may have the benefit of appropriate resources in their Social Welfare or Child Care Agency. These Agencies also benefit from close working relationships with statutory authorities and other professional groups.

## **ii Following Court Process**

The protection of children remains the paramount consideration, and the abuse of children is distinct from other criminal and moral offences. That is the reason for the firm and exigent dispositions recommended in this document in the event of abuse by people with responsi-

bilities in the Church. Nevertheless, the Church must also retain pastoral concern for guilty parties, cleric, religious or lay, whether or not guilt is admitted.

No matter what has happened in the past, the transgressor must be re-assured of God's unconditional quest for, and readiness to welcome back, the prodigal sinner. Abusive behaviour harms abusers as well as victims, destroying his or her inner integrity, and damaging the unique personality that was created in the image of God. Pastoral concern for an abuser is not a soft option. It involves bringing offenders to acknowledge the damage done to victims, enabling them to face and to accept responsibility for it, and with appropriate help, including practical and therapeutic arrangements, bringing about the actual achievement of control of this form of obsessive behaviour.

Clear requirements have been outlined governing the professional future of a priest found guilty. Members of religious orders have equivalent procedures. Those who are paid employees within the Church and, in addition, are members of a profession (eg teachers, social workers, youth workers) have professional codes of practice together with appropriate disciplinary procedures. There are also safeguards with regard to their future employment (eg supervision and appraisal).

In less structured situations, those responsible for employing people will rarely be faced with a request for reinstatement. However, they must make every effort to check applicants' backgrounds with available sources of information, and to inform applicants in advance that this will be done.

In re-introducing a person cleared of charges and suspicion to his or her post (or to a comparable post), there must be clear support from the responsible authority or employer in the Church. This should include an explanation of procedures which have been used, at the same time avoiding the danger of any statement of exaggerated endorsement, which may give rise to, rather than allay, any further suspicion.

It is for the person now cleared of charges and suspicion to decide whether to take this matter further in order to ensure that his or her good name is fully re-established.

## **5 The Future**

### **Some Practical Proposals**

The following are practical points, together with areas in which further examination is called for, subsequent to the publishing of this report.

- i This report must be made available to the general public. In particular, all institutions, organisations, groups, structures or agencies claiming the Church's name, should be supplied with copies so that the stance of the Church in cases of child abuse is known and clearly understood.
- ii Opportunities should be provided for clergy, religious and laity to understand the nature and consequences of child abuse, together with guidelines on how to react to situations in which abuse is suspected, and how to become involved more positively in the support of victims and their families. The bishop's representative is responsible for taking the initiative in this matter, making use of available local and national, diocesan and secular resources (see above: Diocesan Structures, and also Appendix 5).
- iii There must be a thorough check on all candidates who are being considered for work in Church related positions, with particular insistence on positive, authoritative and written references. Apart from normal staff records, confidential, relevant and complete dossiers must be kept on all persons for whom ecclesiastical superiors have direct and immediate responsibility. Such information must be kept in such a way that access is restricted to the appropriate ecclesiastical superior. Meticulous attention must be given to accuracy as well as to security. Employees of staff in other Church related posts must maintain similar accurate and secure records, taking account of any relevant guidelines and statutory requirements. Arrangements need to be made for ensuring continuity of information (see above: Investigation into Allegations, concerning record keeping).
- iv Seminaries and their Selection Boards are already acutely aware of the reality of abuse, and of the need for psychological screening. Yet further individual guidance must be given to assist those training for the ministry to come to terms, in a mature manner, with their sexuality, providing a growth in self-understanding, expression and control, conducive to sexual integration.
- v There must be continuing consideration given to, and assessment of, the efficacy of arrangements for supporting individual clergy of all ages.
- vi Further consideration must be given to the means of providing support for the victims/survivors of child abuse, individuals, families or groups. This is the purpose of the second forthcoming document (see Appendix 8).

Given the scope of the present document, reference

is made here to one of the groups to be assisted. There are many people working in various capacities in the Church, who are entirely innocent of child abuse, but because of their position as associates of a guilty colleague, feel the overflow of distrust and loss of reputation. The process of recovery of morale and healing may require sensitive and long-term consideration, even specialist skills in some cases.

- vii All people who deplore the incidence of child abuse must campaign within the community for a more responsible public portrayal of relationships. Respect and love for one another within families and friendships are too often trivialised.

## **General Conclusion**

The recommendations and observations of this document outline the general pattern of action to be followed when child abuse is suspected or comes to light. They are, therefore, directed in the first place, towards those in canonically acknowledged positions of authority in Church communities, in the dioceses and in Religious Congregations; they are also for the attention of those who are direct employers of staff in Church agencies and organisations; they should be considered by those with responsibility in national and local Catholic organisations and groups; they concern those at local level who ask for, or accept, volunteer helpers, especially in activities involving young people.

But it is also for all people in the Church (and indeed in society as a whole), to come to terms with what is involved with preventing child abuse and protecting children. Moral and spiritual values need to be affirmed by all members of the Church in relation to a complex situation. There is an obligation to protect the generally vulnerable sections of society constituted by children, when we do not know exactly **which** of them is at risk. Recent events have certainly brought the evil of child abuse to our special attention at this present time. It is therefore the responsibility of all people to inform themselves about the far-reaching issues involved, and not to rely on stereotype, prejudice or the latest fashionable crusade. Members of the Church need to understand the intentions of those in authority, and to appreciate the need for the practical and systematic measures being suggested.

