
The McLellan Commission

A review of the current safeguarding policies, procedures and practice within the Catholic Church in Scotland

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Foreword

No member of the Commission sought this task and for all of us it has been demanding. Serving on the Commission could not be described as a happy experience since our business has been with pain, anger, guilt and cruelty. Yet our business has also been with courage, forgiveness, healing and service. We have met people whom we admire and people whom we respect. But for some of us, the most formative experiences have been the opportunities to listen to survivors.

If it has not been a happy experience, it has been an extremely positive one. Positive because of the help we received from almost everyone from whom we sought help; positive because of the many Catholics we met who have given much of their lives to help make the Catholic Church a safe place and who are distressed and angry about any cover-up and positive because of the readiness of all those in the Catholic Church to support our work. At almost no time were we conscious of any hint of difficulty being put in the way of our work by anyone within or outside the Church. The most positive feature of our work, however, has been the commitment, thoughtfulness and helpfulness of every member of the Commission. I am very much in their debt, and if our Report can do anything to make the Catholic Church safer and make Scotland safer, then others will be in their debt as well.

I want to record the thanks of the members of the Commission to Dr David McAllister, the Secretary to the Commission, whose gift of administration was essential to the completion of our task, and to Irene McIntosh, who served us very well in terms of recording our meetings.



Andrew McLellan
August 2015



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Preface

The invitation to chair this Commission came from the Bishops' Conference of the Catholic Church in Scotland. When I accepted it I made it clear that I did not feel that my first responsibility was to them. My first responsibility was, and has been through all our work, to those who have been harmed; my second, to those who are at risk of harm and my third to all those who are entitled to expect that they will live in a Catholic community in Scotland which is a safe place for all.

Beyond these responsibilities there is a wider responsibility still. The general public has been shocked, distressed and angered repeatedly in recent years by accounts of abuse within different communities and institutions. There is no doubt that the shock, distress and anger are greater still when a church is involved. So the general public has a right to know that things will change – indeed demand to know that things will change. The members of the Commission have always been aware that our work will be held to account far beyond the Catholic Church.

When the Commission was announced, I said that the only credible policy for a church was “no abuse and no cover-up”. The only credible and acceptable policy for a church is that no abuse can be tolerated and, where it occurs, there must be a positive and transparent response both in assistance to the victim and justice for the perpetrator. The purpose of this report is to create that response and look at appropriate procedures for the Catholic Church in Scotland. The Bishops invited the Commission to undertake the task, and the opportunity must not be lost.

There are two reasons to hope that the Catholic Church in Scotland will take the opportunity offered by this report. One is the recognition by each Bishop, made explicit in the evidence given to the Commission by each one, that the Church has suffered much damage through its handling of cases of abuse and that transformation is necessary. The setting up of this Commission may be seen as a sign of the determination of the Bishops to do what must be done.

The other reason to hope that change will come – and indeed is coming – is the leadership of His Holiness Pope Francis:

“Before God and his people I express my sorrow for the sins and grave crimes of clerical sexual abuse committed against you. And I humbly ask forgiveness. I beg your forgiveness, too, for the sins of omission on the part of Church leaders who did not respond adequately to reports of abuse made by family members, as well as by abuse victims themselves. This led to even greater suffering on the part of those who were abused and it endangered other minors who were at risk.”¹

1 Homily of Pope Francis at a Mass with a group of Clergy Sex Abuse Victims, 7 July, 2014.

Pope Francis, speaking to the victims of sexual abuse by clergy, acknowledged the reality of abuse and made no excuses. He committed the Catholic Church to developing better policies and procedures for the protection of children and for the training of church personnel. Bishops are to take the utmost care to foster the protection of minors and will be held accountable for this.

The powerful words of Pope Francis deal with the abuse of minors carried out by priests. Much of our report does the same. Our scope, however, is wider: we have paid attention to all people who may be at risk and not only minors, and to all who may be abusers, and not only priests.

The fact that the Bishops commissioned a Minister of the Church of Scotland to carry out this review demonstrated an ecumenical trust, which could not have been guessed at in Scotland thirty years ago. I appreciate that generosity of spirit.

Andrew McLellan

Overview

Support for survivors of abuse must be an absolute priority for the Catholic Church in Scotland in the field of safeguarding.

There are at least three reasons which make this support essential. The first is that it has not been the priority in the past, and so there is lost ground to be made up. The second is that the Scottish Bishops, in line with the position of His Holiness Pope Francis, have made it clear that they want this to be the priority for the Church. It would be extremely damaging were they to make this strong statement of policy and then fail to match the words with actions. The third reason is that reaching out to the wounded to seek their healing is central to the faith proclaimed by the Church. Nothing will do more to restore the public credibility of the Catholic Church and to bring peace to the Church itself, than to take positive and determined steps to meet the needs of survivors.

The policy and practice manual “Awareness and Safety in our Catholic Communities” should be completely revised or rewritten.

Since “Awareness and Safety” appeared, it has been added to and improved. But safeguarding theory and practice have developed extremely rapidly in recent years, and it is unwise to hope that the present document can continue to reflect best practice. The new document must be revised or rewritten in such a way that every part of it carries the authority of the Bishops’ Conference of Scotland. It must make clear what the policy and practice of the Church is with regard to survivors, and it must give proper emphasis to the paramountcy principle.

There must be external scrutiny and independence in the safeguarding policies and practices of the Church.

There is no other way for the Church to escape from the suspicion of “cover-up” and secrecy, which has done it much harm. Difficult decisions will be involved for the Bishops’ Conference of Scotland: decisions about the way in which independence can be introduced and about the areas of safeguarding in which independent elements will apply. These are difficult decisions, for it will not be a straightforward matter to harmonise such decisions with the authority of the Bishop in his diocese. The courage shown by the Bishops in appointing this Commission suggests that they are ready to face such decisions.

Effectiveness and improvement must be measured at every level of safeguarding in the Church.

A clear and open system of measuring effectiveness and improvement in terms of quality, as well as quantity, must be introduced. The Church must be in a position to assure its members, the public and the Government that it can provide evidence that it is a safe place, and that it is becoming safer and safer. Non-compliance with requirements, such as ‘Protecting Vulnerable Groups’ clearance and safeguarding training, must not be tolerated.

A consistent approach to safeguarding is essential: consistent across different parts of Scotland and consistent across different parts of the Church.

Much damage has been done – to survivors and to the credibility of the Church – by the complications of church administration when the circumstances surrounding Fort Augustus began to emerge. There may be legal and structural reasons why religious congregations are subject to different authority from diocesan Bishops, but that separation is not evident to those who have suffered: they feel that they have suffered at the hands of “the Church”. Consistency of approach between different authority structures must be enforced. Consistency of approach is also vital across dioceses. Survivors of abuse and those accused of abuse must be treated in the same way in every part of the country. Only then can it be assured that each is receiving the most appropriate treatment possible.

Justice must be done, and justice must be seen to be done, for those who have been abused and for those against whom allegations of abuse are made.

Both survivors and individuals accused of abuse are entitled to the full protection of the law. Nothing must be done by the Catholic Church which would deny any person the full protection of the law, just as nothing must be done by the Catholic Church which would protect any person from the penalties of breaking the law. His Holiness Pope-Emeritus Benedict XV¹ was responding to victims and survivors of abuse when he declared that the Church must “*ensure that the principles of justice are fully respected*”.

The priority of undertaking regular high-quality training and continuous professional development in safeguarding must be understood and accepted by all those involved in safeguarding at every level.

There is no place in safeguarding for paying “lip service” to the necessity of good training: the risks are too high. There is no place for creating training schemes without making absolutely sure that everyone participates in them. There is no place for the view that once in a lifetime is enough training. Training must be both general and specific. Everyone must know the law; everyone must know the paramountcy principle and everyone must know what abuse is. In addition, each person must know the particular responsibilities belonging to his or her role. Training produces good practice and develops confidence. The knowledge that everyone in the Catholic Church involved in safeguarding undertakes regular high-quality training will be a great reassurance to members of the Church, members of the public and survivors.

The Church must set out a theology of safeguarding which is coherent and compelling

When all of the recommendations in this report have been accepted and acted on, the Church will still not have done enough to demonstrate the centrality of safeguarding in its life and work. No Catholic may be left in any doubt about the importance of safeguarding. Safeguarding must be at the heart of the Church’s administration, its worship and its theology. For example, safeguarding should be a standing item at every meeting of the Bishop’s Conference and at every diocesan executive meeting; guidance should be given to parish priests about the inclusion of safeguarding in the liturgy and preaching of the Church and the Church should set out a clear and simple theology of safeguarding, which emphasises that the protection of the weak is not merely a Christian duty, but a divine privilege.

Part 1 – Background and Context

Chapter 1 – Context

Background

- 1.1 Scotland’s Catholic Bishops, known as the Bishops’ Conference of Scotland, announced on 24 November 2013 that they were instigating a range of safeguarding initiatives.
- 1.2 Three initiatives were announced in a letter read out at all of Scotland’s 500 Catholic parishes. The initiatives are:
- an immediate publication of all Diocesan Safeguarding Audits from 2006-2012, giving a statistical breakdown of reported safeguarding allegations during those years;
 - a professional external “Review of Safeguarding Protocols and Procedures”, which will review the suitability and robustness of safeguarding procedures; and
 - a Statistical Review of all Historic Cases of Abuse from 1947-2005.
- 1.3 The “Review of Safeguarding Protocols and Procedures” became known as The McLellan Commission, chaired by The Very Rev Dr Andrew McLellan, CBE, former Moderator of the General Assembly of the Church of Scotland and former Her Majesty’s Chief Inspector of Prisons. It is the subject of this report.
- 1.4 Commenting at the time of the announcement, Mgr. Hugh Bradley, General Secretary of the Bishops’ Conference said:
- “The Bishops are delighted that Dr Andrew McLellan has agreed to chair a review of safeguarding procedures and practice. Dr McLellan is a highly respected Church leader, a dedicated public servant and a man of the highest integrity, we look forward to receiving his report and commit ourselves to acting on it.”***
- 1.5 Commenting on his participation in the review process, Dr McLellan said:
- My first concern is to seek the best protection of many vulnerable children and adults. In pursuing that aim, I will be determined to discover the truth and to make clear recommendations.***
- 1.6 A list of Commission Members is outlined at Annex 1.
- 1.7 The Commission would like to acknowledge that the General Secretary of the Bishops’ Conference of Scotland and the National Safeguarding Coordinator have been particularly helpful to us in the course of our work.

Remit

- 1.8 The remit of the Commission was to review all aspects of safeguarding policy, procedure and practice within the Catholic Church in Scotland and to make recommendations for improvement that will assist the Church in being a safe place for all.

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- 1.9** In addition to critically evaluating existing systems and arrangements, the Commission met with the full range of interested parties within and beyond the Catholic Church, and listened to expert opinion on best practice. Central to its work, the Commission listened to the experience of survivors of harm and abuse within the Church, although it was not within the scope of the Commission to investigate or adjudicate on current or historical allegations. Rather, we drew on the experience of survivors in terms of identifying what aspects of the approach to safeguarding within the Church have helped or hindered matters being raised and addressed. It also assessed the quality of support which is available to survivors and sought to determine whether there was evidence of improvement and learning in the Church's response to abuse.
- 1.10** The task of evaluating the effectiveness of safeguarding policy and practice within the Church, included, but was not limited to, a critical assessment of the Scottish Catholic Safeguarding Service. It also considered wider aspects of culture and governance which may be relevant and examined how effective the Catholic Church in Scotland is at promoting awareness and ownership of safeguarding as a core part of the life, work and teaching of the Church.

Context

- 1.11** The wider social context in which the Commission has pursued its work is one of heightened awareness of the issues surrounding the abuse and exploitation of children, both historical and current, across a range of settings, from the Jimmy Savile investigation and similar high-profile cases of abuse by celebrities, to widely publicised cases in Rotherham, Rochdale and Sheffield.
- 1.12** Correctly, questions have been raised about why the systems of protection that were thought to be in place, failed; why victims were either not heard or not believed when they tried to speak out and the extent to which situations of abuse were known about and either passively ignored or actively covered up.
- 1.13** The extent of public disquiet has led to both the UK Government and the Scottish Government announcing major Inquiries into child abuse and child protection. The remits of these Inquiries were being finalised at the time of writing this report in May 2015, but it is likely they will seek to address historical events and also make recommendations regarding current and future policy, procedure and practice.
- 1.14** As with the work of the Commission, the goals of the national public inquiries are to acknowledge the past, allow survivors to be heard, provide an opportunity for both justice and healing to take place and, most importantly, to ensure that the prospect of abuse happening and going un-responded to in the future is eliminated.

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- 1.15** Notwithstanding this Report and the other internal reviews which the Catholic Church in Scotland has conducted, it will be very important that the Church, both in Scotland and UK-wide, cooperates fully and transparently with the planned public inquiries, and acts on any findings or recommendations that may emerge.
- 1.16** Moreover, although the primary focus of the public inquiries is on child abuse and child protection, the need to ensure consistency of practice in relation to all vulnerable groups, within an overall framework of safeguarding, remains crucial. Nor is this something that is simply a matter for the professionals and public authorities. It is clear that ensuring that harm and abuse are prevented, and any concerns properly responded to in any organisation, institution or community, is everyone's responsibility. To this end, safeguarding requires grassroots ownership and empowerment.

Terms and Language Used

- 1.17** The use of the term '*safeguarding*' as an umbrella term encompassing both child and adult protection is now commonplace, particularly for institutions and voluntary bodies whose work and focus spans all ages and groups. The Scottish Churches have all adopted the use of safeguarding and there is a Scottish Churches Safeguarding Committee, of which the Catholic Church in Scotland, the Church of Scotland, the Episcopal Church and the Methodist Church are all members. The aim is to share and develop best practice. The English Care Quality Commission defines safeguarding as:
- Protecting people's health, wellbeing and human rights and enabling them to live free from harm, abuse and neglect.***
- 1.18** The UK Charity commission goes even further, saying:
- Safeguarding is a term which is broader than 'protection' and relates to action taken to promote welfare.***
- 1.19** In other words, safeguarding needs to be an active as well as reactive set of arrangements, designed to enhance the quality of life and experience of those it is focused on.
- 1.20** At the same time, within the generic framework of safeguarding, the specific arrangements for child protection and adult protection need to be fully compliant with current regulations and guidance on best practice.
- 1.21** The use of the terms '*victim*' and '*survivor*', when referring to people who have experience harm and abuse, is the subject of considerable debate. For some, the use of the term '*victim*' suggests that they are being defined and restricted by the experience. They therefore view the use of the term '*survivor*' as more positive and empowering. For others, the use of the term '*survivor*' may tend to play down the impact of the harm suffered and the responsibility of the abuser. For them the use of the term '*victim*' is a matter of telling it how it is.

1.22 The experience of the Commission in talking with those who have experienced harm and abuse within the context of the Catholic Church in Scotland, was that they favour the use of ‘survivor’, and the Commission has therefore adopted this throughout this report, except where we are quoting or referring directly to the circumstances of being a victim.

1.23 A full glossary of terms used is contained at Annex 2.

Methodology

The Framework

1.24 Our methodology was designed to capture six main areas of review activity around the central task of ensuring that the Catholic Church in Scotland is a safe place for all. Each of the six areas was translated into a work plan with a small team of Commissioners taking responsibility for each area of activity. The six areas of activity were as follows.

- To evaluate the effectiveness of current policies, procedures and practices.
- To review and evaluate the in-built safeguarding mechanisms within the Church, including inspection, continuous improvement and learning.
- To review whether safeguarding is embedded in the theology and ministry of the Church and identify any barriers to achieving this.
- To review and evaluate the policies and procedures of the Church to determine whether the Church has been taking appropriate account of the applicable law and the guidance of public bodies.
- To examine if the structures are in place to allow transparency, accountability, ownership and a consistency of approach towards victims and survivors.
- To assess how effective communication and liaison is among interested and concerned parties responsible for safeguarding across Scotland.

1.25 The findings from these six areas of activity were then translated into four main headings, which reflect the words of His Holiness Pope-Emeritus Benedict XVI when he addressed the Bishops of Ireland on the topic of clerical abuse in 2006. We expand on these in Chapters 2 to 5, but the four main headings identify:

- The truth of what has happened.
- Steps taken to prevent it happening again.
- The principles of justice.
- Bringing healing.

1.26 In terms of the first of these headings, “the truth of what has happened”, it was not within the Commission’s remit to investigate and formally determine the validity or otherwise of individual cases in which an allegation of abuse from a survivor was disputed by the alleged perpetrator.

Inviting Participation

- 1.27** We used a number of measures to reach out and invite as wide a range of individuals and organisations to participate in the work of the Commission as possible.
- 1.28** The Commission was launched with a news release and a media conference in March 2014. A further news release was issued when we opened the secure section on the website.
- 1.29** The call for submissions went out via the national media across Scotland in June 2014. The website offered a secure environment in which respondents could post information about their experiences via a questionnaire – see Annex 3 for a list of the questions asked. The website also suggested some organisations where people could find help if visiting the website had reawakened old and/or perhaps painful memories.
- 1.30** The last two questions asked respondents about their willingness to give further information and many of those who used this method of communication did meet with the Commission. There were 32 completed questionnaires and one which was discounted as it did not give identifying information. We also received 12 letters via a virtual office base, and some 28 people made contact directly via the Commission email address. In total the Commission met 24 individuals who were either survivors of abuse or supporters of abused people.
- 1.31** Prior to individual meetings with survivors, we met with two representatives of survivors groups. The purpose of this meeting was to seek some advice and guidance about our approach and indeed was helpful in assisting with this process. From June to December 2014 we met with those people who had requested or indicated a willingness to meet. There was a wide range of people who came to those meetings. Some people came alone; some came with partners; some with family members; some with non-family supporters and some with the support of the parish safeguarding coordinator. The meetings were conducted in what were assessed to be neutral venues, except one where a Church of Scotland venue had to be used, and were generally attended by two Commissioners.
- 1.32** A general call for participation in the Commission process was sent out via parish bulletins throughout Scotland in August 2014. So far as it is possible to say, only one response was generated through this means.
- 1.33** A general notice was also sent to relevant groups via social media network sites by our media adviser at various points during the process.
- 1.34** We also extended the period of participation by one month to offer a further opportunity to take part.

Taking Further Evidence

- 1.35** As highlighted above, the Commission was keen to ensure that we listened to as many people as possible. As part of this the Commission visited two dioceses in different parts of the country. Although we did not have the powers to compel individuals and organisations to give formal evidence, we nevertheless invited several people to provide written and oral evidence to selected members of the Commission and to full meetings of the Commission. Everyone who was asked willingly agreed to take part.
- 1.36** We invited all the Bishops (or representatives where there was a vacancy) and their Advisors, as well as representatives from Religious Orders, to meet with various members of the Commission. A full list is provided at Annex 4.
- 1.37** The President of the Bishops' Conference, the National Coordinator, Police Scotland, representatives from social work and safeguarding officers from other churches in Scotland were also invited to provide evidence to full meetings of the Commission. The author of "Independent Inquiry into Child Sexual Exploitation in Rotherham (1997-2013)" also provided evidence to the Commission. A full list is provided at Annex 5.
- 1.38** A list of individuals providing evidence to subgroups of the Commission can be found at Annex 6.

Record Keeping

- 1.39** There are always concerns about record keeping and destruction of records in dealing with historical cases of abuse. In terms of evidence gathered, confidentiality has always been the primary concern of the Commission. Having discussed all options, and sought legal advice in terms of handling evidence following publication of the report, Commissioners agreed to destroy all evidence on the day of publication.
- 1.40** As far as the Commission could determine, we did not receive any new evidence of criminal conduct or issues that required to be referred to the police.

Part 2 – Findings

Introduction

2.i When Pope-Emeritus Benedict XVI addressed the Bishops of Ireland on the topic of clerical abuse in 2006, he said:

The wounds caused by such acts run deep, and it is an urgent task to rebuild confidence and trust where these have been damaged. In your continuing efforts to deal effectively with this problem, it is important to establish the truth of what happened in the past, to take whatever steps are necessary to prevent it from occurring again, to ensure that the principles of justice are fully respected and, above all, to bring healing to the victims and to all those affected by these egregious crimes.

2.ii These words provide not only a standard for the Catholic Church, but also for the structure of this Report. The main findings are divided into four sections which use the headings of Pope Emeritus Benedict XVI quoted above:

- **To establish the truth of what happened in the past.**
- **To take whatever steps are necessary to prevent it from occurring again.**
- **To ensure that the principles of justice are fully respected.**
- **Above all, to bring healing to the victims and to all those affected by these egregious crimes.**

Chapter 2 – To establish the truth of what happened in the past

The truth of harm

Abuse

- 2.1 There is no doubt that abuse of the most serious kind has taken place within the Catholic Church in Scotland. If there were ever a time when it might have been possible to deny that fact, that time has passed. The most well publicised cases of abuse have involved priests and children, but abuse has also been perpetrated within the Catholic Church by those who are not priests and it is not only children who have suffered abuse.
- 2.2 Figures released by the Bishops' Conference of Scotland showed 46 allegations of abuse between 2006 and 2012. More than half of these involved sex abuse claims. Seven of these resulted in prosecution. When these figures were published, the President of the Bishops' Conference, Archbishop Philip Tartaglia, said:
- “We recognise the trauma and pain that survivors of abuse have suffered and we are committed to providing for them both justice and healing.”***
(Daily Record, 26 November 2013)
- 2.3 In 2013 a further 15 allegations were made, six of which were “historical” (relating to events before 1990). As a result, three individuals were removed from ministry, and two other cases are, at the time of writing this Report, with the Procurator Fiscal.
- 2.4 It can be very difficult for people who have been abused to report the matter. They feel ashamed; they may feel they are to blame and they feel disloyal and disobedient. Often the abuse will have been kept secret from even the closest family and friends and there can be a strong desire not to bring hurt or shame (as it is perceived) to them. Many years can pass before some who have suffered abuse are able to report it. People now may be more able to report abuse within the Catholic Church in Scotland for at least four reasons:
- i) The reporting of abuse by others encourages them.
 - ii) The investigation and reporting of similar cases by journalists and broadcasters help them to feel they are not alone.
 - iii) There is an increasing realisation that abuse has occurred in other institutions and that those who have reported it have been believed.
 - iv) The Catholic Church worldwide has acknowledged the evil of abuse within it and has promised to give primacy to the needs of those who have been abused.
- 2.5 Every Bishop who gave evidence to the Commission acknowledged that serious abuse has taken place within the Catholic Church in Scotland. When the Commission met parish priests, the evidence was the same as it was in parishes across the country that were visited by members of the Commission.