Lastly, each one of us needs to ask how we can play a part in the struggle for truth, justice and dignified human relationships. To overcome evil requires the promotion of virtue and responsibility in the broadest personal and social dimensions.

## **SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS**

### **A General Orientations**

- 1 The Church believes unconditionally in the dignity of children, and reasserts unambiguous condemnation of child abuse. It is the pastoral duty of the Church as a whole to meet the spiritual and emotional needs of all involved (p11).
- 2 Case of child abuse involving people with responsibilities in the Church undermine people's faith and the credibility of the church. The Church must have a practical programme of action to meet these situations (p11).
- 3 Public awareness of child abuse has risen over the past ten years. It is important that the Church publicly declares its willingness to cooperate with the statutory agencies and establishes a close working relationship with them. Its own processes must operate within the context of statutory processes (p11).
- 4 This Report should be made available to the general public and to all institutions, organisations, groups, structures claiming the Catholic name (p21).

### **B Principles for Action**

- 1 There is a general duty on all to report knowledge or reasonable suspicion of child abuse, and to be vigilant, irrespective of any fear of public scandal affecting the Church through such disclosure (p12).
- 2 In any proceedings, the welfare and interests of the child are the paramount considerations. Statements and accusations made by children must be taken seriously (p12).
- 3 All persons with responsibilities in the Church must understand that the Paramountcy principle will be acted on by those in authority in the Church. The principles by which the Church authorities will act must be made public and clear (p13).
- 4 Administrative Leave from post (leave of absence) must become a standard practice in relation to anyone suspected of abusing children, as a way of protecting children and establishing the truth (p13).
- 5 The Paramountcy Principle continues to apply after criminal proceedings have been completed and the guilty person has paid the penalty and then wishes to be fully re-established (p13).
- 6 Professional confidentiality does not prohibit disclosure of information without consent if there is a danger of child abuse, but disclosure should be made only on a "need-to-know basis". Disclosure for any other purpose may only be made with the consent of the person providing the information (p13).

### **C Recommendations to Dioceses**

- 1 Each diocese should appoint a priest to be the bishop's representative or delegate in attending to issues of child abuse. It is to this person that information of child abuse cases directed towards the diocese should be referred (p14).
- 2 The bishop's representatives will need a small crisis management team, with knowledge of current law and practice and capable of establishing working links with statutory agencies, to help with the Church's response to incidents of abuse within the diocese (p14).

- 3 The crisis management team will act to make an immediate first response to reports of incidents or immediate danger to children made to the diocese (p14, 16).
- 4 The bishop's representative will require professional training, guidance and support. Meeting with delegates from other dioceses will help to establish mutual support groups (p14).
- 5 The bishop's representative will be responsible for informing clergy and laity about child abuse, and how actual or suspected cases can be referred to the Church authorities and to statutory agencies which have investigative powers (p14).
- 6 He must become aware of available resources for guidance and support of abused people, families, schools and communities. He must also find out the available facilities for the treatment of offenders (p14).
- 7 The delegate must keep the bishop of the diocese fully informed, and work in accordance with diocesan policy and practice (p15).
- 8 Voluntary agencies, including those of the diocese which are concerned with children and families, must bring to the attention of statutory services children thought to be in need of protection (p15).
- 9 All staff in the education services, including those in grant maintained and independent schools, Sixth Form and Further Education Colleges and Youth Services, should be aware of the need to alert Social Services, Police or NSPCC when children are believed to have been abused or be at risk of abuse (p15).
- 10 In each educational establishment, a senior member of staff is to be designated as having responsibility for liaising with Social Services Departments and relevant agencies over cases of child abuse (p15).
- 11 These guidelines, and the diocesan structures, should be made available to male and female religious congregations, and reciprocal arrangements must ensure that relevant information is made available to the bishop's representatives (p15).
- 12 A communications officer should be appointed by the bishop to the sole channel of information to the public, as required, concerning incidents of child abuse, actual or alleged. This person is to be given full and accurate knowledge of the situation, but must respect rightful confidentiality (p15).
- 13 Specific people (eg victims, survivors, parents, the accused and local communities) have rights to information. Such information should be communicated by the bishop's delegate or his appointed representative, and not by the communications officer who is the focal point for the media (p15).
- 14 When Church authorities are made aware of rumours, gossip or allegations concerning a priest or a person with Church-related activities or responsibilities, the alleged abuser should not be approached at this stage by anyone with a view to discussing the allegation. This is to safeguard children's interests and the unimpeded course of any official investigation (p15, 16).
- 15 A rapid preliminary evaluation and clarification of the situation must be undertaken with circumspection by the bishop's delegate, assisted by the crisis management team. In case of persisting doubt, action must be taken normally by the bishop's representatives who will approach and check with responsible statutory agencies (p16).
- 16 If there is reasonable suspicion of an offence the accused person must be placed on administrative leave (after reference to statutory authorities). This is a procedure for dealing with allegations not an implicit judgement about guilt or innocence. During the investigation an accused person must be forced to stand aside in accordance with procedures comparable to those recommended for public authorities for ensuring responsible reaction to an allegation of child abuse (p16).
- 17 Even if criminal charges are not made, there remains an obligation resting on the Church authorities to review the pastoral consequences of such a situation. A person known to be a danger to young persons should not continue to have access to children or young persons through holding a position in the Church (p17).

- 18 Even after a court verdict of "not guilty", when there is strong and persistent suspicion, vigilance must be maintained, particularly to monitor unusual and unsuitable behaviour patterns (p17).

Similar vigilance must be applied in the event of suspicions of false accusations (p17).

- 19 Accurate records of action taken by Church authorities, and of evidence and relevant comment, must be kept on file in strict and secure confidence. Such records may be required in civil, criminal and canonical proceedings at the time or after some years. Continuity of information must be ensured (p17).
- 20 Responsible authorities in the Church can take the opportunity provided by an enquiry, to re-examine the procedures in a particular school, residential home, or other area of diocesan service provided it does not prejudice criminal proceedings (p18).
- 21 The bishop's representative and the crisis management team need to be aware of the pastoral needs of everyone involved during official secular investigations. Involvement in active work with individual children should be cleared in advance with statutory authorities to avoid the danger of contaminating the evidence. One and the same individual will probably

not be able to respond to the needs of all the parties concerned (p18).

- 22 The Church authorities will ensure that normal pastoral support will be made available to anyone convicted and imprisoned. The timing of ecclesiastical procedures will be adjusted to the requirements of criminal processes and penalties (p18).
- 23 Any priest found guilty of child abuse must be required to undertake counselling, therapy and spiritual renewal to reach full realisation of the harm he has done and effective conversion of life. This must precede any consideration of return to ministry (pp18-19).
- 24 Decision about possible return to active ministry by a priest who has served his sentence and requests reinstatement is subject to a series of strict considerations (p19).
- 25 In re-introducing a person cleared of charges and suspicion to his or her post there must be clear support from the Church. This should include an explanation of the procedures which have been used. The person cleared of charges and suspicion needs to decide whether to take this matter further in order to ensure that his or her good name is fully re-established (p20).

## **D Areas for Further Consideration**

- 1 Opportunities should be provided for clergy, religious and laity to understand the nature and consequences of child abuse together with guidance on how to react to situations in which abuse is suspected and on how to become involved more positively in the support of victims and their families after due preparation (p21; also pp19-20).
- 2 There must be a thorough check on all candidates who apply for work in the name of the Church with a special insistence on references which are positive, authoritative and written. Complete confidential and relevantly complete information must be kept on all

persons for whom ecclesiastical superiors are directly responsible. The documents must be in a form which restricts access to the appropriate superior (p21).

- 3 In addition to the present system of seminary admissions procedures and further individual guidance must be given to assist those training for the ministry to come to terms with their sexuality and to achieve growth leading to sexual integration (p21).
- 4 Support provided for individual clergy of all ages must be regularly reviewed (p21).

## **PART THREE: Appendices**

### **Appendix 1: Reading material relevant to this report**

*Working Together under the Children Act 1989*

A Guide to Arrangements for Inter-agency Cooperation for the Protection of Children from Abuse - HMSO.

*The Children Act Principles and Practice in Regulations and Guidance*

A new framework for the care and upbringing of children - HMSO.

*Report of the Inquiry into Child Abuse in Cleveland 1987* - Cm 412 - HMSO.

*The Leicestershire Inquiry 1992*

The Report of an Enquiry into Aspects of the management of Children's Homes in Leicestershire between 1973-1986.

*The Warner Report* - Inquiry into the Selection, Development and Management of Staff in Children's Homes.

*Castle Hill Report* - Practice Guide

An Investigation of Child Abuse in an Independent School - Shropshire County Council.

*The Report of the Inquiry into the Removal of Children from Orkney in February 1991* - HMSO.

*Local Authority Procedures* - Obtainable from Local Area Protection Committees.

*NSPCC (1989)* - Child Abuse Trends in England and Wales (1983-1987) London NSPCC.

*United Nations (1989)* - Convention on the Rights of the Child, London UNICEF.

*'From Pain to Hope!'* (1992) - Ad Hoc Committee on Child Sexual Abuse, Canadian Conference of Catholic Bishops.

### **Additional Reading Material**

- Armstrong, H (ed) (1991): *Taking Care: A Church response to Children, Adults and Abuse*, London, National Children's Bureau.
- Corby, B (1987): *Working with Child Abuse* - Open University Press.
- David, Tricia (1993): *Child Protection and Early Years* - OUP.
- Elliott, Michele: *Why My Child?* - Kidscape, 152 Buckingham Palace Road, London SW1W 9TR.
- Gil, David: *Violence Against Children (1970), Unravelling Child Abuse (1975)*.
- Glaser, D & Frosh, S (1988): *Child Sexual Abuse* - London, Macmillan Educational.
- Mrazek, P B & Kempe, C H (eds): *Sexually Abused Children and their Families* - Pergamon Press, Oxford 1981.
- Rosetti, SJ: *Slayer of the Soul* - Twenty Third Publications Mystic Connecticut, USA 1990.

## Appendix 2: Sexual Assault

*From a Report produced by Christian Survivors of Sexual Abuse, London*

It is important to realise that there is no 'hierarchy' of seriousness when we look at what actually happens to children and how they are assaulted. Many factors have to be considered. It is also not helpful, indeed could be seriously damaging to survivors if it is implied or said in counselling that 'touching' is less damaging than intercourse/penetrative assaults. Many survivors damaged and traumatised by the full range of 'touching' assaults are further traumatised when their experiences are minimised because there was no penetration. The facts of the matter remain — they have been betrayed by adults who were responsible for their care and nurturing, they have been sexually traumatised, they have been placed in a powerless situation and they now feel utterly bad, dirty and stigmatised by these experiences.