2.6 The best evidence for the reality of the abuse which has taken place was given to the Commission by survivors of abuse themselves. The details of evidence provided by individual survivors is confidential, but it repeatedly pointed to treatment of vulnerable people by those with power of such a scale as to do damage to those who experienced it. This damage is almost unimaginable to those who know nothing of these matters.

2.7 Facing honestly the fact of abuse within the Church is a necessary prerequisite without which the Church will be unable to move on, to reform or to look to the future with hope. The UN Committee on the Rights of the Child was gravely concerned early in 2014 that the Holy See had not yet acknowledged the extent of the crimes committed within the Church nor taken the measures they deemed necessary to address the abuse and protect children.

2.8 When Professor Alexis Jay gave evidence to the Commission after the Independent Inquiry into Child Sexual Exploitation in Rotherham, which she chaired, she said:

Senior managers greatly underestimated the scale and seriousness of what was happening.

2.9 As a result of this underestimation, what should have been done was not done. The Catholic Church will respond best to what has happened within it if it does not make the same mistake.

2.10 In the homily of Pope Francis quoted in the Preface to this Report he referred to the Gospel of Matthew (18.6):

If any of you put a stumbling-block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. Woe to the world because of stumbling-blocks!

2.11 The Greek root of “stumbling-block” is “skandalon”. Today, “scandal” has come to be associated with sensational media exposure. In its original meaning, and the way it is used theologically, it means causing someone to stumble in their faith. Pope Francis acknowledged that “*sins of clerical abuse against minors have a toxic effect on faith and hope in God.*” It is in this sense that they have truly caused “scandal.”

2.12 The Catholic Church has been accused of covering up its knowledge of clerical abuse in order to protect the reputation of the Church, perhaps to avoid “scandal” in the common sense. But in doing so, it has caused scandal in a theological sense both to the victims of abuse for whom justice and truth were denied, and to the wider Catholic population. St Thomas Aquinas quoted with approval the words of Pope St Gregory I:

If people are scandalised at the truth, it is better to allow the birth of scandal, than to abandon the truth.

Harm to survivors

- 2.13** The harm done to survivors is enormous: physical, emotional, psychological and spiritual.
- 2.14** By no means all abuse is sexual abuse. The Catholic Church in Scotland's own policy document, "Awareness and Safety" names and defines four categories of abuse: physical injury, sexual abuse, emotional abuse and physical neglect. All of these kinds of abuse can have physical, emotional, psychological and spiritual consequences.
- 2.15** It has often been observed that many survivors of abuse find it very difficult to talk about what has happened to them. This can be because they feel ashamed of what has happened, or they are afraid of what will happen if they do speak, or because attempting to tell will make the shock and pain present again in a way that is almost unbearable. Moreover most people who are not survivors of abuse find it difficult to hear about such experiences: the cruelty and heartlessness are beyond the experience of most people. To illustrate this point the Chief Executive of Children 1st, Alison Todd, told the Commission:
- "We've got an adults survivors group. They just came to talk to us at the Board, and how they set the group up. They've worked through the issues, but on the day they presented and were sharing their experiences you couldn't help but be impacted by what the abuse had done to their lives. There wasn't a dry eye in the room".***
- 2.16** Unless there is recognition of the terrible pain endured by each survivor of abuse there will be no healing for the individual and no opportunity for the Church to move on. Despite a lifetime's experience of pastoral work and pastoral care, Cardinal Vincent Nichols, Archbishop of Westminster, told the Commission how difficult he found it was to come to terms with the things he heard and that had happened in the Church he loves when he was required to examine, in some depth, the experience of those who had been abused. For example, one survivor said:
- "When I was eight years old I was regularly locked in a darkened room by the nun who was my carer and told I was being punished because no-one loved me. The same nun sexually abused me. I told the priest in confession, the priest told the nun and together they raped me. I was still only eight years old" (ML1).***
- 2.17** Given that it was not the remit of the Commission to investigate or adjudicate on current or historical allegations, it is recognised that the information we have been provided with has not been subject to testing for its veracity or reliability. The information was freely offered, not compelled or required. It has been accepted in good faith as the lived experience of those who gave it.
- 2.18** No point was made more consistently to the Commission by survivors than their sense that they had not been listened to and not believed. Tam Baillie, the Children's Commissioner for Scotland, told the Commission that listening to children and young people and believing them was "*absolutely key*". He told the Commission that this was a recurrent feature in the findings of recent Inquiries.

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- 2.19** Several survivors expressed the view that they had felt dismissed because of their current or past state of health. This included reference to mental health difficulties; drug or alcohol problems; relationship difficulties and family breakdown. There appeared to be little recognition of the possibility or probability of these features of their lives being the outcomes of abuse suffered. Several respondents talked about feeling denigrated by the responses they received when trying to engage with the Church. Many spoke of feeling blamed for the abuse, feeling that their own reputation or character had been brought into disrepute in an attempt to either justify or explain the abuse. This served to contribute to and compound the original abuse experience. An example of this included televised comments by Bishop Mario Conti, (BBC 'Frontline Scotland', 3 February, 1998), in relation to the character of children who had been looked after and accommodated (ML1, ML2).
- 2.20** The psychological harm done by abuse can take the form of guilt and self-loathing. Children come to believe, or are explicitly told, that what is happening to them is their own fault and so they must not tell anyone about it. In particular, that sense prevents any communication of the abuse to parents, often because a child is afraid. Exactly the same consequences were seen by the Rotherham Inquiry:
- People were discarded and filled with self-loathing.***
- 2.21** It could be argued that spiritual damage occurs when survivors come to think of their abuse as a punishment from God. All of the authority of the Church appears to survivors to be on the side of the abuser. For many survivors it becomes impossible to continue any trust in God. For those who do continue in faith, such faith is almost never bright, life-enhancing, liberating or hopeful.
- 2.22** The most striking testimony of survivors was the almost universal experience of being left alone. There were so few words or actions which could be described as the Church reaching out or the Church showing compassion. One survivor said:
- “When, years later, one nun took my hand and said “I’m sorry for what happened to you” that was the closest the Church ever came to reaching out and showing me compassion” (ML1).***
- 2.23** Another told us:
- “There seems to be no recognition of the devastating effect on my whole life of what was done to me. I’ve never felt any compassion” (ML21).***
- 2.24** Martin Henry (Stop it Now! Scotland), from his previous experience as a safeguarding co-ordinator, told the Commission that:
- “The processes lack compassion”.***
- 2.25** Other survivors who made several unsuccessful attempts to raise safeguarding issues with the Church, told the Commission that:
- “No-one has ever asked ‘what would help?’ (ML11, 22).***

Secrecy and cover-up

2.26 Nor is there any doubt that a culture of secrecy and cover-up allowed this abuse to remain hidden for many years. In all of the meetings which the Commission had with representatives of the Catholic Church in Scotland this was not denied. Bishops, priests, safeguarding advisors and members of parishes all agreed that a culture of secrecy had been a very significant part of the response of the Church to allegations of abuse. Representatives of one diocese told the Commission:

“We feel total shame with regard to past cover-up. There must be no question of cover-up in the future”.

2.27 In all the meetings we had with bishops, priests, representatives of religious congregations and parishes the same point was made. No one suggested to the Commission that the Church’s position on abuse had been open and transparent. Repeatedly the explanation given was that the Church’s default position had been to seek to protect the institution and to seek to protect priests, before seeking to meet the needs of those abused.

2.28 Alison Todd, the Chief Executive of Children1st, emphasised to the Commission the essential need for:

“Openness and engagement with other people in the sector, not being defensive about it. That’s hard with the culture in Scotland. We have a media here that when you admit you’ve made a mistake, won’t be kind. But we have to encourage people to say this is what’s happened, and now we’re moving on”.

2.29 Cardinal Vincent Nichols, Archbishop of Westminster, speaking of the Catholic Church in England and Wales, told the Commission:

“Not only the culture of the Church, but even aspects of canon law may have led to the protection of priests”.

2.30 “Cover-up” and “culture of secrecy” were words repeatedly on the lips of survivors, and some of the most persuasive testimony in this area came from them. The Commission heard over and over again that many survivors had felt themselves excluded from the process of the investigation of their complaints; that they were not told what the process was and that they were never told what decisions had been made about the person whose abuse they had reported. Whether or not this is still happening, despite steps taken to be open and transparent, some parishioners still believe that the culture of secrecy exists. One survivor said she had written to the Bishop of the diocese in which she lived and in which she was abused:

“In the past when your organisation has not responded to my questions, or taken months/years to answer, I have felt confused, angry, despairing and hopeless, as it seems that I am not being heard and that I don’t matter” (ML21).

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- 2.31** Several examples were offered to the Commission of priests being removed from ministry for a time to undergo treatment and risk assessment, but then being returned to ministry. The distress caused by the discovery of an abusive priest in public ministry is manifold. Survivors described feeling shocked, disorientated and betrayed (ML3, ML4). Some respondents articulated feelings of bewilderment that, with the existence of risk assessments, which suggest the need for restriction on activities and close supervision, a priest could be allowed to minister in public. The notion of a priest as someone who offers spiritual leadership appears incompatible with such a risk assessment (ML21).
- 2.32** In the past, when a Scottish Catholic priest was involved in a case of abuse, there were times when such a priest would be quietly moved to another parish or sent to some other kind of work or given a period of counselling. Such secretive procedures are less likely to happen today. However, there is no doubt that in the visits made by members of the Commission to parishes they met people who believe that the procedures which operate now are still procedures which contain elements giving priority to protecting the institution and protecting priests.
- 2.33** Without exception, however, such a culture of secrecy and cover-up was condemned by all, and everywhere the Commission met clear determination that such a culture should be eliminated from the Church. Archbishop Tartaglia told the Commission:
- “As the reality of the abuse of minors and vulnerable adults has been more and more uncovered in society and in the Church, and as safeguarding has become more embedded in the mindset and action of Catholic communities, tendencies to deny, make excuses, protect or cover up, while not yet eradicated, are gradually being seen as indefensible and will eventually be defeated”.***
- 2.34** Martin Henry, the National Manager of Stop it Now! Scotland understood the need for confidentiality, but was not sure if the Church has handled this efficiently and has ended up looking like they are trying to hide things:
- “The past history will take a long time to shake off”.***
- 2.35** One aspect of a “culture of secrecy” which was drawn to the attention of the Commission by several priests is the circumstances relating to Cardinal Keith O’Brien. It was not long before this Commission was set up that the circumstances of his resignation were made public. The Catholic Church in Scotland has rarely been the subject of such intense and sustained media scrutiny. The eminent historian, Professor Tom Devine, himself a Catholic, said at the time:
- “This is probably the gravest single public crisis to hit the Catholic Church in Scotland since the Reformation and its effects in the short term are incalculable.” (Daily Telegraph, 25 February, 2013)***

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- 2.36** Yet the Church itself said almost nothing about safeguarding at the time of the Cardinal's resignation in February 2013. The Church did not give an open and transparent account of what had happened and why to the Catholic faithful or to the people of Scotland.
- 2.37** Some priests in the diocese where Cardinal O'Brien had been Archbishop told the Commission that they had been "left in the dark". In particular it was argued by them that the whole affair raised two issues for the Commission. One comment was specifically about the commitment of the Catholic Church to safeguarding, in a situation in which power may have been used in an abusive way:
- "Has the Vatican taken seriously policies about safeguarding in the way it has dealt with Cardinal O'Brien? A priest would have been dealt with differently"***.
- 2.38** The other issue was of a continuing culture of secrecy:
- "Our Church is in a state of denial. At no point has there been a narrative given by the Church to tell what has happened"***.
- 2.39** Having said that, the Bishops maintain that it was not a culture of secrecy that hampered them from making a more open response in this case. The Commission recognises that at that time the Bishops were not in possession of the full facts of the case. Regarding any information that they did possess, they were bound to respect confidentiality, both that of the accusers and that demanded by civil and canonical requirements. Subsequently, they were further hampered by the unique position of a Cardinal in the Catholic Church: a Cardinal can only be judged by the Pope and the investigation into the Cardinal's behavior was undertaken by Bishop Charles Scicluna, at the behest of Pope Francis.
- 2.40** When the Commission visited parishes in different parts of Scotland, it was said regularly that the clerical leadership missed opportunities to redefine their pivotal roles in reviewing policy development and practice following Pope Francis' homily on the paramountcy of safeguarding within the Church. Similar opportunities, it was felt, were also not capitalised on, for example the setting up of this Commission and the negative impacts of further allegations of abuse through the media in Scotland. These should have acted as a spur to progress and an opportunity to reinforce key messages from the Catholic Church in Scotland to the church communities and beyond.
- 2.41** A senior social worker told the Commission that the Catholic Church was no worse than other big institutions in its reluctance to engage with the authorities. But the Commission believes that it should be better because (a) the Catholic Church in other countries has become better; (b) Pope Francis has told the Church to get better; (c) its shame is very public; and (d) its calling is to protect the weak.

Little change

- 2.42** Despite the abuse, and despite statements about change, the Catholic Church in Scotland has not made significant structural changes in terms of embedding safeguarding in the ministry and theology of the Church in the last ten years.
- 2.43** The appointment of this Commission has been a significant step. Archbishop Tartaglia, announcing the Commission, said it was being “launched in a spirit of openness and transparency”. But that in itself does not change anything. Change may occur as a result of the work of the Commission, or it may not. But credit is due to the Bishops’ Conference for asking an independent body under an independent chairman to carry out this review. It is at least a sign of a desire to put words into action.
- 2.44** The Commission was appointed in the wake of the emerging story of Fort Augustus and abuse of pupils in that school in the sixties and seventies. On television the day the story broke, Bishop Hugh Gilbert said:
- “All that can be done should be done for the victims” (4 August, 2013).***
- 2.45** That was well said and gave hope to survivors. However, despite serious efforts on the part of the Church authorities involved, it seems to the Commission, from the evidence of survivors, that there was a shortfall in actual provision of help.
- 2.46** One very clear problem with the Fort Augustus story is the complexity of the relationship between the religious congregation of which the school was a part and the diocesan structure of the Church. This problem made it peculiarly difficult to establish responsibility for what happened in the school. Despite the seriousness of this vagueness of relationship, nothing structural has changed, although there has been real improvement in the working relationships between religious congregations and diocesan authorities.
- 2.47** There has been very little change in the safeguarding work of the Church since the key policy and practice manual “Awareness and Safety in our Catholic Communities” was produced in 2007. The foreword states:
- These policies and procedures are evidence of the enduring commitment of the Bishops in Scotland to develop and maintain high quality safeguarding practice for all those who are involved in the life of the Church.***
- 2.48** Since 2007 there has been a great deal of public concern about safeguarding within the Catholic Church and a great deal of concern within the Church itself; moreover there have been many important studies and guidelines for best practice published since 2007. “Awareness and Safety” has had some minor modifications in that time, but in its content and in its policies and its practices it remains largely unchanged since its first publication.

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- 2.49** It may be that the establishment of this Commission has actually delayed change in “Awareness and Safety”. The Commission has been told, by the National Coordinator that a decision was taken in 2013 to delay significant change until lessons could be learned from our work.
- 2.50** There have been some improvements in that time. The training of seminarians is much better than it was with regard to safeguarding. The experience of two priests the Commission spoke to, one recently trained and the other trained thirty years ago, showed striking improvement. All allegations are now reported to the authorities; but much remains to be done. Cultural change does not happen quickly, and some of those who came to the Commission spoke of a culture of adolescent machismo still in existence (ML10).
- 2.51** There are some important gaps in “Awareness and Safety”. Very little is said about the role of Bishops, although their role is crucial in implementing safeguarding policies and practices. There is no provision for the training of Bishops. Nothing is said about the qualifications, training, selection terms and conditions of diocesan advisors. Very little is said about priests against whom an allegation of abuse is made.
- 2.52** Nowhere in “Awareness and Safety” is there any detail of minimum expectations for quality assurance. While there is provision in the diocesan audits to check whether training is being done, there is a need to follow this up to ensure consistency of practice. There is no reference to people with additional support needs.
- 2.53** With regard to the status of “Awareness and Safety”, not all Bishops agree that the Bishops’ Conference of Scotland has the authority to lay down policies, practice and procedures that must be followed in every diocese. Clarity on this issue is essential. Just because Bishops don’t have to do something doesn’t mean that they shouldn’t do it.
- 2.54** Despite many encouraging words about the importance of safeguarding, there are clearly still parishes in which commitment to safeguarding is still resisted because of complacency and lack of interest. The priest in one parish had not prepared for our visit and, despite a reminder the day before, said he had forgotten we were coming and had not mentioned the visit to his parishioners. The priest had not had a safeguarding coordinator in place for over a year and was consequently receiving assistance from the diocesan safeguarding office to complete the national audit. He was vague about the PVG status of volunteers within the parish. He was also vague about attendance at training and refresher courses and generally appeared uninterested in safeguarding as an issue. The only element of safeguarding he appeared to apply within his parish was not to be on his own when approached for help, for example if someone turned up at his door in the middle of the night.
- 2.55** In such cases, parishioners will not be aware of how to report concerns; abusers will not be identified and victims will not be supported. Such complacency potentially poses the greatest threat to child and adult protection within the Catholic Church.

Harm to the Church

- 2.56** The Catholic Church has been damaged by those within it who have abused children and others, and by those who have sought to cover up the abuse.
- 2.57** When Archbishop Leo Cushley was asked about public confidence in the Church, he told the Commission:
- “Three days after I was ordained, the Bishops’ Conference of Scotland met. There was a discussion about carrying out a historic review and setting up a Commission to review current practices. I said we needed to do both. We need to build our public persona, and we can’t preach the Gospel without clearing this up. We can’t let this go on. The Commission helps public confidence. We are men who give our lives, body and soul. We invest ourselves. But public confidence is almost gone. As soon as a priest is removed it is immediately interpreted as an indictment. He is accused publicly and people in the parish are scandalised”.***
- 2.58** It could be argued that individuals in the Catholic Church sometimes comfort themselves with the thought that it is precisely because people expect the highest standards of behaviour from the Church that there has been such public damage. But it is also because people expect the highest standards of behaviour that public criticism and indeed anger are most powerful. In particular, the seeming distance between what is said by the Church and what is actually done is a constant and continuing cause of public concern.
- 2.59** The damage to the Church is not only from outside. Within the Church itself, harm has been done. One Diocesan Official told the Commission:
- “In the last two years we have suffered a large loss of revenue in my own parish. People have stopped walking with the church. The truth is we are all so ashamed”.***
- 2.60** Over and over again Scottish Catholics have spoken to the Commission of their shame.
- 2.61** When members of the Commission met parish priests, they heard the same story. The impact of abuse scandals in general and the Fort Augustus revelations in particular has had a very bad effect on parishes. Parish priests told the commission about declining attendance at Mass and declining offerings and saw a clear link between this decline and the cases of abuse within the Church.
- 2.62** For parish priests there has been another kind of harm done. Because confidence is low within the Church, as well as public confidence being low, there is an increasing likelihood that, for fear of doing wrong, priests and parishes will do nothing. Lack of confidence means that good things are not done in case mistakes are made in the process. It is not that the fear is of further abuse, it is that the confidence and courage are no longer there to attempt new and courageous things. So parish priests sometimes feel the Church is not being the force for good that it should be.

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- 2.63** It was in the Archdiocese of St Andrews and Edinburgh that this lack of confidence was most strongly expressed to the Commission. These are the priests and parishes formerly in the care of, and under the authority of, Cardinal O'Brien.
- 2.64** Those whose confidence in the Catholic Church has been most damaged, however, are not the Scottish public or the Bishops, priests and members of parishes. Those whose confidence in the Catholic Church has been most damaged are those who have been abused. Very few survivors have a continuing connection with the Catholic Church. Of those who do, most who met the Commission told us that they maintained their faith and the practice of Catholicism despite the actions of the Church rather than because of them.
- 2.65** The Commission asked members of parishes all over Scotland to describe their experience of safeguarding. This was done through Parish Bulletins. Such an approach might include few survivors, since it is possible that many do not attend Mass or read the Bulletins. The Commission specifically stressed that we were looking for accounts of good care from the Church for those who had been abused and not only bad accounts. Not a single survivor approached the Commission to tell us of the care he or she had received from the Church, although occasionally individual safeguarding officials were mentioned as being helpful and caring – but only in the context of a situation which overall was not experienced as either helpful or caring.
- 2.66** The Catholic Church has been damaged by those within it who have abused children and others; and by those who have sought to cover up the abuse. Beth Smith, Director of 'WithScotland' told the Commission:

“The Church seems on the back foot. But it could be a leader and a pioneer in this field”.

The truth about good practice

- 2.67** The Commission has been pleased to find significant areas of good practice within the Catholic Church.

Committed people

- 2.68** First among these is the commitment of volunteers and those holding safeguarding responsibilities. In parishes up and down Scotland the role of the parish co-ordinator is vital. In parishes where the coordinator was well-trained; was energetic and had good communication with the parish priest and good relationships with members of the parish, concern for safeguarding flourished. Where safeguarding flourishes, it is less likely that abuse will take place, and it is more likely that a good response is offered when an allegation of abuse is made. In other words, where a concern for safeguarding flourishes, the Church is a safer place. The role of parish coordinators in making the Catholic Church a safe place is of the first importance.