### 1 Non-Contact Assault

Sexual remarks/suggestions	Being taught indecent language	Introduction to indecent material	Indecent exposure	Observing sexual activities
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### 2 Contact Assault

Forced to touch adults	Indecent assault of child	Digital penetration (anal/vaginal, fingers/ objects)	Group sexual activities
Oral intercourse	Anal intercourse	Vaginal intercourse	



## **Appendix 3: Dynamics of Sexual Abuse**

*From an unpublished paper May 1990, Margaret Kennedy,  
Coordinator: Christian Survivors of Sexual Abuse*

“Sexual Abuse is predominantly about power not sex. This is often misunderstood, but studies have been undertaken with perpetrators and they confirm that the primary motivation is the need for power and control over a weaker partner (a child). Of course the secondary gain in sexual activity is both stimulating and enjoyable for the perpetrator, and will become repetitive and addictive. It is difficult to stop such activity.

“The perpetrators on the whole (95%) are men, and 75% of the victims are girls. Most sexual abuse takes place in the family home, and the abuser is usually a known and trusted, often much loved family member. There is a small proportion of female perpetrators, and there is growing understanding of this area of concern. Boys who are abused find the experience particularly difficult to cope with since they live with the macho image where boys are supposed to be tough and strong, to be able to protect themselves. As a result of these attitudes, boys feel themselves particularly to blame. Furthermore, most boys are abused by men, and the connotations of ‘homosexuality’ this implies causes great confusion and fear for boy victims.

“The dynamics of sexual encounters between adults and children usually fall into a predictable pattern. There are usually five separate phases: the engagement phase, the sexual inter-action phase, the secrecy phase, the disclosure phase, and often a suppression phase following disclosure.

“Within these phases there may be coercion, threats, bribes, presents, money, and the conflicting fearful and enjoyable inter-action between adult and child which renders children immobile and dependent, unable to explain to themselves or others their experiences — indeed often unable to comprehend the full nature of the events.

“Difficulties arise because the children have been carefully groomed and socialised to be full sexual partners over a number of months and years, and therefore accept the assaults as part of the normal(!) family life. Frightening and terrifying though it be — this is what they have been introduced to slowly and insidiously, and they often do not comprehend that it is not acceptable behaviour until much later. Most of the children do know at a subconscious level that it’s not quite right but since the perpetrators are parents or brothers or uncles, they cannot comprehend how an adult would do something ‘wrong’, so they become confused and accepting.”

## **Appendix 4: An Example of Diocesan Guidelines**

### *Guidelines issued by the Diocese of Portsmouth (1993)*

#### **Preamble**

The paramount aim of the guidelines is the protection and welfare of children (i) who have been sexually abused. The Church must care for the victim and the victim's family.

In addition, the Church is aware of the harm done to a community where sexual abuse has taken place, and appropriate pastoral care will be offered.

The Church also has care and responsibility for the perpetrator and wherever possible will find appropriate help for him/her (ii).

Sexual abuse may be defined as the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, are unable to give informed consent to, or that violate the social taboos of family roles. It includes obscene telephone calls, pornographic material, sexual invitation, indecent exposure, indecent assault, oral sex, rape and buggery.

Preventative measures should reduce the possibility of sexual abuse occurring. A further paper on prevention is being prepared.

These guidelines are an interim response to the problem.

#### **A The Victim**

- A 1 If an allegation is made to a priest or anyone else that a child has been sexually abused by a priest or Church personnel (iii) then the allegation must immediately be referred to:
- i The Bishop and the Chairman of the Standing Committee who will decide on the manner of referral to the local Social Services Office (ii).
  - ii The local Social Services Office.
- A 2 Under no circumstances should the child be interviewed (iv), nor the alleged perpetrator be informed or interviewed (v).

A 3 Reference may be made to a priest or anyone else of behaviour which is not an allegation of sexual abuse, but may involve suspicion, expression of concern or complaint of inappropriate behaviour. These must immediately be reported to the Chairman of the Standing Committee on Sexual Abuse.

A 4 If allegations of sexual abuse or inappropriate behaviour arise in the celebration of the sacrament of reconciliation, the seal of absolute confidentiality applies. The penitent should be advised to disclose outside of the sacrament.

#### **B The Perpetrator**

- B 1 If a criminal investigation has been initiated following an allegation that a priest has sexually abused a child, he will immediately be suspended on full pay, as will a Church employee. Laity in voluntary pastoral roles will be suspended.
- B 2 In the case of a priest, he will be offered residential care, counselling and treatment. Any future employment will be restricted. Other Church personnel will also be offered professional help.

#### **C The Community**

- C 1 In the case of proven sexual abuse by a priest which has become public, it is important that the parish community be helped. His replacement should be someone sensitive to the feeling of the evoked, enabling people to express their feelings in order to help resolve them.
- C 2 The victim and the victim's family may need additional help from the Church. It goes without saying that the Church will do all that it can to help the victim and the victim's family.
- C 3 There should be one designated person to whom the media may refer in these cases.