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- 2.69** The Commission found that safeguarding coordinators at their best supported the parish priest in ensuring that staff and volunteers working with vulnerable people were PVG cleared, trained and supported. They provided a visible face for safeguarding within the parish so that parishioners knew who to go to in the event of any concerns. They ensured that policies and procedures were monitored and that the National Coordinator was informed of their work (for example, through annual audits). They also provided a link to statutory services in the event of any issue within the parish.
- 2.70** Best practice was evident when parishes had more than one coordinator and that at least one of these addressed the needs of diverse congregations. For example, a parish within one diocese had three safeguarding coordinators, one of whom was Polish and linked effectively with both the English and Polish speaking communities. Another parish had two coordinators who were well-versed with child and adult protection within their professional careers as well (one was a GP, for example). One of these coordinators was included in meetings with local police and social work teams to ensure effective exchange of information regarding any concerns within the parish. Good communication between the safeguarding coordinators and the clergy was also essential, combined with the power to effect change where improvements are needed.
- 2.71** Members of the Commission had the opportunity to attend a National Conference for Parish Safeguarding Coordinators. They found a high level of commitment and a high level of knowledge and understanding. Those who attend national conferences may not be entirely representative, but it is clear that there are, within the lay membership the Catholic Church in Scotland, significant numbers who are supportive of the need for a full and effective safeguarding system within the Church.
- 2.72** The Commission met all the diocesan safeguarding advisers. There are no accepted professional standards of selection, qualification or training in the Church and the advisers have come to this task from a variety of backgrounds. However, they all recognise and value the importance of their task, they all have the confidence of their Bishops, they all share a strong desire to see only the highest standards in safeguarding practice and they all, whether full-time or part-time, give a great deal of time to the work.
- 2.73** The same can be said of the National Coordinator for Safeguarding. The Commission received regular reports from her and was grateful for her help and advice on many occasions. Each Bishop and each diocesan advisor spoke with respect and appreciation of her and of her work. There are structural matters about the nature of her role which will be commented on later; but within the present structure her energy, thoughtfulness and commitment are beyond doubt.
- 2.74** Commitment to the importance of safeguarding was very high among parish priests whom the Commission met. As well as individuals, the Commission met groups of priests from three dioceses and attended an Interdiocesan Clergy Conference on Safeguarding. Again it is clear that there are, within the clergy of the Catholic Church in Scotland, significant numbers who are supportive of the need for a full and effective safeguarding system within the Church.

Desire for change

- 2.75 There is also evidence of strong desire for change.
- 2.76 No-one who gave evidence to the Commission said “things should stay the same” or anything like it. When members visited parishes in different parts of the country, the desire for change was always spoken of. Most parish members acknowledged that there had been a move towards openness, but often it was made clear that, for many, the change has not gone nearly far enough.
- 2.77 Perhaps it was among parish priests that the desire for change was most strongly expressed. Priests told the Commission of their “shame” (the word was often used) at the behaviour of some of their fellow-priests and their shame at the way the Church had sometimes responded to that behaviour. We heard that priests felt “let down” by the way the Church had behaved and that they longed to move to a culture of honesty and transparency in which the Church could become an example of openness to other institutions.
- 2.78 Almost as powerful was the evidence of Bishops and diocesan advisors given to the Commission. Again the word “shame” was used in these meetings. Again a determination for a new and better future was voiced by every one.
- 2.79 Pope Francis has spoken powerfully about his desire for change. On 2 February 2015 he wrote to some leaders of the Church:

“At my meeting in July with persons who had suffered sexual abuse by priests, I was deeply moved by their witness to the depth of their sufferings and the strength of their faith. This experience reaffirmed my conviction that everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and to open pathways of reconciliation and healing for those who were abused. Families need to know that the Church is making every effort to protect their children. They should also know that they have every right to turn to the Church with full confidence, for it is a safe and secure home. Consequently, priority must not be given to any other kind of concern, whatever its nature, such as the desire to avoid scandal, since there is absolutely no place in ministry for those who abuse minors. As an expression of the Church’s duty to express the compassion of Jesus towards those who have suffered abuse and towards their families, the various Dioceses, Institutes of Consecrated Life and Societies of Apostolic Life are urged to identify programmes for pastoral care which include provisions for psychological assistance and spiritual care. Pastors and those in charge of religious communities should be available to meet with victims and their loved ones; such meetings are valuable opportunities for listening to those who have greatly suffered and for asking their forgiveness” (Letter of Pope Francis to the Presidents of the Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life concerning the Pontifical Commission for the protection of minors).

2.80 Nevertheless, the Commission was regularly told by priests, parishioners, survivors and representatives with experience and authority in related fields that the words which are used about “desire for change” within the Church are only valuable in so far as they are combined with action.

2.81 As has been said, every Bishop who met the Commission certainly spoke with determination of the importance of the work of safeguarding in his diocese and in the Church. An article by Bishop Toal on behalf of the Bishops’ Conference in “The Sunday Times” (8 February 2015) is clear, committed and important:

“In recognition of the importance of such work [safeguarding], at their annual In-service meeting at the Scots College in Salamanca at the end of January, Scotland’s Catholic Bishops focused on the issue of Safeguarding. The week began with an acknowledgement of how important it was to learn from the past mistakes which the Church had made. In Mgr. Oliver’s words: “We did not listen to victims and underestimated the extent of the problem: we missed red flags and warning signs; we were conned by many offenders; and, believed often with professional advice that some offenders could be returned to ministry.

“A desire to learn from past failings and continue to develop best practice in future underpinned the week’s proceedings. The Catholic Church in Scotland, through its Safeguarding Service, continues to develop protocols, policies and guidelines in collaboration with experts, especially those who are expert in psychological and spiritual healing. We are keenly aware, that such policies should provide support and advice and should build upon collaboration with other Churches, private groups and public authorities.

“The Scottish Bishops heard that the priority principle must be assistance to the victims of abuse. Such assistance must be person to person, and must demonstrate to survivors a willingness to listen and an expression of understanding in the context of carefully prepared personal meetings.

“Safe environments need to be created for such meetings which empower survivors to find their voice so that they are heard with patience, understanding, respect and belief. In the words of Mgr Oliver, in all such encounters, it is crucial that the Church ‘listens, listens, listens’

*“In my role as Vice President of the Bishops’ Conference of Scotland, with specific responsibility for the Scottish Catholic Safeguarding Service I was moved and informed by the presentations made by such leading experts in their fields. The Catholic Church in Scotland is committed to learning from past mistakes, developing best practice and allowing external scrutiny of our work. This is why we asked Dr. Andrew McLellan a former Moderator of the General Assembly of the Church of Scotland and past Chief Inspector of Prisons to chair a Commission reviewing Safeguarding Protocols and Procedures. Our decision to focus on survivors of abuse was in preparation for Dr. McLellan’s report which we expect to receive in the first half this year and whose recommendations we have undertaken to accept and publish.”
(The Sunday Times, 8 February 2015)*

2.82 The emphasis on survivors will be discussed in chapter 5 of this Report.

Policies and Procedures

2.83 There is much that is good in the policies practices and procedures of the Catholic Church in Scotland with regard to Safeguarding. There are real weaknesses as well, and this Report will return to them. But “Awareness and Safety”, the key document for Scottish Catholic safeguarding policies, practices and procedures, does much well.

2.84 The document appears to be consistent with the civil and criminal law. The Commission is not in a position to make a clear determination, but we have not come across any passages in the Manual that would appear to authorise or require those administering the Scottish Catholic Safeguarding Service to act in conflict with the civil or criminal law of Scotland. However, compliance with all legal requirements should be more clearly referenced in “Awareness and Safety”.

2.85 It sets out a strong policy statement:

The Catholic Church in Scotland is concerned with the lives, safety, wholeness and well-being of each individual person within God’s purpose for everyone. It seeks to safeguard the welfare of people of all ages who are involved in whatever capacity with the Church and its organisations.

As a Church community, we accept that it is the responsibility of all of us, ordained, professed, paid and voluntary members, to work together to prevent the physical, sexual, emotional abuse or neglect of children, young people and adults at risk.

2.86 The strengths of the statement are the theological link between safeguarding and “God’s purpose for everyone” and the inclusion of “people of all ages”; recognising that not only children can suffer abuse; and the declaration that the safety of all is the responsibility of all. A weakness of the statement is the absence of reference to survivors of abuse.

2.87 However, in “Awareness and Safety” there is a clear statement about the response the Church should make to allegations of abuse. This is part of the Section entitled “Key Principles of an Effective Child Protection Response”:

The Catholic Church in Scotland promotes the welfare of everyone and has a responsibility to respond when it appears a child, young person or adult at risk needs to be made safe from harm whether the abuse is sexual, physical, emotional or neglect.

These procedures assume the right of everyone to live in an environment where they are protected from exploitation, abuse and harm.

When this right is abused by an individual associated with the Catholic Church, the Church will co-operate in an open and transparent way in partnership with the Statutory Agencies.

An individual who informs the Church of allegations or concerns of abuse will be taken seriously and every effort made to provide a consistent and sensitive response.

No single individual can protect children, young people or adults at risk by acting alone.

2.88 Equally clear and forceful is the section on Recruitment. It begins:

The Catholic Church is committed to doing everything possible to ensure children, young people and protected adults are kept safe from harm, therefore, the single most important responsibility to be undertaken is to ensure that anyone placed in a position of trust within the Church whether paid or otherwise, which gives them direct access to children, young people or protected adults, is selected with the utmost care. The recruitment, selection and on-going support of both volunteers and paid employees to work with children, young people and/or with protected adults, whether undertaken locally or at diocesan level, requires rigorous recruitment, selection and monitoring practices including interviews, taking up references, checking qualifications (where relevant), the use of the probationary period, ongoing supervision and performance monitoring, and ensuring accurate and adequate role descriptions and terms and conditions (whether relating to employment or a volunteer agreement) are prepared, issued and explained prior to commencement.

2.89 Although “the single most important responsibility” might be a subject for debate, the paragraph as a whole leaves no doubt about what the policy is and how it is to be carried out.

2.90 It clarifies the responsibility of parish safeguarding coordinators, who are central to the whole system. Ten principal duties are listed, including recruitment, record keeping and training. Though these policies and procedures are for parish coordinators, according to the National Coordinator for Safeguarding, “Awareness and Safety” has assisted in raising the profile and awareness of safeguarding in parishes, and enables a parish to establish good practice.

2.91 The Section entitled “Good Practice” sets out in detail how children and adults at risk are to be treated. It deals with specific situations, such as indoor events; consent; security; physical contact; use of photography and video; bullying; residential trips; and outdoor events. This is a key section of “Awareness and Safety”. It begins with a summary of good practice which is to be given to every volunteer and paid worker:

You must:

- *treat all children and young people with respect;*
- *provide an example of good conduct you wish others to follow;*
- *ensure that there is more than one adult present during your*
- *organisation’s activities with children or young people, or at least that you are within sight or hearing of others. If this is not possible then the reasons should be recorded;*

- *respect a young person's right to personal privacy;*
- *be available as a listening ear and, if necessary, refer for more appropriate help;*
- *try to remember that your actions may be interpreted differently from your intention;*
- *be aware that even caring physical contact with a child or young person may be misinterpreted;*
- *show understanding when dealing with sensitive issues; and*
- *seek advice in any situation where you feel unsure.*

You must not:

- *have inappropriate physical or verbal contact with others;*
- *permit abusive behaviour such as bullying, ridiculing or taunting;*
- *make suggestive or derogatory remarks or gestures in front of children or young people;*
- *allow yourself to be drawn into inappropriate attention-seeking behaviour such as "crushes";*
- *show favouritism to any individual;*
- *jump to conclusions about others without checking the facts; and*
- *exaggerate or trivialise child abuse issues.*

What to do ...

If you suspect a child or young person is being abused physically, sexually or emotionally:

- *share your concerns with the head of your group/organisation, the Priest or Diocesan Adviser.*

If a child or young person discloses to you abuse by someone else:

- *Keep calm, don't be shocked and try to act normally.*
- *Accept what the child or young person says.*
- *Offer immediate support, understanding and reassurance, explaining that you cannot keep it a secret.*
- *Reassure the child or young person that they have done the right thing by telling you.*
- *Let them know that you need to talk to someone else. Do not promise them confidentiality.*
- *Let the child or young person speak freely. Do not push for information.*
- *Let them know what you are going to do next and that you will let them know what happens.*

In all cases:

- *Record everything that was said, including dates and times of conversation and any incidents disclosed.*
- *You must refer.*
- *You must not investigate.*

2.92 The section on Training emphasises its importance. It includes:

All clergy, parish co-ordinators, link co-ordinators for religious congregations, presidents and leaders of associated organisations must attend the necessary training to enable them to carry out their roles and responsibilities.

As part of ongoing development, a member of clergy in charge of a parish should aim to access appropriate training on safeguarding policies for all his volunteers and paid staff in ministry with vulnerable groups.

The training should enable clergy, religious, paid staff and volunteers to feel confident that they know and understand their role and responsibilities when carrying out their ministry with children and/or adults at risk.

Clergy, religious, staff and volunteers should receive training to include information about how to respond to concerns/allegations of abuse.

These sections on Policy, Response to Abuse, Good Practice and Training in “Awareness and Safety” have been quoted at length because they are important. They demonstrate that the policies and procedures of the Catholic Church in Scotland on these vital aspects of Safeguarding are appropriate, adequate and clear.

2.93 The “Awareness and Safety” manual commands the respect of those who use it most. None of the Diocesan Safeguarding Advisers, when asked, raised significant concerns about the document. They have different backgrounds – law, teaching, police, social work, youth work – and all were comfortable with the main content of the document. So were the Bishops, who have responsibility for the policy and procedures it contains. So too were parish coordinators, whose work depends on it. Less convincing was the testimony of parish priests. Those whom the Commission met were appreciative of “Awareness and Safety”, but it was not always clear that they were very familiar with its contents.

2.94 Similar confidence in the document was expressed by independent voices. Evidence given to the Commission by Police Scotland described the safeguarding policy of the Catholic Church as “strong” and awareness and training as “strengthening”, but “policy is not applied uniformly throughout Scotland”. The National Manager of Stop it Now! Scotland, Martin Henry, was previously employed within the safeguarding processes of the Catholic Church in Scotland. He told the Commission that he:

“Has witnessed the progress of safeguarding within the Church over the past twenty years: the current guidance should be regarded as an achievement.”

2.95 Among the different organisations and churches consulted by the Commission there was no strong criticism of “Awareness and Safety”, although there was strong criticism of failure to apply the policies and procedures.

Recommendations for Chapter 2

- 2.96** The “Awareness and Safety” manual should include reference to the qualifications, training, selection terms and conditions of diocesan advisers, and a fully professional structure should be introduced (paragraphs 2.51 and 3.26).
- 2.97** The “Awareness and Safety” manual should be clear about arrangements for priests against whom an allegation is made and also be clear about the responsibilities of the Bishop or Religious Superior (paragraphs 2.51, 3.10 and 4.35).
- 2.98** The “Awareness and Safety” manual should detail minimum expectations for quality assurance of safeguarding practices; it should highlight the need to follow up on training and it should make reference to people with additional support needs (paragraph 2.52).
- 2.99** The Bishops’ Conference of Scotland should have the authority to lay down policies, procedures and practices which must be followed to the letter in every diocese (paragraphs 2.53, 3.1, 3.3, 3.6, 3.66, 3.68, 3.70 and 3.73).
- 2.100** Complacency in relation to safeguarding must be eradicated, and parishioners should always be aware of how to report concerns (paragraph 2.55).
- 2.101** What is said by the Church in relation to safeguarding must always be followed by actions (paragraphs 2.58, 2.80, 5.5 and 5.30).
- 2.102** Compliance with all legal requirements should be more clearly referenced in “Awareness and Safety” (paragraph 2.84).

Chapter 3 – To take whatever steps are necessary to prevent abuse from occurring again

Awareness and Safety

- 3.1** There must be complete clarity about the authority the “Awareness and Safety” manual carries and about where responsibility for it lies. The two issues are related. This key document, setting out the policies and practices of the Catholic Church Scotland, is published in the name of the Bishops’ Conference of Scotland. Yet it seems that it can be amended without the consent or the authority of the Bishops’ Conference. This emerged both from the evidence of Bishops given to the Commission, who did not know anything about amendments to the document and from the website of the Scottish Catholic Safeguarding Service, which lists amendments which have been made without the approval of the Bishops’ Conference. It is absolutely essential that the safeguarding policies and practices in force in the Catholic Church carry full authority. They can only do that if they are approved by the Bishops’ Conference and the Bishops take on strong leadership roles to ensure rigorous and consistent implementation.
- 3.2** It is true that, at this stage, the amendments made without authority are slight. Nevertheless, if amendments appear which do not have episcopal authority, it will be possible at any time for the argument to be made that it is not clear which parts of the document are authoritative and which are not. Once it is admitted that some parts of the document are without authority, its whole status is compromised.
- 3.3** Moreover it is by no means clear what the authority of the Bishops’ Conference actually means. Evidence presented to the Commission shows that not all Bishops (if any) agree that the Bishops’ Conference has the authority to lay down policy, practice and procedures that must be followed in all dioceses. In the written evidence that Archbishop Philip Tartaglia presented to the Commission and the oral evidence he subsequently gave, the Archbishop explained that within the Archdiocese of Glasgow he was the ultimate authority. This raises a problem which must be solved. This relates to the possibility that a Bishop might reject the contents of “Awareness and Safety” or some part of it. If this is even in theory possible, then again the authority of “Awareness and Safety” as “the Bishops’ Conference of Scotland’s safeguarding policies” is compromised. For the Catholic Church in Scotland to be a safe place for all, it must be a safe place everywhere, and its safeguarding policies must be observed everywhere. For victims to be treated with fairness and consistency, they must be protected everywhere by the policies of “Awareness and Safety”.
- 3.4** In his evidence referred to above, Archbishop Tartaglia stressed that he was not responsible within his Archdiocese for “*Religious Orders, some Catholic Societies and Associations established as separate Trusts distinct from the Archdiocese*”. If there are communities within the Catholic Church in Scotland which are not under the authority of Bishops, it would appear that they are not under the authority of

the Bishops' Conference of Scotland's safeguarding policies. The independence or quasi-independence of "Religious Orders, some Catholic Societies and Associations established as separate Trusts distinct from the Archdiocese" raises important questions.

- 3.5** They are important questions in connection with the events at Fort Augustus Abbey school (run by the Benedictine Order). They were seen as important questions by the Cumberledge Commission when it reported on safeguarding in the Catholic Church in England and Wales in 2007:

Our basic concern is that all religious congregations involved in 'active ministry' should fully embrace the safeguarding arrangements.

- 3.6** This Report will deal in more detail with this issue in the sections "Independence" and "A Consistent Approach". But at this stage it must be affirmed that there should be a clear structure which ensures that everyone in contact with the Catholic Church in Scotland, with any expression of the Catholic Church in Scotland, whether under the authority of a diocesan Bishop or not, has the right to the same protection as any other, the protection which is set out at the moment in "Awareness and Safety". Under the present structure "Awareness and Safety" does not have that status, no matter how good relations between religious congregations and the Bishops' Conference may be at the moment.

- 3.7** While the Commission was satisfied with much of the content of "Awareness and Safety", there are gaps which need to be filled. In his evidence to the Commission, Bishop John Keenan wrote:

"There is no real mention of the role of a Bishop/Congregation Leader and this should be added. It is important for the community at large to be able to see what is expected of the leader in a diocese and religious congregation".

- 3.8** The role of the Bishop in safeguarding matters is vital and difficult. It is not a surprise that Bishops can find it very stressful. But "Awareness and Safety" is not clear about what that role is. As Bishop Keenan told the Commission, the role is not simply about giving the Bishop his place, it is about making sure that everyone involved in the diocese knows exactly what everyone else is doing, and needs to do, so that the whole can work properly together. It is also about challenging, and helping, each Bishop to make sure that he is carrying out all of his duties properly.

- 3.9** Among the most difficult duties of a Bishop will be his response to allegations of abuse by a priest, and they are among the most important duties. "Awareness and Safety" is almost silent on the subject of these duties. Section 4.10.2 "Code of conduct" states:

This code should include a disciplinary procedure to be used in the event of a leader/volunteer breaching any of its requirements.

3.10 For the avoidance of doubt it should be made clear whether this reference does include a priest against whom an allegation has been made. Whether it does or does not, more needs to be said. It is unjust to the one who has made the allegation if the procedure to be adopted, both in the short-term and in the long-term, is not set out clearly and unambiguously in a document publicly available, and it is unjust to the alleged perpetrator against whom an allegation is made as well.

3.11 The United Nations Convention on the Rights of the Child (1989) states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

3.12 The Scottish Government commented:

This is referred to as the ‘paramourncy’ principle and stresses the importance of involving children and parents in decision making. The Children (Scotland) Act 1995 was a direct result of the requirements of UNCRC to incorporate key principles – the ‘best interests’ or paramourncy principle, the no order (minimum intervention) principle and the right to be heard and participate in decision making.’ (Scottish Government: ‘Support and Services for Parents’, 2008).

3.13 Not only in UNCRC and the legislation of the Scottish Parliament is the paramourncy principle understood to be absolutely central in matters to do with children: it has become accepted across the broadest range of non-statutory bodies and voluntary organisations. It is quite extraordinary to discover how little place is given to it in “Awareness and Safety”. The only mention of the paramourncy principle is as a qualification of Section 2 paragraph 5:4.2, a section about the membership of the Diocesan Risk Assessment and Management Team. The note reads:

However, it is essential to demonstrate, beyond doubt, that the advice given to the Bishop by the Diocesan Risk Assessment and Management Team is both objective and based on the paramourncy principle.

3.14 The paramourncy principle is not mentioned in Section 5.3 of “Awareness and Safety”: “Key Principles of an Effective Child Protection Response”. It is again worrying that there is no explanation anywhere of what the paramourncy principle is. It is also worrying that there is no explanation of why it is important. And there is no explanation of the ways in which the principle might operate in practice. And no one seems to have noticed this.

3.15 The paramourncy principle refers specifically to children. When “Awareness and Safety” was first written most attention was given to children. However, since then, as the document itself says:

Adults who would be regarded as at risk have, in recent times, received much awaited attention from the Government. The subject of adult

protection has not been as well researched as child protection, however, recent studies and data that have been made available indicate that high levels of harm are a symptom of widespread discrimination against those with disabilities on the grounds of age, physical, sensory and mental health problems. (“Awareness and Safety”, section 6, paragraph 2.1)

- 3.16** Much of the language suggests that “Awareness and Safety” was written in two parts: the part about “Adult Protection Policy/Procedures” having been written later than and added on to the main part of the document. Any rewriting should incorporate the importance of protecting adults, as well as children, throughout the whole document.
- 3.17** “Awareness and Safety” identifies some individuals as particularly at risk, namely anyone who:
- Is elderly and frail; has a mental health problem including dementia or a personality disorder; has a physical or sensory disability; has a severe physical illness; is a substance misuser; is an unpaid carer; is homeless, displaced or exploited; has a learning disability. (“Awareness and Safety”, section 6, paragraph 3.2)***
- 3.18** This list may be useful as it encourages watchfulness in all who read it as they exercise their responsibility for safeguarding. But it is not an adequate list. It needs to be recognised that *anyone* can be at risk. In certain situations, confronted with certain behavior, even the strongest and most resilient can be at risk. Safeguarding policies must recognise that the need for protection is not a consequence of falling into a certain category. Policies and procedures need to be designed to protect everyone, from the weakest child to the most powerful adult, from abuse.
- 3.19** There is a section on “Training” in “Awareness and Safety”. It states:
- All clergy, parish co-ordinators, link co-ordinators for religious congregations, presidents and leaders of associated organisations must attend the necessary training to enable them to carry out their roles and responsibilities. (“Awareness and Safety”, section 7, paragraph 2)***
- 3.20** It does not state, however, what happens to those who do not.
- 3.21** At more than one meeting with priests, it was clear that there were two groups. Those whose training at seminary has been recent felt well-served by this training with regard to safeguarding. They felt it had given them confidence to deal with their responsibilities. Those whose seminary days were more distant felt the opposite. It is good that the training of priests is improving. But it is very important that those whose training in this field was less adequate receive the appropriate additional training. It must be provided, they must receive it, and it must be regular.

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- 3.22** Bishops are included in the provisions of Section 7.2 under the words “all clergy”. But their duties and responsibilities are so different from those of parish priests, and so significant, that there must be specific training for them. There is no doubt that all Bishops spend a good deal of time talking about safeguarding, but that is not the same as training. Linked to this, and to ensure consistency, there should also be specific training for leaders of Religious Orders.
- 3.23** The references to training in “Awareness and Safety” will be much stronger in any re-writing if they speak of “regular training”. Safeguarding issues change, and people forget. Being at a training session years ago does not mean one is well trained. As with any agency or profession associated with the care and protection of vulnerable people, a commitment to on-going professional development is required (ML21 supporter).
- 3.24** Much that is contained in “Awareness and Safety” is satisfactory. The concerns of this section of the Report are more about what is not in the document rather than what is in: the role of the Bishop; emphasis of the paramountcy principle; an inclusive treatment of anyone at risk; an explanation of the process for dealing with those who do not undertake mandatory safeguarding training and especially, a clear account of the theological principles which underpin safeguarding. When these omissions are added to the history of “Awareness and Safety”, it is the view of the Commission that it will be better for a complete revision or rewriting to take place rather than still more new material being added to what is already there. Survivors should be involved in this process.

Advisers and Coordinators

- 3.25** Key to the operation of the safeguarding service in the Church are those advisers and coordinators who serve the Church at different levels: the National Coordinator, Diocesan Advisers and Parish Coordinators. In evidence to the Commission, Detective Superintendent, Lesley Boal from Police Scotland said:
- “Procedures and guidelines cannot in themselves protect children. A competent, skilled, confident workforce, together with a vigilant public, can”.***
- 3.26** The Report has already acknowledged the commitment and understanding and sensitivity shown very obviously by so many of these and that that commitment and understanding are appreciated alike by Bishops and by Parish Coordinators. But commitment and understanding and sensitivity are not in themselves enough to make the service credible to the public, nor to give survivors the confidence they need, nor to ensure that the Church will maintain the highest standards while under great pressure. For paid staff, a fully professional structure should be introduced. For volunteers and paid staff alike, recruitment, training, scrutiny and consistency across the country must all be of the highest standard.

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- 3.27** The Key Role of Diocesan Advisers is set out in “Awareness and Safety”:
- To advise the Bishop and senior members of his team.*
- To guide the Diocesan Safeguarding Advisory Group (and any subgroups thereof).*
- To work closely with key members to help co-ordinate, plan and monitor all aspects of the protection of children, young people and adults at risk within the Diocese.*
- To highlight gaps in policy, practice and service provision to the Bishop and National Safeguarding Coordinator.*
- 3.28** The quality, experience and training of Diocesan Advisers are critical. Critical for safeguarding and critical for the reputation of the Church in safeguarding. There must be clear national criteria for the recruitment, training and supervision of Diocesan Advisers. Parish Coordinators in one part of the country must have as good advice as those in another.
- 3.29** Whilst there is a National Coordinator, there are no dioceses which have a Safeguarding Adviser whose role is exclusively safeguarding. It may well be the case that there is not a need for any diocese to have a full time adviser, but four dioceses have volunteers as safeguarding advisers, and in three dioceses the adviser has no defined working hours. Advisers also come from a range of backgrounds, but very few from a professional safeguarding background. The quality and experience of advisers is critical to the reputation of the Church in safeguarding.
- 3.30** The Church needs to be transparent and open in safeguarding, but it also needs to give members of the Church and wider society every confidence that its structures are robust and consistent. It is hard to see where consistency can come from with such a mixed approach to the role of the adviser. This is reflected in the experience of victims and survivors and others who spoke with the Commission. Whilst there was an acknowledgement of national policies and procedures and protocols, there was a serious lack of clarity about their implementation and consistency of practice. It was also clear to the Commission that Bishops and Religious Leaders, whilst following national procedures, could be seen to be doing so in their own way so that the experience of victims and survivors was varied. Agreeing procedures and how to implement them is critical to public confidence both within and outside the Church.
- 3.31** Under the present arrangements, most dioceses are too small to sustain full-time professional advisers. That does not preclude the possibility of part-time office-holders working within the national system or of advisers sharing their time with more than one diocese.
- 3.32** Key to the introduction of a fully professional structure is a new understanding of the role of the National Coordinator. According to “Awareness and Safety” the National Coordinator for the Bishops’ Conference of Scotland and team exist to:
- *promote and continue the development of policy and procedure on child protection and adults at risk;*

- *promote and coordinate the Church’s policy and practice on recruitment and selection;*
- *work with the members of the Diocesan Safeguarding Advisory Groups to ensure that Church policy is implemented;*
- *work in conjunction with the members of the Diocesan Safeguarding Advisory Groups to facilitate training for clergy, coordinators and those working with children, young people and adults at risk by offering training materials/sessions;*
- *develop resources relating to child protection/adults at risk; provide support, advice and guidance when child protection/adult at risk issues arise;*
- *liaise with statutory bodies, other Church denominations and other voluntary organisations; and*
- *commission on behalf of the Bishops’ Conference of Scotland an annual audit of the work of Diocesan Safeguarding Advisory Groups to the Church’s adherence to policy and practice in relation to safeguarding.*

3.33 At the moment the National Coordinator has little or no authority over Diocesan Advisers, who are each responsible to the Bishop in his or her diocese. Canon law requires this. Archbishop Cushley told the Commission:

“We must be careful that the National Coordinator role does not mean surrendering the authority and responsibility of the Bishop”.

3.34 However, a way should be found which does not undermine the authority of the Bishop, but also gives the National Coordinator responsibility for ensuring that national standards for recruitment, training and monitoring Diocesan Advisers are set and maintained professionally.

3.35 Evidence was given several times to the Commission that greater responsibility should be given to the National Coordinator. For example, in giving evidence to the Commission, Bishop Stephen Robson said of the National Coordinator:

“Personally, I think her role needs beefed up a little bit. She is capable of doing far more to keep us all together. To keep our policies and procedures together”.

3.36 One Diocesan Official said the same thing:

“It is important that the National Safeguarding Coordinator should have more authority”.

3.37 In the course of visits to different parishes, we were advised by many that the National Safeguarding Coordinator was wholly committed to developing safeguarding policy and ensuring delivery. She had a very good grasp of the issues that need to be addressed across the country to improve policy and practice. It was clear that she demonstrated strong leadership qualities and had gathered sound evidence of where current and future priorities should lie. However, in the final analysis she lacked the power and authority to ensure compliance, consistency and improvements.

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- 3.38** This is the same matter as was explored above with regard to a professional structure for the safeguarding service. Without a professional head of the service having the power to *ensure* national standards of recruitment and training and monitoring, sooner or later recruitment and training and monitoring are bound to vary. The result will be that in one part of the country, Bishops, Parish Coordinators and survivors will not be given as good a service as they will in another part of the country.
- 3.39** This is not about giving more work to anyone. It is about creating a more efficient and more just authority structure. Indeed there were hints given to the Commission that the present structure may almost be generating too much work. One Diocesan Adviser told us:
- “The role of the National Safeguarding Coordinator has exploded. So much more is being asked of the Advisers. We must solve this”.***
- 3.40** One part of the solution might be the creation of the post of Depute National Coordinator or a small team with clearly defined responsibilities and lines of accountability.
- 3.41** The unpaid, but official part of the Safeguarding Service is the Parish Coordinator. The role of the safeguarding coordinator within a parish was often described to the Commission as crucial. Safeguarding coordinators supported the parish priest in ensuring that staff and volunteers working with vulnerable people were cleared, trained, and supported. They provided a visible face for safeguarding within the parish so that parishioners knew who to go to in the event of any concerns. They ensured that policies and procedures were monitored and that the National Coordinator was informed of their work (e.g. through annual audits). They also provided a link to statutory services in the event of any issue within the parish.
- 3.42** The role of the safeguarding coordinator within a parish is defined in “Awareness and Safety” as:
- *be conversant with the information contained in the policies;*
 - *attend appropriate training and Coordinators’ meetings;*
 - *ensure that any person involved in work with vulnerable groups within the Parish is aware of and understands their responsibilities to protect children, young people and adults at risk and to provide them with the safest environment whilst involved in Parish/Church activities;*
 - *ensure that recruitment of those who will be working with vulnerable groups is conducted according to policy and current procedures and that all necessary documents are completed prior to any decision to engage their services;*
 - *assist the Diocesan Safeguarding Advisory Group by ensuring that all the relevant information is obtained to enable a PVG check to be processed;*

- *maintain accurate, up-to-date records of all activities involving vulnerable groups within the Parish and those involved in running these activities;*
- *take a lead role, along with the Parish Priest, to promote training opportunities for all engaged in work with vulnerable groups;*
- *liaise with organisations that use Parish premises to ensure good practice in relation to their responsibility for the welfare and safety of vulnerable groups in their care;*
- *be available to help volunteers and others who may wish to express concerns about vulnerable group issues; and*
- *follow agreed procedures when information is received regarding risks or concerns involving vulnerable groups.*

3.43 It is a daunting list of responsibilities; and it is hardly surprising that the skills and time commitment of parish safeguarding coordinators vary considerably. What is surprising is that the support they receive from their own parishes and from their own parish priests also varies considerably. Worse still, in some parishes there is no coordinator at all.

Evaluation, Scrutiny, Monitoring and Review

3.44 “Awareness and Safety” sets out the policies and procedures, but it says very little about ways in which these policies and procedures are checked, or should be checked, for effectiveness. A Church may have a poster up regarding safeguarding, but the existence of the poster does not mean that parishioners know what it says.

3.45 The Commission visited two dioceses in different parts of the country and studied documents to discover what steps are being taken to ensure policy and practice in safeguarding undergoes continuous improvement. The purpose of this was to question how an organisation knows whether existing policies and practices are effective and what they can do to improve them. The focus deliberately went beyond ‘tick-box’ auditing procedures to more qualitative examination. Parishes, identified by the Commission, as showing high compliance with the requirements of “Awareness and Safety” and parishes showing low compliance were selected. It was heartening to discover much good work in safeguarding being done at parish level. However, it was very disheartening to discover how little monitoring or evaluation there was of this work. Where the safeguarding work done was of a poor standard, the lack of monitoring and evaluation could be dangerous.

3.46 When parishes were visited, evaluation of safeguarding policy implementation was found to be quantitative through the National Audit, rather than through their own monitoring and reporting at parish level. This seems to be a missed opportunity at the very least, with more robust evaluation and self-monitoring important to informing a parish’s work, and opportunities for peer monitoring a useful means of sharing practice and offering support. No such innovation in monitoring was evident.

3.47 The National Safeguarding Service carries out an Annual Audit. The results of the audit for 2013 were published in December 2014. The introduction explains the context and purpose of the Audit:

Each year The Scottish Catholic Safeguarding Service through the Office of the National Coordinator presents a report to the Bishops of Scotland at their November meeting in relation to the work of safeguarding in the previous calendar year.

The audit contains details of how safe environments are created, with a rigorous recruitment which includes an Application Form, references and PVG scheme membership (previously disclosures) for those involved with children and vulnerable adults in a Church setting.

As well as PVG, training plays an important role in creating safe environments. The current national safeguarding training programme developed by professionals within the Catholic Church is called “Awareness and Safety in our Catholic Communities”. The training programme includes a Welcome Guide for All volunteers in the parishes with clear guidance about appropriate safeguarding procedures and good practice. This training is mandatory and delivered by experienced and trained Diocesan safeguarding Trainers. The Audit contains details about the training undertaken annually. Training has been further enhanced during 2013-14 to include important details such as managing sex offenders in our parish communities, information on the Sexual Offences (Scotland) Act 2009, and the impact of Child Sex Exploitation.

Finally, the Audit presented to the Bishops’ Conference contains details of any allegations which have been made and how these have been dealt with.

3.48 This is very positive, although to describe *managing sex offenders in our parish communities* as a “detail” is certainly unwise, and the absence of any references to survivors of abuse in the Introduction and in the Audit itself is a serious matter to which this Report will return.

3.49 The audit has two striking features. One is the level of compliance recorded:

- Out of 590 priests in parishes, 102 (17%) were not, at the time of the audit, members of the PVG scheme.
- Of 9028 volunteers, 4803 (53%) were not members of the PVG scheme. In 2013, only 170 priests in parishes (29%) undertook training.
- The figure for volunteers cannot be stated accurately, since it refers to volunteers with adults and volunteers with children, but does not indicate how many might be counted twice. But at the best possible interpretation, 7232 volunteers (87%) out of 9028 undertook training; the figure might be as low as 3317 (37%).

3.50 With the possible exception of the volunteer training figure, these are low figures for membership of the PVG Scheme and very low figures indeed for training. At the time of the audit, more than half of the volunteers in the Catholic Church in Scotland

who were required to be members of the Scheme, were not members. However, the Commission appreciates that this is a time of transition between the previous system of disclosure and the current PVG Scheme and that this is being addressed. Training is described as “mandatory” in “Awareness and Safety”. In 2013, 71% of priests in parishes did not undertake safeguarding training. As the Report has already stated, one experience of safeguarding training is of no use. Not only must training be mandatory, regular safeguarding training must also be mandatory.

- 3.51** The other striking feature of the audit is the absence of any scrutiny of the figures. There is no comment to help the reader judge whether the figures are high or low. There is no explanation of reasons why the figures might be high or low. There is no hint of what steps are to be taken to improve the figures. There is no mention of what sanctions are being taken against those who do not comply. And there is no qualitative assessment of the processes which lie behind the figures.
- 3.52** With the absence of scrutiny there is little possibility of improvement. It is not only regular training which is needed, it is regular effective training. If training is merely attending a session and nothing is learned, it is of little use, since it gives the status and responsibilities of “trained” to those who have not actually been trained. Information about how much training is being done reveals serious concerns and, the absence of any way of measuring the quality of training, raises more concerns. If the Catholic Church does not know how well it is doing, how can it ever know if it is improving?
- 3.53** After the Rotherham Inquiry, Professor Jay told the Commission:
- “In Rotherham Child Protection Committees had countless plans, but no one ever checked to see if the processes were doing any good.”***

Independence

- 3.54** The Cumberledge Commission reported in 2007 on “Safeguarding with Confidence – keeping children and vulnerable adults safe in the Catholic Church.” Its terms of reference were limited to the Catholic Church in England and Wales. One of its recommendations was the establishment of a National Safeguarding Commission, a recommendation which was accepted and acted upon. “Independence” was identified by the Cumberledge Commission as a key element in the new structure:

We are equally clear that new structural arrangements must continue to allow for independence which is credible. We would argue that the necessary independence is not around how it performs its function, whether as an independent agency or not, but about putting in place the checks and balances to ensure that what is done in the name of children and vulnerable adults’ safeguarding is open and transparent and subject to rigorous scrutiny from those with knowledge and expertise to critically challenge where appropriate (“Safeguarding with Confidence”, 2007, paragraph 3.20).

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- 3.55** The priority for the Cumberledge Commission was not the structural arrangements which might be put in place to provide for an element of independence, but rather that there might be appropriate room and respect for independence within any structure present or future.
- 3.56** It is a view which this Commission heard regularly. Public suspicion of safeguarding procedures in the Catholic Church in Scotland is rooted in a perception that these procedures are allowed to be secretive and may lead to cover-up, because all the safeguarding monitoring is done by the Catholic Church and by those employed by the Catholic Church. Survivors demand independence in the way the Church responds to their needs so that there can be less fear that the Church's response will be governed by a desire to protect itself and meet its own needs. Those who work in safeguarding in the Catholic Church welcome an element of independence as an assurance that their professional standards are of the highest. And all Bishops in Scotland support moves towards greater openness and transparency. Their choice of the Chair of this Commission who is not a Catholic was seen in the Church and beyond as evidence of this desire for more transparency.
- 3.57** Everyone supports "an element of independence", more independence in regulation, in training, in scrutiny and in engagement with survivors. It is not easy, however, to find the best way for this desire for independence to be matched with the Church's own structures, and, in particular, with the authority of the Bishops. It is not easy, but it is essential. If the challenge and reinforcement and credibility that an element of independence will bring to safeguarding in the Catholic Church are not welcomed into its structures, the argument will be irrefutable that the Catholic Church, whatever it says, does not want change.
- 3.58** The Commission agrees with the words of the Chair of the Rotherham Inquiry:
"Whatever the arrangements you absolutely need external scrutiny".
- 3.59** Different models of independence should be examined. One is the National Catholic Safeguarding Commission in England and Wales (NCSC). Its website says it:
Is responsible for setting the strategic direction of the Church's Safeguarding policy for Children and Vulnerable adults and for monitoring compliance. It is mandated by the CBCEW (Catholic Bishops' Conference of England and Wales) and the CoR (Conference of Religious) to ensure that standards are met and policies implemented. It does so in the spirit of the Church's call to "act justly, love tenderly and walk humbly with God (Micah 6.8). The NCSC sets and directs the work of the Catholic Safeguarding Advisory Service.
- 3.60** The Chair of the NCSC (who is a member of the McLellan Commission) was able to give the Commission several examples of the value of his freedom and the lack of inhibition put upon him by Church authorities. The Archbishop of Westminster, when he met the Commission, told us that the journey to the establishment of the NCSC had been a long and complex journey, especially perhaps for Bishops and, that "by

and large, the new arrangements appear to be working well”. A model which fulfils the requirements of the Cumberlege Commission, which has the support of its own Chair and also of the Chair of the Bishops’ Conference, is clearly one which could be recommended.

- 3.61** But England and Scotland are not the same. What works in one may not necessarily work as well in the other. Other models of ensuring the necessary independence can also be studied. Less radical would be the inclusion of independent people within the present structures and the service remaining an agency of the Bishops’ Conference. This would mean employing people, not necessarily Catholic and not necessarily nominated by Bishops, to national and diocesan structures. With this model much depends on the individuals involved with significant professional experience and personal authority and integrity needed to provide public credibility and satisfy the concerns of survivors.
- 3.62** A more radical model would be for the Bishops’ Conference to enter into an agreement with an outside body with experience and expertise in safeguarding. For example, the Chief Executive of Children 1st, Alison Todd, indicated to the Commission that they had been interested in offering support to the Catholic Church in this context.
- 3.63** There could be interesting possibilities for the Scottish Catholic Safeguarding Service if it were able to benefit from the scrutiny and supervision of an external body, however there would be challenges as well.
- 3.64** Whatever model is used, the incorporation of an independent element is essential: essential for public credibility, for the quality of the service, and for the reassurance of survivors. It will bring greatly added value to training and monitoring and response to survivors and it will overcome whatever remains of a culture of secrecy. To repeat Professor Jay:

Whatever the arrangements you absolutely need external scrutiny.

A Consistent Approach

- 3.65** When giving evidence to the Commission, Archbishop Cushley said:

“All members have a role to play, but coordinated leadership is vital as the culture of safeguarding needs to be understood and adopted by the whole Church. Leadership on this subject presently stems from the Bishops’ Conference of Scotland and branches out to each diocese. It is therefore essential that there be cooperation and that national minimum standards relating to openness and responsibility, accountability, support and integrity, which provide for differing needs, be adopted and implemented at the Diocesan level. It is also crucial that national minimum standards for training are developed for and with clergy, as our pastors are at the forefront of ensuring that a culture of safeguarding exists”.

3.66 The themes of cooperation, coordination and consistency of the application of the national standards were very frequent themes in the work of the Commission. There are two issues. One is the possibility of different standards and different actions in different dioceses. The other is the status of Religious Congregations, the members of whom do not, in most circumstances, come within the authority of the Bishop of the diocese. It was in consideration of both of these issues that the Cumberlege Commission developed what it termed its “One Church” approach for England and Wales. Their Report acknowledges that there are difficulties in attempting to develop national standards and consistency:

The Church is collegiate, not a homogeneous organisation working to a clearly established hierarchy with lines of accountability as generally understood by the secular world. Authority rests with each Bishop in his diocese and each Congregational Leader in his or her congregation. Though they come together through the Conference of Bishops and as a federation in the Conference of Religious respectively, they have differing priorities and, just as importantly, different levels of resources upon which to draw (“Safeguarding with Confidence”, 2007, paragraph 2.11).

3.67 The context is one where, in theory at least, the authority of a Bishop in his diocese might conflict with the aim of a consistent approach throughout the Church. So, one Bishop might take a different approach in dealing with an allegation brought to his attention from the approach taken by another Bishop (although both are required to act within the law). Or one Bishop might take a different approach from another in restoring to active ministry a priest who had been removed from active ministry. One Bishop might deal differently with a survivor from the way another Bishop would. And sometimes such differences could be justified, since there would be different stories, people and histories behind each.