- i Child here includes person
- ii Wherever there is knowledge of sexual abuse of children by anyone then for the protection and welfare of the child, the matter must be referred to the Child Protection Unit of the child's local Social Services Office.
- iii Church personnel includes deacons, people employed by the Diocesan or parish or those who work voluntarily for the Church, eg eucharistic ministers, masters of ceremonies, etc. In these guidelines the word priest encompasses all Church personnel. People employed in schools are not covered by these guidelines.
- iv Any interviewing of a child will be done professionally: cf The Memorandum of Good Practice: Video Recorded Interviews with Child Witnesses for Criminal Proceedings Home Office 1992) which forms part of the Criminal Justice Act 1991.
- v This is for the protection of the victim and to prevent the perpetrator exerting pressure on the victim and/or the child's family.

## **Appendix 5: Information for use at Local Level**

### *Bishop Augustine Harris*

It is recommended in these guidelines that the bishop's representative (delegate) be responsible for informing both clergy and laity concerning the nature and extent of child abuse and the method by which actual or suspected cases can be referred to the Church Authorities and Statutory Agencies. This information should include:

- 1 An Understanding of the Children Act 1989.
- 2 The Paramountcy Principle and Confidentiality.
- 3 The nature and prevalence of Child Abuse.
- 4 The evolution of social attitudes towards child care.
- 5 Child abuse as experienced by survivors of abuse, with emphasis on residual effects.
- 6 The requirements and practice of Statutory Agencies.
- 7 The general and local provisions for practical reactions to child abuse.

## Appendix 6: “Innocent until Proved Guilty”

*Some difficulties summarised by Nicholas Coote*

**A This phrase (“innocent until proved guilty”) evokes some genuine concerns which need facing.**

- 1 Is there not a danger of false accusations against Church personnel, and, in particular, are not priests an easy target for disturbed people, trouble-makers or even potential blackmailers?

Additionally, prosecutions sometimes fail, or in a large number of cases, after investigations by police, no charges are made. Yet a person investigated may never get over the stress and strain of the investigation.

In the anxiety to do the right thing, are accusations too easily acted upon and an accused person treated as if he, or she, were guilty until proved innocent? Is it not unjust to remove a person from post before secular trial or a canonical process has been completed? Again if people are accused, should they not immediately be challenged instead of being investigated behind their backs?

- 2 It is universally acknowledged that the Church should not hinder, or fail to co-operate with the legitimate requirements of secular law. But, is there not a danger in the early stages, when there are rumours or complaints about possible incidents of abuse, that the Church, in its anxiety not to condone or cover up may be going to the opposite extreme of anticipating the likelihood of a prosecution, or even a verdict of guilty?

Succinctly: does “The Paramountcy Principle” clash with natural justice?

- 3 Obviously the possibility of false accusations cannot be excluded, particularly if large financial claims are at issue. But that possibility should not be allowed to distort normal just processes; provided the processes are just, there is not an evident need to build in extra safeguards.

Doubts have been raised about therapy which claims to recall to conscious recollection long suppressed

memories of past events. But such doubts have also been countered. When financial claims are in question it is easy to see that both sides can be accused of dubious motives. At least it can be said that the sheer lapse of time, which does limit civil liability in any case, is not in itself a motive for incredulity — although it may make investigation and proof more difficult.

It may seem tragic for an elderly or retired priest or Church worker to be accused when offences have, supposedly, not been committed for some years. But, the long term and devastating consequences of child abuse, and particularly sexual abuse, must also raise the question of justice. In any case the Church should acknowledge that public law does not recognise a time limitation on criminal offences of this sort. The Church should not condone, or appear to condone, an evasion of the requirements of criminal law.

Anonymous complaints have traditionally been disregarded on the grounds of unreliability. There is good argument for believing that, in the matter of child abuse, this is a channel of information which must not be lightly set aside.

**B In considering these concerns, it is crucial to recall exactly what is at stake.**

- 4 A person accused of child abuse should not be presumed to be guilty, or be treated as guilty. But nor should the person making the complaint or allegation, particularly a child, be presumed to be telling such an appalling lie — and when it comes to the word of an adult against the word of a child it is easy to jump to conclusions. (In fact even parents who support their children’s allegations often start off by doubting the possibility of their child’s being right in this matter.) There should not be prejudiced presumptions about veracity. It may also be claimed that in certain circumstances, children’s evidence must be assumed to be unreliable, either because what they are reporting may exceed their level of understanding, or because they are “led” by prejudiced interviewers. To this it may be replied that the

child who is abused has the first and most direct experience of what has happened even though he/she may be confused and incoherent; he/she is not a mere observer. Also, the first allegation is made prior to formal interview, and may be corroborated by behavioural or physical indications. Nowadays interviewing techniques are sufficiently improved and developed for the courts to accept in principle the value of children's evidence in child abuse cases, rather than to distrust it *a priori*.

The effect of a false accusation upon an adult's reputation, happiness and career are most serious. So are the consequences for a child, if a true accusation is summarily dismissed — or even cannot be satisfactorily upheld — as will the consequences for other children who are being, or will be, abused. The difficulty occurs precisely because we do not know the truth/falsity. The central point is the conflict of assertions made by parties who are usually of unequal status, not a calculus of who has the most to gain or lose.