3.68 But always such differences will give at least the appearance of unfairness, and sometimes real injustice may lie behind such inconsistencies. Unless the Catholic Church can find a way to ensure that people with the same needs or with the same fault in different parts of the country are treated according to the same standard, it will not escape the impression of acting in a contradictory way. This point was made often to the Commission by survivors. The evidence given by Detective Superintendent Leslie Boal from Police Scotland also identified different practices within the Church in different parts of Scotland.

3.69 The problem is far-reaching since the authority of the Bishop in the diocese is central to principles of canon law, but it may not be as difficult to solve practically. All of the Scottish Bishops who the Commission met expressed themselves in favour of the principles of “One Church”, although they recognised the problem. Bishop Keenan, for example told the Commission:

“Taking the meaning of a ‘One Church Approach’ to safeguarding from the Cumberlege Commission, a commitment to use the same policies, procedures and systems throughout the Church, then this is what we should be aiming for if it is not already practice in Scotland. Dioceses,

Religious Congregations and lay movements should all be using the same policies, practices and procedures to ensure continuity within the Church. There may be occasions where some procedures and policies may be required to be tailored to the nature and resources of a diocese or Religious Congregation, but not to the exclusion of the safety of children, young people or vulnerable adults”.

3.70 If the members of the Bishops’ Conference in Scotland commit themselves to cooperation, consistency and minimum standards of openness, accountability and training, then their joint will should be strong enough to establish those principles, despite the difficulty in canon law. The Archbishop of Westminster, with a number of years now of working inside a “One Church” approach, put it this way:

“It is not so much relinquishing sovereignty, but rather ensuring that Bishops exercise their authority in relation to Safeguarding matters within the constraint of agreed policy, procedure and professional advice”.

3.71 The authority of the Bishop in each diocese must not be allowed to be an excuse to fail to observe national standards and it need not be a barrier to those standards being accepted.

3.72 The absence of a fully functioning “One Church” approach is most clearly seen in the events following the disclosures of abuse at Fort Augustus School. The Report has addressed some issues in relation to Fort Augustus and will return to this. At this point it is the question of responsibility which is important. Fort Augustus School was a Benedictine School, part of a Religious Congregation, therefore, it did not come under the authority of the diocesan Bishop. However, each establishment in the Benedictine Order has its own independence, so Fort Augustus was not fully under the authority of the Abbot President of the Benedictine Congregation concerned. When the school closed, it ceased to exist as a legal entity, and its responsibility for what had happened there disappeared. So it might be argued that the Bishop had no responsibility, the Benedictine Abbot had no responsibility, and the School itself, with the responsibility, did not exist.

3.73 Yet despite its apparent technical accuracy, this issue of responsibility would offend against any sense of natural justice. It would do enormous damage to the reputation of the Catholic Church and would be an empty, apparently heartless response to those who suffered abuse. It is the clearest example of the need for a “One Church” or “A Consistent” approach not only among Bishops in dioceses, but also between the diocesan structure and Religious Congregations.

3.74 When the Commission met the Conference of Religious Congregations in Scotland we learned that working relationships with regard to Safeguarding were felt to be very good between the Dioceses and the Religious Congregations. The Chair of the Safeguarding Commission for Religious Orders in Scotland is himself a Parish Safeguarding Coordinator and a Diocesan Safeguarding Trainer. There are very few places in Scotland where members of religious orders are in contact with children

(except when they are doing parish work, when they are firmly under the authority of the Bishop). The National Safeguarding Coordinator and the Secretary to the Bishops' Conference also told us that the working relationship was very satisfactory.

- 3.75** There is only one Religious Congregation in Scotland (a tiny Congregation) which has not voluntarily agreed to abide by the policies and practices of “Awareness and Safety”. In that sense a “One Church” policy is in place in Scotland now with regard to the diocesan structure and Religious Congregations.
- 3.76** There is a caveat. Consistency of standards, training, recruitment and response to survivors are too important to depend on good working relationships. There must be a formal structure recognised by both parties, and a way must be found to ensure that the one remaining Congregation does adhere to the principles of “Awareness and Safety”.

Theology

- 3.77** A parishioner from Glasgow, a priest in the Western Isles and a Bishop who met us in Edinburgh all told the Commission the same thing:
- Remember theology.***
- 3.78** They may have meant different things. They might have been remarking on the small amount of theology which appears in “Awareness and Safety”. They might have meant that there are theological problems which need to be addressed – several times the seal of confession was raised with the Commission as a difficult issue. They might have been expressing a need for clear theological material about safeguarding to be made available for use in worship. These matters are all important, but most important of all they may have meant that the task of placing safeguarding where it cannot be ignored in the life of the Church; the task of changing the hearts and minds of those who only pay lip-service to safeguarding; the task of leading people to want to do their very best in safeguarding and the task of turning people to love safeguarding, is, for a Church, a theological task. Safeguarding reaches its proper place in the life of a Church when safeguarding is clearly seen as not only the law, but the will of God and the gift of God.
- 3.79** It is not enough to see safeguarding as a duty. All Scottish Catholics must come to respect safeguarding. They must come to know that the calling to make sure that all who are at risk and the weakest, most afraid and defenceless among them are safe, is a privilege, as well as the law. Let people think of safeguarding as filling in forms and attending meetings, and it will always be boring and a burden.
- 3.80** Bishop Gilbert told the Commission:
- “In Christianity in general, and in the Catholic Church in particular, there is an “a priori” culture conducive to good safeguarding – based on Jesus’ own self-identification with children and the vulnerable. Wherever this theological basis is appealed to it would resonate with both clergy and people”.***

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- 3.81 Pope Francis also referred to Jesus' self-identification with children in St Matthew's gospel. It is a powerful passage often quoted in connection with safeguarding:
- “Whoever welcomes one such child in my name welcomes me. If any of you put a stumbling-block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. Woe to the world because of stumbling-blocks”! (Matthew, 18:6,7)***
- 3.82 It is a powerful passage. No good theology of safeguarding will be content with platitudes about the sweetness of children. A good theology of safeguarding will recognise the depth of hurt and damage, the depth of wrong, which abuse regularly causes. It will not avoid the deepest questions of evil and the God of love and it will proclaim the justice of God for those who cry out for justice and against those who seek to flee from justice.
- 3.83 Any theology of safeguarding will want to reflect on Jesus' self-identification with children. Those who *welcome these little ones welcome me*: by implication those *who hurt these little ones hurt me*. The children in the passage may be taken literally as children, and so have an immediate reference to many cases of abuse.
- 3.84 For children, those at risk, the marginalized and those who live in fear, a theology of safeguarding will speak of them and to them. It will speak of healing and of prayer. It will speak of repentance, justice, forgiveness and hope. It will speak of God, so it will speak of love.
- 3.85 It is beyond the scope of this Commission to set out a compelling and coherent theology of safeguarding for the Catholic Church in Scotland. That is the task of the Church itself. It is for the Commission to emphasise the importance and the urgency of that task. Without it, survivors will hear no word of hope and healing from the Church. Without it, what will the Church say to perpetrators of offences? And without a compelling and coherent theology of safeguarding, how will the Church ever be confident that it is supporting people with safeguarding responsibilities, clergy and lay people alike? That theological work is necessary to help to make the Church a safe place for all.
- 3.86 In his evidence to the Commission, Bishop Gilbert sought to highlight:
- “The specifically Christian character of safeguarding within the Church. It should be the aim of every Catholic parish, school or organisation to create an environment where young people are both protected and affirmed in their human and Christian identity.... Such an approach will necessarily adopt policies, procedures and practices that are similar or identical in content with those advocated by government and prevailing in secular institutions. But they need to be more suffused by a Christian vision / value system and indeed to offer, as well as what is normally offered, specifically Christian aids. There is a role here for the Catholic Church, along with other Christian communities in our country, to offer an example of best practice”.***

3.87 A Catholic, scriptural, Scottish, fresh theological understanding of safeguarding might bear fruit. It is likely that the new, clear insights it will bring will make their way into the prayer and worship life of the Church. A Safeguarding Prayer appears on the website of the Scottish Catholic Safeguarding Service:

Lord Jesus we praise you for calling us to the service of others.

We pray for a generosity of spirit to ensure the vulnerable are protected.

We pray for a compassionate heart so that we will reach out to those who are wounded by abuse.

We pray for courage and determination as we seek the safety of everyone in our parish communities.

We dedicate ourselves to this work of service and pray that you will help us to do your will at all times and in all places.

3.88 No doubt many of those involved in safeguarding use this prayer. This prayer could be the beginning of a new treasury of prayer as new theological insights illuminate and encourage the Church. Prayers for survivors and their families, prayers for Advisers and Coordinators, prayers for priests and bishops and congregational leaders, prayers of repentance, prayers for hope, prayers for understanding, prayers for the Church. To set safeguarding in the context of the whole worship of the Church is, in itself, a real and necessary theological insight.

Recommendations for Chapter 3

3.89 The paramountcy principle should be clearly highlighted in the “Awareness and Safety” manual (paragraph 3.14).

3.90 Any rewriting of the “Awareness and Safety” manual should incorporate the importance of adults, as well as children, throughout the document (paragraph 3.16).

3.91 Safeguarding policies need to recognise that anyone can be at risk at certain times and in certain circumstances (paragraph 3.18).

3.92 Full and regular training in safeguarding should be provided to all priests, particularly those whose training at seminary was a long time ago (paragraph 3.21).

3.93 There must be specific training in safeguarding for Bishops and for leaders of Religious Orders (paragraph 3.22).

3.94 A commitment to ongoing professional development for all those involved in safeguarding should be made (paragraph 3.23).

3.95 The “Awareness and Safety” manual should be completely revised or rewritten rather than still more new material being added to what is already there. Survivors should be involved in this process (paragraph 3.24).

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- 3.96** The Church needs to be transparent and open in safeguarding and, in doing this, needs to give members of the Church and wider society every confidence that its structures are robust and consistent (paragraph 3.30).
- 3.97** The National Safeguarding Coordinator should have the power and authority to ensure compliance, consistency and improvements (paragraph 3.37).
- 3.98** Consideration should be given to the creation of the post of Depute National Safeguarding Coordinator or a small team with clearly defined responsibilities and lines of accountability (paragraph 3.40).
- 3.99** Monitoring and scrutiny must be developed in a way designed to lead to improvement (paragraph 3.45).
- 3.100** There should be more robust evaluation and self monitoring of safeguarding policy implementation (paragraph 3.46).
- 3.101** Managing sex offenders in parish communities should be a regular feature in Annual Audits (paragraph 3.48).
- 3.102** Survivors of abuse should be referred to in all Annual Audits (paragraph 3.48).
- 3.103** Action must be taken to deal with non-compliance with compulsory requirements (paragraph 3.50).
- 3.104** The Annual Audits should contain some scrutiny of the information they give (paragraphs 3.51 and 3.52).
- 3.105** Consideration must be given to finding the right way to introduce an independent element into the process by which the Church seeks to meet the needs of survivors (paragraphs 3.56 and 3.57).
- 3.106** An external element is an essential part of monitoring and scrutiny of the effectiveness of the Safeguarding Service (paragraph 3.57).
- 3.107** Careful thought should be given to examining different models of independence before decisions about elements of independence are taken (paragraph 3.59).
- 3.108** The harmonious arrangement existing at present between the diocesan structures and religious congregations must be established on a formal footing, which will not simply depend on good relationships (paragraphs 3.74 and 3.76).
- 3.109** The one religious congregation which has not voluntarily agreed to abide by the policies and practices of the “Awareness and Safety” manual must agree to adhere to these principles (paragraphs 3.75 and 3.76).
- 3.110** The relative absence of theological insight in the “Awareness and Safety” manual must be replaced with a clear explanation of the task of safeguarding as a Christian privilege with a firm theological foundation (paragraph 3.78).

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- 3.111** The theology of safeguarding must be set out in a way that will speak to those at risk, to children, to those who have been harmed, to the marginalised and to those who live in fear (paragraphs 3.82, 3.83 and 3.84).
- 3.112** Prayers for the safeguarding task of the Church should illuminate the whole worship life of the Church (paragraphs 3.87 and 3.89).

Chapter 4 – To ensure that the principles of justice are fully respected

Justice

- 4.1 To maintain public confidence in the Safeguarding arrangements in the Catholic Church in Scotland, it is important that justice is not only done, but is seen to be done. Justice is important because survivors of abuse want justice for themselves and others, and people accused of abuse need to be treated justly when an allegation is made. Both survivors and individuals accused of abuse are entitled to the full protection of the law. Nothing must be done by the Catholic Church which would deny any person the full protection of the law, just as nothing must be done by the Catholic Church which would protect any person from the penalties of breaking the law. Pope Benedict was responding to victims and survivors of abuse when he declared that the Church must “*ensure that the principles of justice are fully respected*”.
- 4.2 There are many definitions of justice, and these definitions can become very complex and technical. For the purpose of this report, however, justice can be equated with those involved in reporting abuse being treated fairly and being fully heard before any decisions are made; being properly supported through any investigation or proceedings, with access to appropriate advocacy and advice; being properly informed of the outcome and being helped to deal with any consequences. This should apply to any criminal proceedings, civil proceedings and/or proceedings subject to canon law in which a child or vulnerable adult, who is a survivor of abuse, has an interest.
- 4.3 The report has already highlighted some of the fundamental requirements of justice, and more are identified in Chapter 5, particularly in relation to the experience of survivors. It is beyond the remit of this report, and probably impractical as well, to examine all of the issues which might arise (and may well have arisen) in proceedings involving an individual making an allegation of abuse against a member of the Church. However, it is necessary to consider some issues which require to be addressed by the Catholic Church.
- 4.4 Allegations of abuse against members of the clergy require to be responded to in accordance with the canon law of the Church, in addition to the civil and criminal law of Scotland and any statutes in force which are relevant to the care and protection of children or vulnerable adults who have suffered abuse or are at risk of suffering abuse. While the civil rights of children and vulnerable adults in Scotland are not identical, those within both groups who have been abused or have been threatened with abuse have similar protection under the criminal law of Scotland, the civil law of Scotland and the statutory frameworks of child and adult protection. The Catholic Church in Scotland should ensure that its internal systems of child and adult protection continue to reflect the best practice guidance within the public sphere.

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- 4.5** A key issue is reconciling the different standards of proof required in different types of proceedings. Under the law of Scotland, in criminal trials the burden of proof rests on the prosecutor (the procurator fiscal in the sheriff court and the Advocate Depute in the High Court of Justiciary), and the standard of proof that requires to be met is “proof beyond reasonable doubt”. Normally a verdict of guilty can only be returned by the judge (or in a jury trial by the jury) if the court has heard evidence from two or more witnesses from which it can be concluded, beyond reasonable doubt, that the accused committed the crime of which he is charged. And the court has reached such a conclusion.
- 4.6** On the other hand, civil courts and tribunals in Scotland operate to a lesser standard of proof when they are making decisions in civil or professional proceedings (including disciplinary proceedings). This includes when they are making decisions in relation to child protection or dealing with disciplinary matters. In such situations, decisions are reached on the basis of the “balance of probabilities”, ie that something is more likely to have happened than not. This means that action can be taken to protect a child from a person who poses a threat to the child, even if that person has never been charged or found guilty “beyond reasonable doubt”. This correctly prioritises protection. However, it remains unclear to the Commission whether proceedings subject to canon law adopt a standard of proof which is similar to the “balance of probabilities”.
- 4.7** As the Commission understands, when a priest or other member of the Catholic Church is accused of sexual abuse and becomes the subject of proceedings initiated by the Church and subject to canon law, a standard of proof known as “moral certainty” is the measure against which the accusation of abuse is determined. This appears to be a high standard appropriate for a penal procedure. It is not clear to the Commission that there is a consistent standard equivalent to the Scottish “balance of probabilities” that applies to proceedings brought against professionals such as teachers, social workers or doctors, where the focus is on the need to protect children. It would be worrying if the canon law standard made it harder to take disciplinary action against a priest than would apply to these other groups. The protection of children and other vulnerable groups has to be the primary consideration.
- 4.8** For the avoidance of doubt, the Catholic Church in Scotland should take legal advice as to the standards of proof applicable to internal disciplinary processes, outwith the formal criminal justice system, when they are dealing with cases involving a member of the clergy of the Catholic Church in Scotland, who is alleged to have abused a child or vulnerable adult.
- 4.9** Associated with this is the issue of cover-up or other action that might seek to protect the institution of the Church or priests before seeking to protect the needs of the abused. This report has noted that survivors often feel excluded from the process of the investigation of their complaints. They are not always told what the process entails, nor properly informed of what decisions are taken subsequently in relation to

the person against whom an allegation has been made. Without compromising any formal criminal or disciplinary processes, every effort should be made by the Church, in conjunction with the Police and Public Protection Agencies, to keep victims and survivors informed of progress and action. Otherwise the sense of exclusion could potentially undermine the provision of justice for children and vulnerable adults, and reinforce their perceptions of a power imbalance.

- 4.10** Another obstacle to ensuring justice in the Catholic Church is the lack of a transparent process for responding to allegations against priests and other clerics. Again, this has been discussed elsewhere in this report, and it disadvantages both the accuser and the accused.
- 4.11** There are also difficulties in managing the reputational damage to the Church and the individual when an accused cleric is removed following an allegation and pending an investigation. Both catholic tradition and canon law place great emphasis on the importance of avoiding rash judgements that impugn the reputation of others (for example Canon 1717 which sets out the procedures for an investigation into alleged wrongdoing). However, for justice to be fully respected, there needs to be education of priests and parishioners about the necessity for “precautionary” removal from ministry during an investigation which must not be assumed to imply blame. This will always be uncomfortable and will be a difficult experience for an accused person who has done no wrong.
- 4.12** In overall terms, it is important to stress that there is more than one type of inquiry and determination to be made when a survivor advances an allegation of abuse. There may, correctly, be both criminal and disciplinary investigations. Therefore, the good practice guidance is to ensure that more than one person is involved in responding to an allegation and that the same person should not deal with both the survivor and any cleric or employee facing a disciplinary charge.
- 4.13** For justice to be fully respected, the Church should include in “Awareness and Safety” clear instructions about the processes to be followed when an allegation is made about an individual, and about the responsibility of the Bishop or Religious Superior.
- 4.14** Finally, for justice to be fully respected, the Church should introduce formal processes, underpinned by canon law, for addressing the protection of children: not just from those convicted “beyond reasonable doubt” of abuse, but also from those against whom there is sufficient evidence “on the balance of probabilities” to sustain an allegation of inappropriate or unacceptable behavior. Judgements on this lower standard should be principled, transparent and open to challenge. If the Catholic Church cannot do this within the current framework of canon law, it needs to pursue ways of amending this.

Advocacy

4.15 One question the Commission asked every survivor was:

When you contacted the Catholic Church, and a meeting was arranged, were you told you could bring someone with you?

4.16 Very few said “yes”. Yet several respondents indicated that they would have been unable to come forward to the Commission without the help and support of family members or good friends (ML7, ML11, ML15, ML19, ML21). It is evident that meeting the Catholic Church in such circumstances is likely to be more frightening than meeting members of the Commission. Our experience was that some survivors were provided with exceptional support by a partner, family member or friend. This support was remarkable in helping a survivor to survive, sometimes over many years and remarkable in helping a survivor cope with the stress of talking to the Commission.

4.17 Every case and each individual is different. Some survivors will prefer to give their accounts alone. They may have kept the whole business secret from those closest to them; they may have kept some details secret; they may feel they have let down those who love them; they may be ashamed. Other survivors may feel that the presence and help of one who can be trusted gives the courage to proceed. The presence of a trusted person may also be vital when the survivor is overcome with pain in telling of the experience.

4.18 Having someone present who is clearly on the side of the survivor may be an important source of strength. They may also be an extra pair of ears. Just as some people like to see a doctor alone, others, especially if the matter being discussed is serious, want another person present to listen to what is being said to make sure that nothing is forgotten afterwards. It would be unsurprising if a survivor, so distressed in the course of a meeting about abuse with representatives of the Catholic Church, is not to be able to remember all that was said.

4.19 It is therefore in the interests of survivors that they are encouraged to bring a companion when meeting Church representatives to talk about their experiences and what is to be done. Not all may take up the invitation, but the invitation should always be made.

4.20 The freedom to be accompanied is not only a matter of compassion and fairness it is also about justice. For justice to be done, every step must be taken to ensure that the experience of the survivor is told as clearly as possible. Not all survivors will be able to do that by themselves. A consequence of abuse can often be the inability to speak about it. In all situations, access to an advocacy service is important and should be offered as a matter of course.

4.21 This is likely to be particularly true where children are involved. It is unreasonable to expect a child to be able to say all that needs to be said. Fear, shame, inexperience of sexual behaviour, being in the presence of unknown adults, respect for those in

authority – any or all of these may weigh heavily on a child. So it is essential that there is someone present during any proceedings who can speak on behalf of the child and help the child to speak. Sometimes that person will be a parent or relative, but they may not know the facts, or may not believe the child, or they may be ashamed. Therefore, access to an advocacy service is important.

4.22 Advocacy services in Scotland have grown significantly in recent years, particularly as voices for older people and children. A vital aspect of all advocacy services is their independence, so it would be inappropriate for the Catholic Church to establish its own advocacy service. Rather, it should develop a partnership with organisations in Scotland which provide these services. This is the same model which the Church is already developing with regard to counselling services.

4.23 The Scottish Independent Advocacy Alliance says this of independent advocacy:

It safeguards peoples' rights. Independent advocacy aims to help people by supporting them to express their own needs and make their own informed decisions. It safeguards people who are vulnerable (Scottish Independent Advocacy website).

4.24 The use of an advocacy service cannot be entered into lightly. There are costs involved, but there may be higher costs beyond financial implications if people are not assisted in expressing their own needs and making their own informed decisions and if people who are vulnerable are not safeguarded.