- 5 It is said that British justice is based on the principle of "innocent until proved guilty". This should not be misunderstood. Most obviously, it means that a person is not to be punished by a legal penalty unless it is proved by legal process that the person has committed the offence and is appropriately responsible. Secondly, it places the burden of proof upon the prosecution. In criminal proceedings the proof has to be "beyond all reasonable doubt". That is stricter than the requirement of "a strong conviction", but does not require the exclusion of any possible doubt whatever. If that strict standard of proof is not met, a person is acquitted and can not suffer a legal punishment; acquittal does not necessarily mean that he or she did not commit the act in question, or is morally innocent. It may be that, in the investigative phase of the criminal process, it was difficult to obtain evidence adequate to meet the strict burden of proof. The Crown Prosecution Service may even decide not to prosecute, not because the suspect is held to be "innocent" but because the chances of a conviction are judged to be too low, or even because there may be other outweighing considerations, for instance, the interests of the child.

In civil proceedings which cover such matters as child care, separately from criminal prosecution, the standard of proof is the lesser level of balance of probabilities. It is here that the Paramountcy Principle is chiefly relevant. It does not somehow overturn the principles or procedures of criminal justice. Crudely, "innocent until proved guilty" attempts to ensure that only the guilty are punished;

it does not ensure that all the guilty are punished. The Paramountcy Principle protects the interests of the weaker party when there is a conflict of interests. This is particularly important when the issue is what is to be done now, rather than who is to be punished in due course. The Paramountcy Principle is most obviously relevant in the situation of residential care, or schools, or community care but also applies to child care when children are removed from families, or an adult member of the family is refused access to a family. The same application can be made in the case of Church workers and of priests even though for the latter involvement in residential care and schools is less common than formerly.

- 6 Further relevant limitations on the import of "innocent until proved guilty" are worth noting.

When charged, a suspect may be remanded in custody, that is deprived of liberty. The obvious reasons are that the suspect may abscond, may threaten witnesses or destroy evidence, or may be thought to be likely to endanger the public through further offences — always provided he/she is guilty. And even prior to charges being made, in some investigations it can be essential not to confront the suspect immediately for fear that evidence and witnesses will be affected. Here, deprivation of liberty is not a punishment but a precaution in the interests of public safety where this is relevant. This, and covert investigation, far from being a contradiction of the principle of "innocent until proved guilty", are safeguards of criminal justice, of the procedure for establishing legal guilt or lack of legal guilt (the verdict is "not guilty", not "innocent" — we do not have the luxury of "not proven" as a verdict in England and Wales).

#### **C The significance of all this for the Church's mode of action can now be drawn out.**

- 7 It goes without saying that the Church's actions should comply with secular law in this matter. The Church should not impede criminal investigation, either directly by failing to report suspected criminal offenses or by withholding relevant information; or indirectly by setting in train a course of action which unintentionally, but in fact, makes criminal investigation more difficult.

So the Church should not attempt to interview or question children who are victims of alleged abuse, even though such a course of action might appear to be the obvious first step. (The Church may well not have available interviewers experienced in this very particular area. In any case such interviews would

give defence counsel, in the event of a trial, an opportunity to impugn the reliability of the child's evidence.)

Equally, the Church should not confront the alleged perpetrator as a first step however much it goes against the grain for a person with pastoral or canonical responsibility to refrain from doing so. Obviously, as soon as action is taken by Church authorities, such as placing a person on administrative leave, adequate reasons must be given, at least in general terms. (This would be a great deal easier if it is generally understood that administrative leave is not a presumption of guilt and therefore not an unjust punishment without due process.) Equally, if there are sufficient reasons for contemplating administrative leave, there are compelling reasons for contacting the Child Protection Unit, and informing them of what is alleged, and what immediate precautionary action is contemplated, before that action is taken. (Once again this communication will be greatly facilitated if the diocesan delegate is already known and trusted by the relevant public authorities.)

- 8 The need for the Church to act in a way which could be, mistakenly, represented as preemptory, unfair or arbitrary, arises from the **specific nature of child abuse**.

To confront the alleged perpetrator as a first step is pointless. If innocent he/she will deny the charge. (Furthermore, the effect of such a confrontation could be quite shattering. If an immediate independent enquiry could quickly disprove the allegations without involving the innocent person, a great deal of pain could be avoided.) However, the person concerned should subsequently be given an explanation.

If guilty, it is so unlikely that an admission of guilt will be made, as to make it irresponsible to act as if it might be counted upon. Firstly, unlike many other offences, it is a matter of addictive/ obsessive behaviour (like addictive drinking); it is not a momentary lapse, or a sudden rush of passion to be quickly regretted. Secondly, abusers do not believe that they have really done any harm — they have an ability to rationalise and disassociate themselves from what they have caused to a degree not easy to appreciate. One has remember too that child sexual abuse does not only consist of the more gross, physical and violent assaults, but of less obvious acts, and even unsuitable conversations, invitations, or suggestions which may not result in acts. Abusers can also use the excuse of provocative behaviour by a child, to disown responsibility for abuse. Thirdly, it

is very unlikely that the allegation will arise out of a first and supposedly "minor" offence, which could be comparatively easily contained and coped with. Allegations which are not *prima facie* frivolous are likely to uncover a history and "geography" of offences: previous episodes, and with several or many children. Fourthly, the matter with which a perpetrator is confronted is not only a moral lapse — which though serious can be dealt with by repentance, as for example, a sexual act with an adult — it is a criminal offence. The perpetrator is unlikely to be ignorant of this, and the consequences of an admission.