Whistleblowing

4.25 Whistleblowing was raised with the Commission from at least two sources. Among the parishes we visited there was strong support for the protection of whistleblowers as a component of best practice in safeguarding. Also, some priests told us they believed that they had suffered as a result of making complaints about the behaviour of other priests. They believed that they would be further discriminated against if it were known that they had spoken to the Commission, despite the clear assurances of the Bishops' Conference that none would be disadvantaged as a result of meeting the Commission.

4.26 The private sector and the business world have started to learn the importance of a fair policy to protect whistleblowers. A policy, which protects whistleblowing done in good faith, can prevent damage and enhance the reputation of the institution. So it would be a brave and wise step for the Catholic Church in Scotland to adopt such a policy with regard to safeguarding. Brave because it would be a protection against further abuse, and wise because it would considerably increase the Church's reputation for openness. Both for building a safer Church and for building a more credible Church in regard to safeguarding, a policy for the protection of whistleblowers should be adopted immediately.

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- 4.27** Such a policy for safeguarding whistleblowers would give confidence to employees and volunteers to report malpractice without fear. Indeed it would make it a duty to do so. Such a policy would state clearly that employees who raise concerns reasonably and responsibly will not be penalised nor suffer a detriment in any way. It would include protection for those who raise concerns about a superior. The policy would apply not only to employees, but to all holders of offices and volunteers within the Church. While they would not fear disciplinary action in employment terms, they might well fear harassment and victimisation and must be protected. It should set out clearly the procedures to be followed in the event of a concern being raised.
- 4.28** There is an opportunity here for the Catholic Church in Scotland to become an example of good practice. In February 2015, Sir Robert Francis published his review of whistleblowing in the NHS (“Freedom to speak up”). He said:
- “I’ve heard some frankly shocking stories about [staff] whose health has suffered, and in rare cases who’ve felt suicidal as a result of their perception of them being ignored or worse”.***
- 4.29** He called for a complete change of culture in the NHS. The Catholic Church in Scotland has said repeatedly that it is determined to change from a culture of secrecy to a culture of openness. Openness to the protection of whistleblowers would be a positive step forward.
- 4.30** Sir Robert Francis also made it clear that it was not enough to have good whistleblowing policies in the NHS. What mattered was that the policies were put into practice. They must be monitored. Like so much else in this report, it is not only having the right policies which matters, it is also using these policies to do the right thing.

Recommendations for Chapter 4

- 4.31** The Catholic Church in Scotland should ensure that its internal systems of child and adult protection continue to reflect the best practice guidance within the public sphere (paragraph 4.4).
- 4.32** For the avoidance of doubt, the Catholic Church in Scotland should take legal advice as to the standards of proof applicable to internal disciplinary processes, outwith the formal criminal justice system, when they are dealing with cases involving a member of the clergy of the Catholic Church in Scotland who is alleged to have abused a child or vulnerable adult (paragraph 4.8).
- 4.33** Without compromising any formal criminal or disciplinary processes, every effort should be made by the Church, in conjunction with the Police and Public Protection Agencies, to keep victims and survivors informed of progress and action (paragraph 4.9).
- 4.34** There needs to be education of priests and parishioners about the necessity for “precautionary” removal from ministry during an investigation, which must not be assumed to imply blame (paragraph 4.11).

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- 4.35** More than one person should be involved in responding to an allegation, and the same person should not deal with both the survivor and any cleric or employee facing a disciplinary charge (paragraph 4.12).
- 4.36** The Church should introduce formal processes, underpinned by canon law, for addressing the protection of children: not just from those convicted “beyond reasonable doubt” of abuse, but also from those against whom there is sufficient evidence “on the balance of probabilities” to sustain an allegation of inappropriate or unacceptable behaviour (paragraph 4.14).
- 4.37** Survivors should always be encouraged to bring a companion when meeting Church representatives to talk about their experiences and what is to be done. This invitation should always be made (paragraph 4.19).
- 4.38** Every step must be taken to ensure that the experience of the survivor is told as clearly as possible. In all situations, particularly in relation to children, access to an advocacy service is important and should be offered as a matter of course (paragraphs 4.20 and 4.21).
- 4.39** The Catholic Church should develop a partnership with organisations in Scotland which provide advocacy services. This will ensure independence of these services (paragraph 4.22).
- 4.40** The Church should adopt a whistleblowing policy in relation to safeguarding. This policy should apply not only to employees, but to all holders of offices and volunteers within the Church and should be monitored (paragraphs 4.26, 4.27 and 4.30).

Chapter 5 – Above all, to bring healing to the victims and to all those affected by these egregious crimes

Reaching out to Survivors

- 5.1 What the Catholic Church in Scotland does to bring healing to victims and their families is a critical test – perhaps the critical test – of its response to abuse. The greatest improvement which must be made by the Catholic Church in Scotland in its policies and procedures relating to safeguarding is in its engagement with survivors of abuse. The Church has far to go in order to fulfil Pope Benedict’s declaration of what must be done *“to bring healing to the victims”*. Nothing will do more for the Church’s public credibility than a new approach to survivors; nothing will do more to cleanse the Church of the shame it feels about abuse. These are good reasons for reaching out to survivors, but the most important reason is that reaching out to survivors in their need and pain is the right thing to do.
- 5.2 Victims and survivors are bemused, disappointed, and sometimes angered by the mixed messages that appear to emanate from the Church, when general expressions of regret are not matched by individual apologies; when leaders of the Church they believe in say it is not their responsibility, citing legal and organisational issues that are difficult to understand; and when they appear to care more about the reputation and finances of the Church and the warnings of insurers than about the rights and needs of those who have been hurt.
- 5.3 It has already been stated that the number of survivors met by the Commission was relatively small and that the Commission had no means of verifying what they told us. We made clear to survivors, as we have to others at every opportunity, that we were not an investigatory body and that we were aware that we could only take at face value any of the representations made to us. But the similarities in their testimonies were striking, although the experiences they described were so different as to make the question of collusion unlikely. Not one person told us of a really good experience in the response of the Church to their approach. Sometimes one or other met kindness from a safeguarding adviser, but it did not go anywhere in leading to a positive result. Most noticeable was the number of people who told us the same two things:
- “No-one ever said I’m sorry for what has happened to you.”*
- “No-one ever said ‘What can I do to help?’”*
- 5.4 The Report has already quoted Bishop Toal, speaking on behalf of the Bishops’ Conference in February 2015. It is worth repeating:
- “The Scottish Bishops heard that the priority principle must be assistance to the victims of abuse. Such assistance must be person to person and must demonstrate to survivors a willingness to listen and an expression of understanding in the context of carefully prepared personal meetings. Safe environments need to be created for such meetings which empower survivors to find their voice so that they are heard with patience,*

understanding, respect and belief. The Catholic Church in Scotland is committed to learning from past mistakes, developing best practice and allowing external scrutiny of our work”.

- 5.5** If, as it appears, the Bishops’ Conference here is declaring that the priority principle must be assistance to the victims of abuse, then this is a welcome and important statement. It is a statement which will give new hope, but it is a statement which will only be judged by the actions it produces. Good words do not always lead to good deeds. The Bishops have made a fine and positive declaration, and it is one for which they will be held to account in the Church as a whole and by the public.
- 5.6** After the abuse at Fort Augustus School was exposed, as the Report has quoted, the Bishop of the Diocese said *“all that can be done should be done for the victims”*. It is clear from the evidence given to the Commission from the Scottish Catholic Safeguarding Service, the Benedictine Order and the diocesan Bishop that sincere efforts were made to reach out to survivors. From the perspective of those survivors, however, whose evidence we also heard, there was a sense that very little actual help was received.
- 5.7** A number of abused people are likely to have deliberately turned their back on the Church. It will not be easy for the Catholic Church in Scotland to reach out to survivors when they may not know who they are or where they are. But that is what they must do. One survivor told the Commission:
- “It is not the place of the survivors to come to the Church. It is the place of the shepherd to find the lost sheep” (ML1).***
- 5.8** If the Church has found it very difficult to reach out to survivors, it could be because of fear. Safeguarding can sometimes be understood as trying not to do anything for fear of doing something wrong, while it should be understood as having the courage to do the right thing safely. The Report has also mentioned the fact that some priests told the Commission that a loss of confidence as a result of the shame of recent years was making them fearful of trying anything new.
- 5.9** The Church is likely to be afraid of liability. In some parts of the world, large sums of money have been paid out to survivors. More will be said later on this, but at this point it can be said that refusing to engage with survivors has not been found to be a useful way of reducing liability costs. This great fear draws strength from the perception of the Church that the Church’s insurers always advise that the Church should say nothing which might sound like an admission of liability.
- 5.10** It is also clear that the Church believes Police Scotland will allow very little contact with survivors. It is true that there are important boundaries which must not be crossed when a criminal case is being pursued, but this does not mean that no contact in any circumstances and in any form could be approved. Once more, the Church should have a careful discussion with Police Scotland about what is appropriate in reaching out to survivors of abuse. Such new guidelines arising from these discussions should be published and made available to survivors.

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- 5.11** It may be that fear of survivors themselves can inhibit the Church's engagement with them. Survivors can be very angry, and they can be very angry with the Church. Listening to some survivors might prove difficult, but it cannot be avoided for that reason. The Catholic Church may have to devise ways of making sure that listening is made as safe as possible, but listening to people's anger is part of the listening which has to be done.
- 5.12** A Church cannot be controlled by fear. A Church must be controlled by love. That is not an optional extra it is of the essence of the Church's being. If the Catholic Church in Scotland is to fulfil the promise of Bishop Toal "*that the priority principle must be assistance to the victims of abuse*", it will need to discover the perfect love which casts out fear.
- 5.13** Survivors need compassion, and survivors need justice. To meet these needs may be the greatest challenge faced by the Church.

Listening

- 5.14** The experiences of survivors who spoke to the Commission of attempts to use safeguarding processes in the Church were very mixed. Within individual circumstances there were examples of effective, comforting and helpful practices, combined with intrusive, threatening and sometimes frightening episodes. Some respondents described extremely caring, thoughtful and considerate actions being taken in relation to their reporting. Other people described feeling anxious, interrogated and pressured into making formal complaints to the police.
- 5.15** People with safeguarding responsibilities were variously described as wonderful, sensitive, thoughtful, well meaning, untrained, inexperienced and even abusive. One respondent described how an independent witness requested a meeting be ended because of the behaviour and approach of the person with safeguarding responsibilities (ML3). Other experiences valued the counsel of people with safeguarding responsibilities, but felt it to be ineffective if there were any issues that were perceived to be beyond their power to change or challenge. The lack of independence of people with safeguarding responsibilities was felt by many respondents to be problematic.
- 5.16** Whilst it is clear from the documentation that has been provided to the Commission that safeguarding policy and training is in place, the experience of respondents to date is very mixed. Many people with safeguarding responsibilities or Parish Coordinators have skills and professional backgrounds that can be considered relevant to working with people. However, their involvement in the safeguarding processes seems to be more related to existing relationships within their parish or diocesan communities rather than application and selection for these roles.
- 5.17** Such inconsistency in the perceived performance of people with safeguarding responsibilities is serious and disturbing. Some accounts can make the Church "proud", "wonderful", "sensitive", "thoughtful", but some are unacceptable:

“untrained”, “inexperienced”. Such inconsistency can only be overcome by the highest standards of recruitment and training, standards to which the Report has already referred. Moreover, if the needs of survivors are to be the over-riding priority, as the Bishops’ Conference has stated, at the centre of the training must be training in listening. Involvement of survivors in this training should be sought.

- 5.18 In 2008 the Scottish Government published “*Yes You Can – Working with Survivors of Childhood Sexual Abuse*”. It recognises that listening is a skill which needs to be developed, and listening to survivors needs a very high degree of skill. Its conclusion for those who have the responsibility of this listening is:

Finally – in the midst of trying to follow all the advice in this chapter, and turning into a superhuman (or just human!) being – check that you haven’t forgotten actually to consult the survivor on two very practical questions: “What problems, if any, do YOU think the abuse has left you with?” “What are the main things YOU would welcome help with now?” These questions are an essential part of planning for the kinds of support and interventions – if any – which survivors might need in the short, medium and the longer term (page 68, chapter 4).

- 5.19 Every survivor of abuse has the right to meet with safeguarding personnel who are highly skilled in listening. And every survivor will be much better treated if they are given the opportunity to answer these two questions:

- i) What problems, if any, do YOU think the abuse has left you with?
- ii) What are the main things YOU would welcome help with now?

- 5.20 One of the experts from whom the Commission took evidence told us that he had met the Catholic Bishop of Adelaide at a conference on safeguarding. The Bishop told the conference that whenever he receives a complaint of abuse, he telephones the complainer and asks what he can do to help.

Saying Sorry

- 5.21 Saying “sorry” has two different meanings. Each of them is important to survivors, and each is important for the health of the Church. One is “I am sorry that this has happened to you”; the other is “I am sorry that we did this to you”.

- 5.22 The first meaning is to express regret for what has happened. It does not have any implication of responsibility. It is the normal, almost instinctive reaction of a friend to a person who has had bad news or is unwell or is experiencing trouble and difficulty. In March 2010 Pope Benedict XVI expressed this kind of “sorry” clearly. In a pastoral letter to victims and their families he said:

“You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity violated”.

5.23 Despite this, the Commission was often told by survivors that no-one within the Catholic Church ever said:

“I am sorry that this has happened to you”.

5.24 Instead the Commission has been told:

“There has been no reaching out to me from the diocese of support in my distress”. “No-one has said ‘what can I do to help’?”

5.25 In a compassionate Church this first meaning of saying sorry would be axiomatic, and every survivor would hear it. It has been recognised by several survivors that it is possible that apologies have been made and not heard or have been couched in language which is qualified and undermines the sincerity of the apology (ML3, 4, 21).

5.26 The second meaning of “saying sorry” is to say *“I am sorry that we did this to you”*. In this context saying sorry is an apology. Many institutions have found it difficult to apologise for child abuse, and the Catholic Church is no exception. However the apology made by Pope Francis quoted in the Preface to this Report went farther than his predecessor’s. Speaking to a group of survivors he said:

“Before God and his people I express my sorrow for the sins and grave crimes of clerical sexual abuse committed against you. And I humbly ask forgiveness. I beg your forgiveness, too, for the sins of omission on the part of Church leaders who did not respond adequately to reports of abuse”.

5.27 Here Pope Francis is recognising the responsibility of the whole Church for the harm that has been done.

5.28 No doubt such an apology will have to bear fruit in actions which will stop abuse happening in the future. No doubt those whose abuse was at the hands of those who were not clergy will await another apology more clearly directed to them. But it is a clear and powerful statement of apology and so very welcome and encouraging. Yet it has to be recognised how difficult most survivors seem to find it to hear even a Papal apology.

5.29 Survivors also found it difficult to hear the apology made by Bishop Gilbert on the day the news emerged in the public domain of the abuse at Fort Augustus School:

“It is a most bitter, shaming and distressing thing that in this former abbey school a small number of baptised, consecrated and ordained Christian men physically or sexually abused those in their care. I know that Abbot Richard Yeo has offered an apology to those who have suffered such abuse and I join him in that. We are anxious that there be a thorough police investigation into all this. And, that all that can be done should be done for the victims. All of us must surely pray for those who have suffered”.

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- 5.30 The Report has already commented on the distance between the promise of doing whatever must be done and what has actually been done. Here the point is that, even on the night, it was difficult for survivors to hear what Bishop Gilbert said as an actual apology. That night one Fort Augustus survivor told the BBC this was “*thin*” and:
- “Had only come because they’ve got their arms up their back. On a daily basis I’ve had to swallow anger, fear and regret at my lost childhood. You don’t get absolution when you go to confession just for saying sorry. You’ve got to have a firm purpose of amendment and that involves taking action. And you’ve got to make good the damage you did. And there’s no hint of that.”*** (BBC website, 4 August 2013)
- 5.31 Words are not enough in a context where a survivor “*has had to swallow anger, fear and regret at my lost childhood*” on a daily basis. And yet words are necessary. Apologies will often sound thin, but they must be made, and they must be repeated. An apology should be the first step to repentance, and repentance should be the first step to action. It must not finish there, but bringing healing to the survivors of abuse begins with apology.
- 5.32 It could be very significant if the Bishops’ Conference of Scotland were to make a public apology to all survivors of abuse within the Church, to say “sorry” in both senses, recognising the depth of daily hurt and anger which exists and taking responsibility for what has been done within the Church. In so doing, they would be following the example of Pope Benedict and Pope Francis.

Not Blaming

- 5.33 A Church which becomes good at saying sorry with sincerity is likely to become better at refusing to blame survivors for the effects which their abuse has had on them. Blaming the victim has been recognised in issues of race and crime, and particularly rape, as a means of diverting attention from the true cause of the experience of victims. It is expressed in cases of abuse in terms like “*of course he says things like that because he is such an angry person*”; or “*what do you expect someone with mental health problems to say*”; or “*her story is a sad one, but you can never trust an addict to tell the truth.*”
- 5.34 As stated at paragraph 2.19, several survivors expressed the view that they had felt dismissed because of their current or past state of health. This included reference to mental health difficulties; drug or alcohol problems; relationship difficulties and family breakdown. There appeared to be little recognition of the possibility or probability of these features of their lives being the outcomes of abuse suffered. Several respondents talked about feeling denigrated by the responses they received when trying to engage with the Church. Many spoke of feeling blamed for the abuse, feeling that their own reputation or character was brought into disrepute in an attempt to either justify or explain the abuse. This served to contribute to and compound the original abuse experience. An example of this included televised comments by Bishop Mario Conti in relation to the character of children who had been looked after and accommodated. (ML1, ML2)

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- 5.35** Blaming the victim is a double fault. Failing to recognise the consequences of abuse, seeing them rather as almost mitigating circumstances, makes it impossible to see where true responsibility lies, makes it impossible to understand the depth and breadth of hurt and damage done and renders any apology shallow.
- 5.36** Secondly, and equally importantly, even if it were true that the addiction or anger or mental illness were to some extent the fault of the abused person, it would still make no difference to the only appropriate response of a Church. A good Samaritan does not tell the victim at the roadside that his wounds are his own fault because he foolishly went down a dangerous road; the question of blame is not even mentioned. What matters is that the wounds must be healed.
- 5.37** Safeguarding in the Catholic Church in Scotland will begin to heal wounds by ensuring that training at all levels persistently and unmistakably prohibits language and opinions which give any credibility to blaming the victim for the effects of abuse.

Support

- 5.38** One form of support which many survivors may need is counselling. The Scottish Catholic Safeguarding Service provides options. The National Coordinator explained to the Commission:

“Anyone coming forward seeking counselling has been offered a range of responses which have included counselling funded by the Church, a referral to other agencies and sources of help, referral to telephone counselling with Health In Mind, financial support to access counselling of their choice etc – all in addition to meetings with members of the respective Diocesan Safeguarding Teams and Bishops themselves”.

- 5.39** Many survivors will not want any support from the Catholic Church. All want easier communication (“not finding every door closed”), but many see the Catholic Church as the source of their pain and want nothing to do with it. This is frustrating for the many within the Scottish Catholic Safeguarding Service who want to provide support and the beginning of healing, but it is an unavoidable fact. The Bishops’ Conference is exploring how it could offer a counselling service to survivors which is independent of the Catholic Church and which therefore might be more acceptable to those victims who would not welcome the Church’s direct involvement in their lives. The National Coordinator again explains:

“The Bishops have agreed the proposal for a National Counselling Service run by the Catholic Church for anyone affected by abuse in the Church. They have also agreed the funding behind such a development. It will be similar to, but not replicating, ‘Towards Healing’ the Counselling Service already established in Ireland”.

- 5.40** Towards Healing describes itself as:

An independent organisation providing professional support for people who have experienced institutional, clerical or religious abuse in Ireland.

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- 5.41 This could be a valuable development . Whether or not it will be understood as providing the necessary independence remains to be seen.
- 5.42 Other survivors have found that the only way in which they have been able to find the counselling they need is by funding it privately. Counselling is very expensive. As stated above, there can already be help from the Church for this. The Church needs to establish a clear policy with regard to meeting any of these costs.
- 5.43 Survivors sometimes spoke to the Commission of “spiritual abuse”. A small number would welcome more of the specifically Catholic resources of healing, which the Church is able to offer. As more than one Bishop told the Commission, the sacramental resources: the resources of prayer and the scriptures, and pastoral care are the gifts which the Church should be making available as widely as possible to survivors. They are unlikely to come asking.
- 5.44 Pope Benedict declared it as an urgent task to:
“Bring healing to the victims and to all those affected by these egregious crimes”.
- 5.45 The damage done to the families of abused people, to those who love abused people and to those who depend on abused people, is regularly hidden damage, but it is none the less real and terrible damage. Sometimes survivors never tell their experiences to those closest to them, and that hidden burden has a heavy cost. But sometimes the pain is shared, and where the pain is shared, the support must be shared as well.
- 5.46 Recognition of the lifelong effect of abuse, not only on survivors, but on other family members, on friends, on partners and spouses was an area that many of those who came to the Commission felt was a necessary strand of any future strategy. The weight of supporting, encouraging and advocating for someone who is, at times, in a very unhappy place can be considerable and take a heavy toll. Several respondents indicated that they would have been unable to come forward to the Commission without the help and support of family members or good friends (ML7, ML11, ML15, ML19, ML21)
- 5.47 The first step for the Church is reaching out to survivors. The second step is supporting. Both are long, hard and challenging steps, and each cannot be taken properly without the other. Many survivors have offered to help the Church in this process as ‘experts by experience’, and the Church should consider this offer.

Reparation

- 5.48 In October 2014 the National Coordinator issued a statement, approved by the Bishops’ Conference:

“Proposed InterAction on Historic Abuse of Children in Care”, as a result of a meeting between the five Religious Orders, members of the Conference of Religious, Bishops’ Conference of Scotland and the National Coordinator. It began:

“Collectively we acknowledge that those who suffer injustice have a right to make this suffering known, to name the reported perpetrator(s), to receive an apology and to seek appropriate reparation”.

- 5.49** The document refers specifically to the abuse of children in institutional care, but it is reasonable to assume that the acknowledgment of the right to seek appropriate reparation is extended to others who have suffered abuse. The reparation of which it speaks is in connection with the National Reparation Fund proposed by the National Confidential Forum. This Reparation Fund will be used to support survivors in terms of long-term therapy and counselling, for medical purposes, for education, for travel and respite care. It will not be designed to simply be a monetary compensation mechanism.
- 5.50** This is a courageous acknowledgment to make and it should be welcomed. In the past, some talk of responses to abuse have been governed by a fear of financial cost if any responsibility is admitted. In different parts of the world, large sums of money have been awarded by courts or agreed in settlements as reparation for abuse. The statement of the Catholic Church in Scotland (at paragraph 5.48) does not refer to monetary compensation awarded by the courts, but it does acknowledge the merit of reparation.
- 5.51** Survivors who met the Commission made the point that the assumption that what is being sought is financial reparation is deeply hurtful and offensive (ML4). Only a very small number of those whom the Commission met mentioned money and none made their mention of money anything more than a comment in passing. Reparation, as the Church acknowledges is important, but the Commission had no evidence that seeking reparation was the driving force behind the demands of survivors.
- 5.52** The October 2014 statement of the Catholic Church in Scotland is important because it places the Church alongside public bodies and other institutions in seeking a shared response to abuse in Scotland. It is also important because it recognises that reparation is a proper part of that response.
- 5.53** In other parts of the world, the Catholic Church has sometimes given the impression that it seeks to make it difficult for survivors to receive reparation (*see for example CBC news website, 19 February, 2014*). The Catholic Church in Scotland has an opportunity to demonstrate best practice. The Church can ensure that survivors have access to the Criminal Justice System by ensuring that all allegations are reported to the police and providing cooperation to the police, and by informing survivors of their right to seek independent legal advice should they believe they may be able to make a claim.
- 5.54** As already noted in the Report, difficult discussions will continue between the Church and its insurers.

Accountability

5.55 It was never in dispute throughout all of the meetings of the Commission with groups and individuals that those who had committed criminal offences must be dealt with by the police and by the courts. We were given accounts of stories involving priests in the past where the Church had been reluctant to report cases to the police: but there were no suggestions that such concealment was taking place at the present time.

5.56 Less clear-cut were instances where a priest had not been convicted in a court, but where there was still evidence that some abuse had taken place. In the past, special arrangements were sometimes made, priests were ‘retired’, priests were moved to another parish or to another diocese. One survivor told us:

“The Bishops appear to the parishioners within this parish to be speaking widely in the media about safeguarding in theory, whilst in practice on the ground, they are continuing to move priests with a ‘history’ to other dioceses, without keeping people informed”. (ML12).

5.57 In these cases there was no clear indication of accountability.

5.58 Several survivors indicated to the Commission how important it was to them that perpetrators should be dealt with effectively by the Church. This included issues in relation to public ministry, public announcements – it was not about public ‘naming and shaming’, although a small number of respondents (ML9) felt that this was appropriate – rather it was in relation to what was perceived to be misinformation regarding a priest ‘stepping down’ or ‘retiring after faithful service’. The impact of such statements was described by some survivors as ‘sickening’ and ‘distressing’. Another perspective offered here was that, for some survivors, coming forward is an indication of a wish to protect their church from the actions of abusers. That this is not recognised, coupled with the assumption that what is being sought is financial reparation, is deeply hurtful and offensive (ML4).

5.59 Communication with survivors was described by many respondents as inadequate at best and woefully uncaring at worst. Even where the communication was unlikely to bring comfort, as in the case of a perpetrator returning to active ministry, survivors have indicated that they would rather know this information. This might then help inform their choices about when, where and if they wish to worship or attend services, than to find this out by accident and potentially place themselves in difficult and distressing situations.

5.60 When Pope Francis met survivors in July 2014, he made a clear statement about accountability:

“There is no place in the Church’s ministry for those who commit these abuses, and I commit myself not to tolerate harm done to a minor by any individual, whether a cleric or not. All bishops must carry out their pastoral ministry with the utmost care in order to help foster the protection of minors, and they will be held accountable.” (Homily of Pope Francis at a Mass with a group of clergy sex abuse victims, 7 July, 2014)

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- 5.61** This is a clear statement, and a statement which, in one sense, goes further than anything the Church has said before. The promise that Bishops will be held accountable for the care with which they protect minors is a response to the perception that, while perpetrators of abuse may be held to account, the institution and the Bishops in authority over the perpetrator are seldom or never held to account. The Pope's promise that he will ensure that this can no longer be true represents a significant step towards openness and accountability. It is yet to be seen how the accountability of Bishops will operate in practice.
- 5.62** Some survivors (ML11 and ML21) invited the Commission to consider restorative justice as a particular form of accountability. Restorative Justice enables victims of a crime to meet or communicate with their offender to explain the real impact of the crime. It can be used to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively. Sacro developed a restorative justice process in connection with adult survivors of abuse while in care at Quarriers Homes. The accountability in question is the accountability of the institution in which abuse occurred. The process, which is designed to address the personal, moral and emotional aspects of the harm survivors have suffered, is informal and very different both in style and intention from a trial or a court hearing. It is managed by trained facilitators, and is (unless under specified exceptional circumstances) entirely confidential to those involved.
- 5.63** Such a process needs the most careful management. In the Sacro pilot, even highly trained and experienced facilitators were shaken by the depth of hurt and pain revealed. The danger of further traumatising is high. Yet restorative justice has been found to be effective in other fields. The conclusion of the scheme with Quarriers Homes was:
- “Overall, the pilot process demonstrated great potential for assisting survivors in their struggle to come to terms with their experiences at Quarriers and the subsequent effects. In particular, the Restorative Meetings exemplified the healing and positive outcomes that can be achieved through Restorative Justice.”*** (Sacro, “Time to be Heard”, section 6)
- 5.64** It would be a courageous step for the Catholic Church to take even to explore the possibilities of restorative justice. It need not be a large scale process, but it could have within it the seeds of the deepest healing.
- 5.65** Finally, it is not clear in what ways the National Safeguarding Service itself is accountable to survivors. Almost by definition much, perhaps most, of its work is confidential. Yet ways must be found to measure its effectiveness, to ensure its improvement, even to record the demands upon it. As the Report has mentioned already, there is no mention of survivors in the Annual Audit. Somewhere, although the details must remain confidential, there must be some account of what is done for, and with, survivors, and some attempt to measure its effectiveness. Otherwise how will Pope Francis be able to hold the Bishops accountable, as he is determined to do?

Recommendations for Chapter 5

- 5.66** The Bishops' Conference of Scotland should make a public apology to all survivors of abuse within the Church: recognising the depth of daily hurt and anger which exists, and taking responsibility for what has been done within the Church (paragraph 5.32).
- 5.67** The Church must reach out to survivors, including those whose whereabouts or identity is unknown, and support them. Many survivors have offered to help the Church in this process as 'experts by experience', and the Church should consider this offer (paragraphs 5.7 and 5.47).
- 5.68** The Church should enter into careful discussions with Police Scotland about what is appropriate in reaching out to survivors, especially when a criminal case is being pursued. New guidelines arising from these discussions should be published and made available to survivors (paragraph 5.10).
- 5.69** The Church should devise ways of making sure that listening is made as safe as possible for survivors (paragraph 5.11).
- 5.70** Training in listening to survivors must be at the centre of training of safeguarding staff. Involvement of survivors in this training should be sought (paragraph 5.17).
- 5.71** Training at all levels should persistently and unmistakably prohibit language and opinions which give any credibility to blaming the victim for the effects of abuse (paragraphs 5.35, 5.36 and 5.37).
- 5.72** The Church should establish a clear policy with regard to meeting any costs relating to counselling of survivors (paragraph 5.42).
- 5.73** Communication with survivors must be improved in terms of survivors being able to make informed choices about where, when and if they wish to worship and attend services (paragraph 5.59).
- 5.74** The Church might begin to explore the possibilities of restorative justice (paragraph 5.64).
- 5.75** Ways should be found to measure the effectiveness of the National Safeguarding service; ensure its improvement; and record the demands on it (paragraph 5.65).

Chapter 6 – Implementation

Acting on the Report

- 6.1** The Commission is very clear that the responsibility for acting on this report and taking forward the recommendations rests with the Catholic Church in Scotland with the leadership of the Bishops' Conference of Scotland. The Commission hopes that this will be done in a way which encourages a fresh sense of ownership and empowerment on the part of lay members of the Church. Taking forward the safeguarding agenda is both a challenge and an opportunity for the Church, and the Commission is confident that there is a willingness and commitment to do all that is necessary.
- 6.2** At the same time, given the need to meet the expectations of survivors and restore public confidence, the Church must maintain the momentum in taking matters forward. The need for sound action and collective commitment has to be matched by a real sense of urgency and determination.
- 6.3** Accordingly, the Commission recommends that the Church publishes an Implementation Plan within three months, setting out the action to be taken, with clear timescales and accountability. This should be followed by a Progress Report after 12 months.
- 6.4** A key element of the Implementation Plan should be the direct engagement of survivors, allowing their experience to help shape the way forward.
- 6.5** The Commission is also of the view that public credibility would be enhanced if the Church invited an appropriate, independent, party to monitor and audit the process and progress of implementation.
- 6.6** As with the Commission's report as a whole, the goal of implementation is clear: no more victims and renewed confidence in the safety of the Catholic Church in Scotland. In this way, the failures of the past can become a genuine impetus for change, improvement and healing.

Recommendations for Chapter 6

- 6.7** The Commission recommends that the Church publishes an Implementation Plan within three months, setting out the action to be taken, with clear timescales and accountability. This should be followed by a Progress Report after 12 months (paragraph 6.3).
- 6.8** A key element of the Implementation Plan should be the direct engagement of survivors, allowing their experience to help shape the way forward (paragraph 6.4).
- 6.9** The Commission is also of the view that public credibility would be enhanced if the Church invited an appropriate, independent, party to monitor and audit the process and progress of implementation (paragraph 6.5).

Recommendations

The Commission has made eight main recommendations, with additional recommendations associated with each one. After each additional recommendation some further context is provided. There are also three recommendations relating to the implementation of the findings of the report.

1. Support for the survivors of abuse must be an absolute priority for the Catholic Church in Scotland in the field of safeguarding.

- 1.i The Bishops' Conference of Scotland should make a public apology to all survivors of abuse within the Church: recognising the depth of daily hurt and anger which exists, and taking responsibility for what has been done within the Church (paragraph 5.32).

Bringing healing to survivors of abuse begins with an apology, continues with repentance and ends with action. Apologies are often difficult to hear, but they must be made. The example has been set by Pope Benedict and Pope Francis.

- 1.ii What is said by the Church in relation to safeguarding must always be followed by actions. (paragraphs 2.58, 2.80, 5.5 and 5.30).

Both within the Church and in the general public there is a perception that the Church's words about compassion for survivors or desire for change have not resulted in action. In their statement of February 2015 the Bishops have set out a new approach to survivors and this must not remain simply words.

- 1.iii The Church must reach out to survivors, including those whose whereabouts or identity is unknown, and support them. Many survivors have offered to help the Church in this process as 'experts by experience', and the Church should consider this offer (paragraphs 5.7 and 5.47).

Undoubtedly many survivors have turned their backs on the Church. However, that does not diminish the Church's responsibility for them.

- 1.iv The Church needs to be transparent and open in safeguarding and, in doing this, needs to give members of the Church and wider society every confidence that its structures are robust and consistent (paragraph 3.30).

The Commission heard of very different experiences of survivors when dealing with Diocesan Advisers in different parts of the country.

- 1.v Communication with survivors must be improved in terms of survivors being able to make informed choices about where, when and if they wish to worship and attend services (paragraph 5.59).

When a priest returns to active ministry, that information should be shared with any survivors.

- 1.vi Every step must be taken to ensure that the experience of the survivor is told as clearly as possible. In all situations, particularly in relation to children, access to

an advocacy service is important and should be offered as a matter of course (paragraphs 4.20 and 4.21).

The right to be accompanied is not only a matter of fairness and compassion it is also about justice. For many reasons, giving an account of painful experiences is likely to be particularly difficult for a child.

1.vii Survivors of abuse should be referred to in all Annual Audits (paragraph 3.48).

Although the details must remain confidential, Annual Audits must contain some account of what is done for and with survivors and some attempt made to measure its effectiveness. The absence of such accounts will confirm survivors' belief that they are not listened to.

1.viii Survivors should always be encouraged to bring a companion when meeting Church representatives to talk about their experiences and what is to be done. This invitation should always be made (paragraph 4.19).

This is in the interest of the survivor and therefore also in the interest of the Church. It does not necessarily mean someone to speak (as in 1.vi), it may simply mean someone to be present.

1.vix The Catholic Church should develop a partnership with organisations in Scotland which provide advocacy services. This will ensure independence of these services (paragraph 4.22).

Advocacy services in Scotland have grown significantly in recent years, particularly as voices for older people and children. The element of independence is vital.

1.x Training in listening to survivors must be at the centre of training of safeguarding staff. Involvement of survivors in this training should be sought (paragraph 5.17).

If the needs of survivors are to be the over-riding priority, as the Bishops' Conference of Scotland has stated, at the centre of training must be training in listening. The experience of survivors – experience of good listening and of bad listening – can be invaluable in this training.

1.xi The Church should devise ways of making sure that listening is made as safe as possible for survivors (paragraph 5.11).

Survivors are often angry, and it is difficult to listen to angry people. However, their anger is often a crucial part of their experience. Listening to them has to be done in such a way as to make it possible for them to express their anger in the context of listening.

1.xii The Church should establish a clear policy with regard to meeting any costs relating to counselling of survivors (paragraph 5.42).

Counselling can be very expensive. There are already possibilities of help with these costs from the Church. A policy of such funding should be clearly stated.

2. The “Awareness and Safety” manual should be completely revised or rewritten.

2.i Survivors should be involved in this process (paragraph 3.24).

It is important that survivors are asked to contribute to a revised or rewritten document to ensure their experiences are acknowledged and that they feel they are being listened to.

2.ii The paramountcy principle should be clearly highlighted in the “Awareness and Safety” manual (paragraph 3.14).

The United Nations Convention on the Rights of the Child (1989) states:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.

In the “Awareness and Safety” manual there is no explanation anywhere of what this essential paramountcy principle is. There is no explanation of why it is important and there is no explanation of the ways in which the principle might operate in practice.

2.iii The “Awareness and Safety” manual should be clear about arrangements for priests against whom an allegation is made and also be clear about the responsibilities of the Bishop or Religious Superior (paragraphs 2.51, 3.10 and 4.35).

The role of the Bishop or Religious Superior is central to the safeguarding process, and very little is said about it in the “Awareness and Safety” manual. That this be made clear is in the interest of everyone, including Bishops and Religious Superiors. It is unjust to the person who has made the allegation if the procedure to be adopted, both in the short-term and in the long-term, is not set out clearly and unambiguously in a document publicly available and it is unjust to the alleged perpetrator against whom an allegation is made.

2.iv The “Awareness and Safety” manual should detail minimum expectations for quality assurance of safeguarding practices; it should highlight the need to follow up on training and it should make reference to people with additional support needs (paragraph 2.52).

There is no provision for checking that training is being done, still less that it is being done well.

2.v Compliance with all legal requirements should be more clearly referenced in the “Awareness and Safety” manual (paragraph 2.84).

The Commission did not come across any passages in the “Awareness and Safety” manual that would appear to authorise or require those with safeguarding responsibilities to act in conflict with the civil or criminal law in Scotland, although compliance with legal requirements should be highlighted.

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- 2.vi The “Awareness and Safety” manual should include reference to the qualifications, training, selection terms and conditions of diocesan advisers, and a fully professional structure should be introduced (paragraphs 2.51 and 3.26).

There is evidence of commitment, understanding and sensitivity shown very obviously by diocesan advisers. However, commitment, understanding and sensitivity are not in themselves enough to make the service credible to the public or to give survivors the confidence they need.

- 2.vii Any rewriting of the “Awareness and Safety” manual should incorporate the importance of adults, as well as children, throughout the document (paragraph 3.16).

Some of the material about the safety of adults in the “Awareness and Safety” manual seems to have been added at a later date. The manual should reflect this importance throughout.

- 2.viii Safeguarding policies need to recognise that anyone can be at risk at certain times and in certain circumstances (paragraph 3.18).

Anyone can be at risk. In certain circumstances confronted with certain behaviour, even the strongest and most resilient can be at risk. Safeguarding policies must recognise that the need for protection is not a consequence of falling into a certain category. Policies and procedures need to be designed to protect everyone, from the weakest child to the most powerful adult, from abuse.

- 2.ix There should be more robust evaluation and self monitoring of safeguarding policy implementation (paragraph 3.46).

When parishes were visited, there seemed to be little engagement in evaluation with most parish councils. Evaluation and self-monitoring are important to informing a parish’s work and opportunities for peer monitoring are a useful means of sharing best practice and offering support.

3. There must be some external scrutiny and independence in the safeguarding policies and practices of the Catholic Church in Scotland.

- 3.i Consideration must be given to finding the right way to introduce an independent element into the process by which the Church seeks to meet the needs of survivors (paragraphs 3.56 and 3.57).

Without this element of independence, it will not be possible for survivors or the general public to be completely confident that the Church’s response is not in part driven by a desire to protect itself.

- 3.ii An external element is an essential part of monitoring and scrutiny of the effectiveness of the Safeguarding Service (paragraph 3.57).

This will provide reassurance to the public, to church members and to survivors. It is also a protection for those who work within the Safeguarding service that their standards are high standards and increasingly higher standards.

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- 3.iii Careful thought should be given to examining different models of independence before decisions about elements of independence are taken (paragraph 3.59).

Different models are available in the voluntary sector in Scotland and in the Catholic Church outside Scotland. However, it will be a challenging process to introduce any of them. Difficult questions about the authority of the Bishop and the self-understanding of the Catholic Church will have to be addressed and answered.

4. Effectiveness and improvement must be measured at every level of safeguarding in the Church.

- 4.i The Annual Audits should contain some scrutiny of the information they give (paragraphs 3.51 and 3.52).

When figures are given, there is no comment to help the reader judge whether the figures are high or low and there is no explanation of the reasons why the figures might be high or low. There is no hint of what steps are to be taken to improve the figures, and there is no mention of what sanctions are being taken against those who do not comply. And there is no qualitative assessment of the processes which lie behind the figures. With the absence of scrutiny, there is little possibility of improvement.

- 4.ii Action must be taken to deal with non-compliance with compulsory requirements (paragraph 3.50).

There could hardly be a clearer way of indicating that safeguarding is not important than to ignore non-compliance with compulsory regulations about safeguarding.

- 4.iii Monitoring and scrutiny must be developed in a way designed to lead to improvement (paragraph 3.45).

Information about safeguarding practice is important, but it is not enough. The value of such information is the use which can be made of it to deliver improvement. Systems of scrutiny which lead to improvement will give real value to the gathering of information.

5. A consistent approach to safeguarding is essential: consistent across different parts of Scotland and consistent across different parts of the Church.

- 5.i The Bishops' Conference of Scotland should have the authority to lay down policies, procedures and practices which must be followed to the letter in every diocese (paragraphs 2.53, 3.1, 3.3, 3.6, 3.66, 3.68, 3.70 and 3.73).

There must be no room for manoeuvre. The authority of the Bishop in his diocese is very important to the Church. But the protection of those at risk is also very important. It was encouraging to the Commission that Bishops were acknowledging that it should be possible to find a way to act with shared authority with regard to safeguarding.

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- 5.ii The harmonious arrangement existing at present between the diocesan structures and Religious Congregations must be established on a formal footing, which will not simply depend on good relationships (paragraphs 3.74 and 3.76).

This is not about control it is about taking the greatest care to make sure that the protection of those at risk is not compromised by inadequate church structures.

- 5.iii The one religious congregation which has not voluntarily agreed to abide by the policies and practices of the “Awareness and Safety” manual must agree to adhere to these principles (paragraphs 3.75 and 3.76).

This is a very small congregation, but that makes no difference.

- 5.iv The National Safeguarding Coordinator should have the power and authority to ensure compliance, consistency and improvements (paragraph 3.37).

The current structure does not provide this power.

- 5.v Consideration should be given to the creation of the post of Depute National Safeguarding Coordinator or a small team with clearly defined responsibilities and lines of accountability (paragraph 3.40).

Bishops, priests, diocesan advisers and parish coordinators suggested this to the Commission. If the recommendations of this Commission are accepted, much more than at present will be expected of the National Coordinator and a range of different skills might be required.

- 5.vi Ways should be found to measure the effectiveness of the National Safeguarding service; ensure its improvement; and record the demands on it (paragraph 5.65).

Much of the work of the National Safeguarding Service is confidential. Yet it must be accountable. What has been said in other recommendations about scrutiny designed to lead to improvement applies as a matter of course to the National Safeguarding Service.

6. Justice must be done, and justice must be seen to be done, for those who have been abused and for those against whom allegations of abuse are made.

- 6.i The Church should introduce formal processes, underpinned by canon law, for addressing the protection of children: not just from those convicted “beyond reasonable doubt” of abuse, but also from those against whom there is sufficient evidence “on the balance of probabilities” to sustain an allegation of inappropriate or unacceptable behaviour (paragraph 4.14).

Procedures should be clearly set out for circumstances where an allegation has not been proved in court “beyond reasonable doubt”, but where steps have been taken to protect a person or people at risk from an alleged offender on the “balance of probabilities”. Judgements on this lower standard should be principled, transparent and open to challenge. If this cannot be done within the framework of canon law, steps must be taken to

make it possible. Procedures taken for safeguarding reasons on the balance of probabilities must be clearly explained to all those involved.

- 6.ii** For the avoidance of doubt, the Catholic Church in Scotland should take legal advice as to the standards of proof applicable to internal disciplinary processes, outwith the formal criminal justice system, when they are dealing with cases involving a member of the clergy of the Catholic Church in Scotland who is alleged to have abused a child or vulnerable adult (paragraph 4.8).

As the Commission understands, when a priest or other member of the Catholic Church is accused of sexual abuse and becomes the subject of proceedings initiated by the Church and subject to canon law, a standard of proof known as “moral certainty” is the measure against which the accusation of abuse is determined. This appears to be a high standard appropriate for a penal procedure. It is not clear to the Commission that there is a consistent standard equivalent to the Scottish “balance of probabilities” that applies to proceedings brought against professionals such as teachers, social workers or doctors where the focus is on the need to protect children. It would be worrying if the canon law standard made it harder to take disciplinary action against a priest than would apply to other groups. The protection of children and other vulnerable groups has to be the primary consideration.