- 9 The nature of child abuse also raises issues of the safety of others, and the procedure of "administrative leave" can help, provided, of course, that suitable facilities are available. In the pre-charge phase of criminal investigations, it can ensure that there is less chance that the perpetrator can take steps to re-enforce his control over his victims to ensure their silence or withdrawal of accusations; the degree of control exercised is again difficult for those unfamiliar with child abuse to comprehend (it is akin to that exercised over battered wives). Administrative leave can also make it difficult for abuse to continue with other children, or indeed to start; the behaviour is obsessional and a crisis is as likely to accentuate the compulsion, as to deter.
- 10 From the pastoral point of view, administrative leave may provide an opportunity for professional assessment, although the terms and conditions on which this is provided and accepted need to be quite clear to all.

Within the local community, including the parish and the families concerned, this issue is so traumatic and divisive that the continuing presence of a person under investigation can create intolerable difficulty, even for the person. Also, removal on administrative leave, provided it is understood what this means, may be the only way in which the Church can give the sign that it is not already *parti pris*.

- 11 Unless allegations have proved to be totally frivolous, the Church's own investigations may well need to take place, even if a criminal prosecution has failed, or no charges have been laid. It is not very likely that new "harder" evidence will be discovered of criminal offence (and if it did, it would need to be communicated and recorded). But in common with professional bodies, the Church does have standards of conduct. Failure to observe them merits appropriate penal and remedial action within the Church's own processes. Experience shows that the "way in" to

uncovering the reality of abuse is via examination of inexplicable, imprudent, unsuitable, inappropriate behaviour. Behaviour which gives rise to suspicion of child abuse suggests that someone has been at least acting naively, irresponsibly and "unprofessionally". If dioceses at local level could begin to determine the sort of behaviour and attitudes which should not be entertained in dealing with children, three objectives could be achieved:

- there would be solid and external "matter" for ecclesiastical processes to examine and penalise, in default of more extreme charges which secular justice might have failed to sustain.
- there would be a better chance of avoiding unjustified suspicions and allegations in the future
- most importantly, it would be harder for abusers to find the opportunities to abuse.

## **Appendix 7: A Note on Church (Canon) Law**

*A summary of comments received  
on the Working Party's guidelines*

*Nicholas Coote*

The main text of these guidelines links Church practice with the current secular requirements. It is presumed that each diocese will have the benefit of competent advice on matters relating to Church (Canon) Law. It is particularly important to keep abreast of developments in this field.

The *Code of Canon Law* is the Church's fundamental legislative document, which could be called the essential instrument for the preservation of right order in the Church. It contains amongst other matters, the principles, procedures and safeguards by which justice and order can be maintained in the Church's life.

Not surprisingly, the offence of child abuse, with its specific characteristic of obsessive, repetitive, secretive, manipulative behaviour, is not directly addressed in the Code. It is in the context of sexual offences by clerics, that it states:

"A Cleric who has offended in other ways against the Sixth Commandment of the Decalogue, if the crime was committed by force, or by threats, or in public, or with a minor under the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case warrants." (1395 para 2)

This is perfectly clear, but does not cover the complex, and sometimes lengthy, period before the offender is actually found guilty. Again, given the specific nature of

child abuse, it is not reasonable to expect the Code to have contemplated the need, in cases of suspected child abuse, for safeguards in the successive stages of investigation, charging and preparing for trial, trial and presentation of evidence, verdict and period of punishment, post-punishment treatment and rehabilitation. Secular law and practice has also encountered these difficulties in trying to protect children and prevent future offences; to assemble and present sufficient and reliable evidence, yet respect the rights of the accused to just treatment and self-defence; to convict as many of the guilty as possible, yet not risk convicting the innocent. In spite of best endeavours, both secular and Church law can be manipulated to enable the guilty to evade justice.

What secular practice has utilised to meet some of the difficulties is the instrument of professional codes of conduct, within which "administrative leave" is a specific procedure. It is a way of protecting children (not just "the child" as if there were only one per offender), and, at the same time, of removing a suspected (not yet charged) person out of a situation which is, in any case, well-nigh intolerable for him/her, for colleagues and for clients. It does not remove a suspect's pain or apprehension during the sometimes very lengthy period of investigation before charges are made. But it is an understood and accepted procedure which does not prejudice a future trial, nor impede a present investigation, nor prohibit a future restoration to post, nor fail to minimise potential danger to children.

The *Code of Canon Law* is not a professional "code" for clergy, in the same sense. However, it contains procedures and dispositions which can be regarded as comparable in relevant aspects, and which offer a way forward. During the crucial period of suspicion and investigation, it is not generally appreciated how carefully a bishop must proceed, so as not to be acting arbitrarily and outside the process of (Church) law. He cannot just order a suspect to clear off the premises, and despatch him to be locked up, say, in a distant monastery as if it were a penal institution. Such an order would not be enforceable canonically (nor under secular law).

There is no doubt, of course, that the Church must act quickly whenever there is any suggestion of the sexual abuse of children. At the same time it must act prudently and wisely, (compare the obligations of secular authorities to "act in a careful and measured way when suspicions are brought to their attention" — *Working Together* 1.1/3). It must not deprive the person about whom allegations have been made of his/her rights, nor jeopardise the secular authority's duty to see that justice is administered fairly and without prejudice. Equating arbitrary action with swift action is not a choice that is open to the bishop, nor is it a desirable option in terms of what is needed, however tempting it might look at first sight. Once charges have been actually made in the secular forum, of course, the secular process of bail with sufficient safeguards, or remand in custody, removes one particular dilemma. But in the initial stages, particularly, there is a difficulty.