- 6.iii** The Catholic Church in Scotland should ensure that its internal systems of child and adult protection continue to reflect the best practice guidance within the public sphere (paragraph 4.4).

There can be no attempt to hide from the civil law and the criminal law in favour of special church arrangements.

- 6.iv** More than one person should be involved in responding to an allegation, and the same person should not deal with both the survivor and any cleric or employee facing a disciplinary charge (paragraph 4.12).

There is more than one type of inquiry and determination to be made when a survivor advances an allegation of abuse. This recommendation follows good practice in other institutions.

- 6.v** The Church should adopt a whistleblowing policy in relation to safeguarding. This policy should apply not only to employees, but to all holders of offices and volunteers within the Church and should be monitored (paragraphs 4.26, 4.27 and 4.30).

The Catholic Church in Scotland has said repeatedly that it is determined to change from a culture of secrecy to a culture of openness. Openness to the protection of whistleblowers would be a positive step forward. It will not be enough to have good whistleblowing policies. What will matter will be that the policies are put into practice.

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- 6.vi The Church might begin to explore the possibilities of restorative justice (paragraph 5.64).

Such a process needs careful management. It need not be a large scale process, but it could have within it seeds of healing.

- 6.vii The Church should enter into careful discussions with Police Scotland about what is appropriate in reaching out to survivors, especially when a criminal case is being pursued. New guidelines arising from these discussions should be published and made available to survivors (paragraph 5.10).

It is clear that the Church believes Police Scotland will allow very little contact with survivors. It is true that there are important boundaries which must not be crossed when a criminal case is being pursued, but this does not mean that no contact in any circumstances and in any form could be approved.

7. The priority of undertaking regular high-quality training and continuous professional development in safeguarding must be understood and accepted by all those involved in safeguarding at every level.

- 7.i Full and regular training in safeguarding should be provided to all priests, particularly those whose training at seminary was a long time ago (paragraph 3.21).

Priests have key roles in the safeguarding process. There must be no exceptions to their regular training. Priests who attended seminary in recent years were more confident and knowledgeable about safeguarding than those whose training was at an earlier date. That inequality must be dealt with.

- 7.ii There must be specific training in safeguarding for Bishops and for leaders of Religious Orders (paragraph 3.22).

The duties and responsibilities of Bishops and leaders of Religious Congregations with regard to safeguarding are so different from those of parish priests and so significant, that there must be specific training for them. There is no doubt that all Bishops spend a good deal of time talking about safeguarding, but that is not the same as training.

- 7.iii Training at all levels should persistently and unmistakably prohibit language and opinions which give any credibility to blaming the victim for the effects of abuse (paragraphs 5.35, 5.36 and 5.37).

Failing to recognise the consequences of abuse makes it impossible to see where true responsibility lies, makes it impossible to understand the depth and breadth of hurt and damage done and renders any apology shallow. Even if it were true that the addiction or anger or mental illness were to some extent the fault of the abused person, it would still make no difference to the only appropriate response of a Church.

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- 7.iv A commitment to ongoing professional development for all those involved in safeguarding should be made (paragraph 3.23).

Safeguarding issues change, and people forget. Being at a training session years ago does not mean that one is well trained. As with any agency or profession associated with the care and protection of vulnerable people, a commitment to ongoing professional development is required.

- 7.v There needs to be education of priests and parishioners about the necessity for “precautionary” removal from ministry during an investigation, which must not be assumed to imply blame (paragraph 4.11).

There are difficulties in managing the damage done to the Church and the individual when an accused cleric is removed following an allegation and pending an investigation. Both Catholic tradition and canon law place great emphasis on the importance of avoiding rash judgements that impugn the reputation of others. This will always be uncomfortable and will be a difficult experience for an accused person who has done no wrong.

- 7.vi Complacency in relation to safeguarding must be eradicated, and parishioners should always be aware of how to report concerns (paragraph 2.55).

There are clearly parishes in which commitment to safeguarding is still resisted because of complacency and lack of interest. In such cases, parishioners will not be aware of how to report concerns; abusers will not be identified and survivors will not be supported.

8. The Catholic Church in Scotland must set out a theology of safeguarding which is coherent and compelling.

- 8.i The relative absence of theological insight in the “Awareness and Safety” manual must be replaced with a clear explanation of the task of safeguarding as a Christian privilege with a firm theological foundation (paragraph 3.78).

An essential task, and a task which has an important place in the “Awareness and Safety” manual is the task of changing the hearts and minds of those who pay only lip-service to safeguarding. That is a theological task.

- 8.ii Prayers for the safeguarding task of the Church should illuminate the whole worship life of the Church (paragraphs 3.87 and 3.89).

This involves prayers for survivors and their families and all those involved in delivering safeguarding. It includes prayers of hope and understanding. To set safeguarding in the context of the whole worship of the Church is, in itself, a real and necessary theological insight.

8.iii The theology of safeguarding must be set out in a way that will speak to those at risk, to children, to those who have been harmed, to the marginalised and to those who live in fear (paragraphs 3.82, 3.83 and 3.84).

Such a theology of safeguarding will speak of healing and of prayer. It will speak of repentance, justice, forgiveness and hope.

Recommendations relating to implementation

The Commission recommends that the Church publishes an Implementation Plan within three months, setting out the action to be taken, with clear timescales and accountability. This should be followed by a Progress Report after 12 months (paragraph 6.3).

A key element of the Implementation Plan should be the direct engagement of survivors, allowing their experience to help shape the way forward (paragraph 6.4).

The Commission is also of the view that public credibility would be enhanced if the Church invited an appropriate, independent, party to monitor and audit the process and progress of implementation (paragraph 6.5).

Annex 1

Commission members

The Very Reverend Andrew McLellan

(Chair of the Commission)

Andrew McLellan was Moderator of the General Assembly of the Church of Scotland in 2000. He was HM Chief Inspector of Prisons for Scotland from 2002 until 2009. He was a parish minister in Greenock, Stirling and Edinburgh. He has been convener of the Church of Scotland's Church and Nation Committee, its Parish Development Fund and its World Mission Council.

Andrew is the Boys' Brigade Chaplain (UK). He has been Chair of the Religious Advisory Committee in Scotland and a Director of Scottish Television. In 2009, he was awarded the CBE.

Ranald Mair

(Deputy Chair of the Commission)

Ranald Mair is Chief Executive of Scottish Care, the representative body for private and voluntary Care Homes, Care at Home and Housing Support services in Scotland.

Prior to joining Scottish Care in 2007, Ranald had an extensive career in social work and social care across a range of settings, including practice and teaching in relation to child protection. He completed his undergraduate degree at Stirling University and his professional training at Nottingham University. He also has a Post Qualifying Award in Child Care Studies from Newcastle University and the Certificate in Social Services Management and Leadership from Robert Gordon University.

Ranald was until recently Convener of the Church of Scotland's Safeguarding Committee. Ranald is also involved in a range of Scottish Government planning groups for services for older people.

Dr David McAllister

(Secretary to the Commission)

David McAllister is a former Civil Servant, who has worked as a prison researcher within the Scottish Prison Service and more recently as Assistant Chief Inspector of Prisons for Scotland. He has also led a team of researchers evaluating the impact of major regeneration in areas of deprivation in Scotland.

In his early career he worked as a prison psychologist in England and Wales, and also carried out research into the provision of through care by the Probation Service for young offenders.

Bishop John Arnold

Bishop John Arnold is the Bishop of Salford. He is a member of the Department for International Affairs of the Bishops' Conference of England and Wales and is Chair of CAFOD's Board of Trustees. CAFOD is the official Aid and Development charity of the Bishops' Conference of England and Wales.

Bishop Arnold was a member of the Cumberlege Commission. Its Report "Safeguarding with Confidence" is responsible for setting the direction of the Church's safeguarding policies for children and vulnerable adults, and monitors compliance with the policies set out in the report. He is also a member of the National Catholic Safeguarding Commission established as a result of that report in 2008.

Bishop Arnold led the apostolic visitation ordered by The Congregation for the Doctrine of the Faith into claims of sexual abuse at Ealing Abbey and neighbouring St Benedict's independent school in west London in 2011.

The Right Hon The Lord Mackay of Drumadoon

Donald Sage Mackay, The Right Hon The Lord Mackay of Drumadoon served as a Senator of the College of Justice in Scotland (High Court) from March 2000 until he retired in 2013.

Lord Mackay served as a member of the Criminal Injuries Compensation Board from 1989 to 1995, where among other matters, he was involved in determining claims for compensation based upon allegations of sexual and physical abuse. In 1991, he served as Senior Counsel to Orkney Islands Council during the Inquiry before Lord Clyde into the removal of children from Orkney.

Lord Mackay was appointed Solicitor General for Scotland in 1995. From 1995 to 1997 he served as Lord Advocate. He was raised to the peerage in 1995 and became a Privy Counsellor in 1996. Since retiring, he has resumed his seat in the House of Lords.

Kathleen Marshall

Kathleen Marshall has been active in the fields of child law and children's rights for over 25 years. In 2004, she was appointed as Scotland's first Commissioner for Children and Young People, a post she held for five years.

Mrs Marshall had previously worked as Director of the Scottish Child Law Centre and has written and spoken extensively on children's issues and served on a number of bodies concerned with the rights of children.

Mrs Marshall chaired the "Edinburgh Inquiry into Abuse and Protection of Children in Care", which reported in 1999. In 2010, she served as a Commissioner on "Time To Be Heard", a pilot scheme set up by the Scottish Government to listen to and acknowledge the experiences of adults who had suffered abuse as children in residential care.

In 2011, she was part of the team which undertook the Youth Justice Review in Northern Ireland and has recently led an inquiry into child sexual exploitation in Northern Ireland.

Professor Nancy Loucks

Nancy Loucks is the Chief Executive of Families Outside, a Scottish voluntary organisation that works on behalf of families affected by imprisonment, and a Visiting Professor at the University of Strathclyde's Centre for Law, Crime & Justice. Prior to this she worked as an Independent Criminologist, specialising in research on prison policy and comparative criminology.

Professor Loucks' work on family issues includes research into family participation in prisoner resettlement, studies of the role of Prison Visitors' Centres and of the work of Family Contact Officers, including consultations with prisoners' families.

She worked for the Risk Management Authority on serious violent and sexual offenders. She also conducted extensive research at HMP & YOI Cornton Vale, during which time she interviewed women about their experiences of abuse.

She is a member by invitation of the Scottish Ministers' Early Years Task Force, the Scottish Government's Reintegration and Transitions Champions Group, and the SPS National Steering Group for the Improvement of Service Delivery to Women in Custody.

Malcolm Graham

Assistant Chief Constable Malcolm Graham joined Lothian and Borders Police in 1995 and as a Senior Investigating Officer since 2003, he has investigated numerous high profile crimes and incidents. He has held the position of Detective Superintendent with lead responsibility for public protection, during which time he led on Child Protection and Crime Scene Management for ACPOS.

In August 2008 he was promoted to the post of Head of the Criminal Investigation Department for Lothian and Borders Police, leading on tackling serious and organised crime, major crime investigation, counter terrorism, intelligence and public protection for the force. He led on behalf of ACPOS in Counter Terrorism Investigations, Sexual Crime Investigation and worked with key partners in developing new approaches to victim services.

In January 2013 he was appointed as an Assistant Chief Constable of the Police Service of Scotland and holds the portfolio for Major Crime and Public Protection.

Lindsay Roy

Lindsay Roy was MP for Glenrothes and Central Fife from November 2008 until his retirement in May 2015. He served as Parliamentary Private Secretary in 2009-10 to Tessa Jowell, Minister for the Cabinet Office, and was a member of the Scottish Affairs Select Committee throughout his parliamentary career.

He served as Rector of Inverkeithing High School (1989-2008) and Kirkcaldy High School (2008) and was an Associate Assessor of secondary schools with Her Majesty's Inspectorate of Education between 1996-2008. Mr Roy was appointed to the Board of Management of Lauder College where for 10 years he chaired the Curriculum and Student Affairs Committee. He also served on the Literacy Commission in 2008.

He was President of the Headteachers' Association of Scotland 2004-2005 and an Executive Member of the International Confederation of School Principals 2008-2011. He was awarded a CBE in 2004 for services to Scottish education.

Sheena McDonald

Sheena McDonald is a journalist and broadcaster. She began her professional broadcasting career as a producer and presenter at BBC Radio Scotland. In 1980, she also began working in television as a presenter and newsreader at BBC Scotland before spending six years at STV covering arts, books, the economy, news and making documentaries. After relocating to London, Ms McDonald anchored national radio and television news programmes such as *Channel 4 News*, *The World This Week*, *On the Record*, and *The World at One*. In 1995, she received the first-ever “Woman in Film and Television” Award.

Sheena has served as a trustee on the Disasters Emergency Committee and on BAFTA, as well as serving on numerous arts organisation boards, including chairing the Board of Management of the Traverse Theatre, Edinburgh for seven years.

Danny Sullivan

Danny Sullivan is currently Chair of the National Catholic Safeguarding Commission for England and Wales, which is an independent body overseeing the direction and strategy of safeguarding throughout the Catholic Church.

Danny is a former Director of Education for the Anglican Diocese of Oxford, where he had oversight of its 280 schools. He also worked as a senior civil servant in the Ministry of Justice until his retirement in 2008. From 2011 to 2013 he developed a judicial partnership between the UK and Algeria on behalf of the Foreign Office and the International Department of the Ministry of Justice.

Bishop Stephen Robson

Stephen Robson was born in Carlisle and educated at Edinburgh University, with further postgraduate studies in the Pontifical Gregorian University in Rome with a Licence and Doctorate in Spiritual Theology specialising in medieval monastic theology. He gained the Licentiate in Canon Law from the same University in 2006. Stephen was formed as a priest in St Andrew’s College, Drygrange and ordained to the Roman Catholic Priesthood in 1979.

As priest, he served in Kirkcaldy, Edinburgh, Duns and Eyemouth, Dunbar, East Calder, North Berwick and Broxburn. As teacher, he was on the Staff of St Mary’s College, Blairs, in Aberdeen from 1981-1986. Later he was Episcopal Vicar for Education in the Archdiocese being responsible for the primary and secondary schools and Universities. Stephen was also Spiritual Director of the Pontifical Scots College in Rome from 2007-2013. He was nominated Auxiliary Bishop by Pope Benedict XVI in 2012 and then appointed Bishop of the RC Diocese of Dunkeld by Pope Francis in December 2013. He was installed as the Diocese’s 9th Bishop at St Andrew’s Cathedral, Dundee in January 2014.

Roisin McGoldrick

Roisin McGoldrick qualified as a social worker in 1982 and has a Diploma in Child Protection. She practised as a social worker and senior social worker in the field of child care until taking up a teaching post within the Glasgow School of Social Work at Strathclyde University in 1993. She teaches across both undergraduate and postgraduate qualifying courses, mainly in relation to sociology of the family, risk and protection and professional development.

In a voluntary capacity, Roisin is Chair of the Board of Managers of the Good Shepherd Centre, which is a residential secure and close support facility for high-risk young people based in Renfrewshire.

Annex 2

Glossary of terms used

Abuser: A person who abuses another either sexually, physically or emotionally.

Awareness and Safety: This document provides a set of policies and procedures for those who have a responsibility for the protection of children, young people and vulnerable adults in the life of the Catholic Church in Scotland.

Bishop: A senior member of the clergy appointed to head a diocese.

Bishops' Conference of Scotland: This body enables the Catholic Bishops in Scotland to work together, undertaking nationwide initiatives through their Commissions and Agencies. The members of the Bishops' Conference are the Bishops of the eight Scottish Dioceses.

Canon Law: The laws, rules and regulations of the Catholic Church.

Catholic Bishops' Conference of England and Wales (CBCEW): This is the permanent assembly of Catholic Bishops and Personal Ordinaries in the two member Countries. The members are the Archbishops, Bishops and Auxiliary Bishops of the 22 Dioceses in England and Wales.

Church: For the sake of simplicity the Church is referred to throughout the Report as “the Catholic Church in Scotland”, “the Catholic Church”, or “the Church”.

Conference of Religious in Scotland: This body represents the different Roman Catholic religious orders, congregations and societies in Scotland.

Cumberlege Commission (“Safeguarding with Confidence”): This Commission was set up in 2006 to review the way the Catholic Church in England and Wales protects children and vulnerable adults from abuse. It reported in 2007.

Diocese: A district for which a Bishop is responsible.

Diocesan Safeguarding Audit: These audits give a statistical breakdown of reported safeguarding allegations during the year. The statistics show how many allegations were reported in the year, the category of the incident, the category of the alleged perpetrator and the outcome of any investigation.

Holy See: The Pope in his role as Bishop of Rome. In this role the Holy See is the jurisdiction in Rome of the Catholic Church.

National Catholic Safeguarding Commission in England and Wales (NCSC): The NCSC was created in 2008 following the acceptance, by the Bishops' Conference of England and Wales and the Conference of Religious of England and Wales, of the recommendations in the Cumberlege Report “Safeguarding with Confidence” (see above).

National Confidential Forum: This was set up under the “Victims and Witnesses (Scotland) Act 2014”. The Forum is about understanding and acknowledging childhood experiences in institutional care in Scotland, wherever they were. Individuals can tell members of the Forum about their experiences, including any abuse they suffered, how it was dealt with at the time and what effect these experiences have had.

Paramountcy Principle: The welfare of the child is the primary concern.

Parish: A small administrative district with its own church and clergy under the jurisdiction of a priest.

Restorative Justice: Restorative Justice enables victims to meet or communicate with their offender to explain the real impact of crime. It can be used anywhere to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively.

Sacro (Safeguarding Communities-Reducing Reoffending): Sacro is an organisation which aims to promote community safety across Scotland through providing high-quality services to reduce conflict and offending.

Safeguarding: There is no complete agreement in Scotland about the use of this term, so for the purpose of this report we use the term to refer to the protection of children and people at risk in the Catholic Church.

Seal of Confession: This is the absolute duty of priests not to disclose anything that they learn from penitents during the course of the Sacrament of Penance (commonly called “Confession”).

Survivor: Someone who has experienced harm or abuse whether sexually, physically or emotionally, and has survived this abuse. It is thought that this term might be more empowering than “victim” (see also “Victim”).

Victim: Someone who has experienced harm or abuse whether sexually, physically or emotionally. For some the term ‘victim’ suggests that they are defined and restricted by the experience (see also “Survivor”).

Virtual Office: A business address and call answering service as an alternative to full office rental.

Annex 3

Questionnaire posted on the secure website

Submitted:

First name:

Family name:

Date of birth:

Contact telephone number:

Email address:

Are you aware that there is a Safeguarding Service for children and vulnerable adults within the Catholic Church?

Have you used or tried to use that service?

If yes: was the service easy to find? Was it helpful to you? How? If it was not helpful, can you say why not?

Were you invited/encouraged to bring a supporter/ friend with you?

Who was present – not names particularly, but the roles of those present? (For example, safeguarder, priest, Bishop, authorised listener)?

Do you have any comments to make about the service you received?

Do you have any suggestions about how to improve the service?

Is there anything else you would like to share with the Commission?

If necessary, would you be happy for us to contact you to hear more about your experience?

If yes, would you prefer us to contact you by email or telephone and what is the best time to get in touch – during the day or in the evening?

Thank you for completing this questionnaire.

Annex 4

Individuals providing formal evidence to selected members of the Commission

27 August 2014

Mgr James MacNeil and Kathleen McMahon (Argyll and the Isles)

28 August 2014

Bishop Joseph Toal and Bill Crawford (Motherwell)

Archbishop Philip Tartaglia and Sue Jardine (Glasgow)

Bishop John Keenan and Christine Riddoch (Paisley)

Mgr William McFadden and Anne Watt (Galloway)

5 September 2014

Bishop Hugh Gilbert, Rev. Mark Impson and Marjorie Booth (Aberdeen)

16 September 2014

Bishop Stephen Robson and Malcolm Veal (Dunkeld)

22 October 2014

Archbishop Leo Cushley, Mgr Patrick Burke and Angela Hughes
(St Andrew's and Edinburgh)

5 November 2014

Sister Eileen Mearns and HMI John Brown (representing Conference of Religious Scotland – CRSSC)

Annex 5

Individuals providing evidence to full meetings of the Commission

12 May 2014

Tina Campbell, National Safeguarding Coordinator for the Bishops' Conference of Scotland

9 June 2014

Archbishop Philip Tartaglia, President of the Bishops' Conference of Scotland

8 September 2014

Detective Superintendent Lesley Boal, Police Scotland

13 October 2014

Panel

Alan Baird, Chief Social Work Adviser to the Scottish Government

Alistair Gaw, Head of Support Services for Children and Young People, Edinburgh City Council Social Work

Dr Donald Macaskill, Former Minister, Theologian, at time of meeting Associate Consultant with Scottish Care

10 November 2014

Professor Alexis Jay, OBE, author of "Independent Inquiry into Child Sexual Exploitation in Rotherham (1997-2013)"

Panel

Richard Cross, Head of the Safeguarding Service for the Church of Scotland

Rev Karen Campbell, Convener of the Church of Scotland Safeguarding Committee

Sheila Ritchie, Vice Convener of the Church of Scotland Safeguarding Committee

Donald Urquhart, National Safeguarding Adviser for the Scottish Episcopal Church and the District Safeguarding Officer for the Methodist Church in Scotland and Shetland

Annex 6

Individuals providing evidence to subgroups of the Commission

Tam Baillie, Children's Commissioner for Scotland

Martin Crewe, Barnardo's

Bob Driscoll, Chief Social Work Officer

Dr Pauline Gough, Sandyford Sexual Health Services

Moyra Hawthorn, University of Strathclyde

Martin Henry, Stop it Now! Scotland

Peter Kearney, Scottish Catholic Media Office

Hawys Kildray, Caledonia Youth

Patricia Marr, Talk Now

Beth Smith, WithScotland

Alison Todd, Children 1st

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