The Working Party's document has adopted the concept of "Administrative Leave" (or Leave of Absence). This is not a term known to Canon Law, but there are certain powers and dispositions available to the bishop of the diocese which provide outlines of a "package" which can combine safety and justice. Under Canon 1722, without prejudice to the outcome of any accusation or enquiry, the bishop has extensive powers to remove an accused person, on a temporary basis, from the exercise of office, and can prohibit residence in a particular place. Such actions would be based on a well founded conviction of the need to "prevent scandal, protect the freedom of witnesses and safeguard the course of justice." This does not cover all the safeguards required in child abuse cases, but it is clearly very relevant.

However, such an equivalent of "Administrative Leave" cannot be imposed on a cleric, unless a Church penal process has been initiated. This does not raise insurmountable problems, but it may be preferable to offer to a person about whom allegations have been made which are not patently frivolous, the equivalent of Administrative Leave, and to encourage voluntary acceptance. If the offer is accepted, the terms of leave

should be put in writing, should include provision for support, place of residence, and what ministerial activities may be performed. If appropriate, the conditions should include prohibition of unsupervised contacts with young people, and unsolicited communication with young people from the former place of residence or ministry.

The likelihood of acceptance is increased to the degree that it is widely known and appreciated that such administrative leave is not an indication of premature judgement about guilt or innocence. The alternative is the unhappy situation of local division and scandal when a police investigation starts, and in this situation it is again open to the bishop to persuade the cleric to go elsewhere with proper provision until the situation is resolved one way or the other. (see Canons 1740-47) In this case the Code explicitly prescinds from the question of guilt.

Of course, it is possible that at the very first stages of the diocese's having received, or heard about, a complaint, the "initial discernment" by the bishop's representative and the advice of his team will indicate that the complaint or gossip is too frivolous to require automatic invocation of "administrative leave". Or it may be that there is sufficient doubt to make it necessary to approach statutory agencies for consultation. If, as *Working Together* lays down, the latter "will not automatically initiate an inappropriate child protection investigation", and are to "act in a careful and measured way when suspicions are brought to their attention", then there is a double assurance that the provisions of the Code of Canon Law are not being improperly stretched by a premature resort to "Administrative Leave".

There is a second major way in which the Code's exact and juridical account of the proper actions and responsibilities of authorities in the Church, differs from popular perception, or secular understanding of what bishops can do.

The bishop has particular responsibilities for the clerics of his diocese, as does the Religious Superior for members of the religious congregation; in both cases the authority is specific and considerable (but cannot be exercised arbitrarily, and without due process). But the Working Party's guidelines also had to consider the wider categories of people, who precisely because of their Church based connections would be perceived as having the Church's approbation or guarantee in some rather indeterminate way which both Church and Secular law would find difficult to assess. For example, a Eucharistic Minister is admitted into a house for pastoral purposes precisely because he/she has been commissioned for this function. A Youth Leader or Pastoral



Worker is assumed to be acting in some sense "on behalf of" the Diocese or Parish Community, and employment or "appointment" by "the Church" is regarded as an indication of a trustworthy person.

Even more ambiguous is the situation of people acting in a voluntary capacity in a parish, in circumstances in which they might have contact with, and care of, young people. In many of these cases the "chain of command and responsibility" from diocesan bishop to volunteer would be very long and stretched indeed. It would be more a question of being alert, at all levels and in a wide variety of circumstances, to the danger of neglecting precautionary enquiries before accepting or selecting voluntary help, and of subsequently not checking conduct that is, at least, unwise. The bishop of the diocese cannot reasonably be held responsible for negligence or oversight in every child abuse case involving Church related organisations or persons within the diocese, since his role and opportunity for decisive action has canonical, as well as secular, limits. This makes it all the more important that at every level those with effective and attributable responsibility for Church related activities, should be aware of that responsibility. It also illustrates the danger of allowing situations to

arise in which no-one seems to have clear responsibility. At every level, there is room for an appropriate degree of "management" and forethought to protect young people from the possible consequences of confusion.

A special category of situation can be seen where the responsibility of the diocese, and its bishop, is "mediated". Catholic voluntary aided schools for instance are directly under Governors who employ the teachers, and the bishop or diocesan trustees can only act at one remove. Catholic Welfare or children agencies may have separate Trustees from the diocese, who therefore hold direct and immediate responsibility. Catechetical and Youth Services in the diocese will vary in their framework of employment and management. In many cases, however, professional codes of conduct, (eg for teachers and social workers), as well as the bishop's general pastoral concern, make it less likely that the limitation of direct episcopal power will occasion any increased danger of allegations of child abuse being overlooked.

The author gratefully acknowledges comments and suggestions received from a variety of sources.

## **Appendix 8: Further Investigation on Care and Support**

On Thursday 18 November 1993, the Roman Catholic Bishops of England and Wales passed unanimously the following resolution:

"Without prejudice to the Report already being prepared on 'Child Abuse: Pastoral and Procedural Guidelines', it is proposed that a working party be established by the Social Welfare Committee to investigate how the Church can best offer care and support to victims/survivors of abuse, together with families and other social groups affected, including colleagues of abusers".

This second working party has already begun its work.