

# Terms of Reference

## Independent Review Panel

### Safeguarding Structures and Arrangements within the Catholic Church in England and Wales

October 2019

#### 1. Introduction:

These terms of reference serve to inform and provide the scope and reporting framework for the independent review to be led by the Chair, Mr Ian Elliott. Mr Elliott was appointed to undertake this review by the NCSC in July 2019.

Mr Elliott will lead the review supported by two panel members, a Canon Lawyer and Financial Advisor. During the review, it may be necessary to co-opt additional members to the review panel and the Independent Chair and NCSC will consider the appointment of other expert or independent members, if necessary, as the review progresses.

The review will commence as soon as contractual arrangements are in place and agreed between Mr Elliott and the **Catholic Trust for England and Wales (CaTEW)**.

#### Background

In 2000 Lord Nolan was invited to set a framework for best practice and prevention, to assist the Catholic Church in England and Wales, in responding fairly, properly and supportively to abuse within the Church. The last of Lord Nolan's recommendations was that his report 'A Programme for Action', published in 2001, should be reviewed in five years-time. The Cumberlege Commission was tasked with this review and reported in 2007. The recommendations of the Cumberlege Commission were accepted by the Bishops' Conference and Conference of Religious and the majority have been implemented.

The landscape of the Church has changed in the ten years since the Cumberlege report. The Independent Inquiry into Child Sexual Abuse is taking a keen interest in the strategy and operations of the Church across England and Wales. Reports containing stark revelations of child sexual abuse within the Catholic Church, and evident failures of local leadership, have caused the Bishops to reflect on their own leadership

and on the responsibility they hold in England and Wales for ensuring that safeguarding is embedded in every aspect of the life of the Church. The need to review the current structure and arrangements is recognised by the Bishops of England and Wales, who in their '*Ad Limina*' statement asked the NCSC to commission an entirely independent and comprehensive review of the safeguarding structures and arrangements that currently operate within the Catholic Church in England and Wales.

The Church remains committed to the 'One Church' approach to safeguarding structures and arrangements within dioceses and religious congregations and seeks to ensure that it has an infrastructure and operational arrangements, which can support and deliver this. The Church does not include within this review, other Catholic charities that do not come under the governance of either a diocese or the religious.

The Catholic Bishops of England and Wales in 2019 finalised the appropriate *decreta generalia* to secure canonical *recognitio* (c.455), so that there will be a special territorial law (c.13§1) for England and Wales. This has been submitted to the competent dicastery in Rome for their review. If granted, this decree would give both juridical authority to the Church's most important safeguarding rules for children and adults at risk and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in that law.

The *decreta generalia* would bind the religious orders and dioceses canonically to the 'One Church' approach. The development of a national protocol/charter has been submitted to Rome for canonical *recognitio* as a general decree governing the Church in England and Wales. Built into this will be a requirement for dioceses and religious orders to comply with the national safeguarding policies and procedures which are approved by the Conference of Bishops and Conference of Religious and include any subsequent revisions or amendments that, over the course of time, would need to be made by the Conference.

Approval of this approach has been given by the Bishops who alone have canonical authority to legislate for particular law, either individually within the territorial jurisdiction of their diocese or collegially through the issue of a general decree governing the territory of the Conference of Bishops.

## **2. Scope and Purpose**

The Review Report will be commissioned by the NCSC on behalf of the Bishops' Conference. The report will be received by the Chair and Vice-Chairs of the NCSC before submission to Bishops for consideration.

The review is not required to make specific recommendations for action, but to identify different models of structure and operations and the means by which these could be achieved, presenting a view on which models seem best suited to supporting and delivering the 'One Church' approach to safeguarding.

A fundamental aim within the scope is that whatever outcomes and recommendations are put forward for improvement are evidence based, proportionate and consideration given to the responsibilities and functions for implementation within identified timescales/milestones.

The NCSC has identified that the review should look at six key elements within the review;

1. The safeguarding infrastructure and organisation
2. Alignment of diocese and religious congregations
3. Accountability
4. Training
5. Safeguarding structures and arrangements
6. Policy and procedures
7. Financial arrangements

These aspects are fundamental to safeguarding, specifically aiming to consider the following:

### **1 Safeguarding infrastructure and organisation**

- Whether the structures and purposes of the NCSC and CSAS, their relationship with each other and their shared and individual relationships with the wider church safeguarding structures, are appropriately configured to lead the strategic and operational direction of a national 'One Church' approach to safeguarding, or whether there are alternative models of structure, governance and funding that should be considered;
- Whether the structure of diocesan and religious safeguarding arrangements which are locally appointed, funded and managed is a suitable arrangement or whether there are alternative models of structure, governance and funding that should be considered;

- Identify areas where the Church needs greater responsibility and accountability e.g. religious coming into the country, non-aligned religious orders.

## **2 Alignment of dioceses and religious congregations**

- Whether the 'One Church' approach alignment model remains suitable in terms of the diocesan and religious commission resources required and available to support it, and whether the arrangement of (partly) funding of this model by levy income from religious congregations is sustainable.

## **3 Accountability**

- The current arrangements of reliance upon a central body (CSAS) providing advice and support should be explored to assess whether this is the most appropriate means by which the stated aim of a 'One Church' approach can be achieved. The exploration and examination of this 'One Church' approach model in England and Wales needs to take into account other more effective models in the Catholic world.
- Whether the current arrangement and structure of safeguarding commissions is sustainable in a context where it is sometimes difficult to secure and sustain representation from the statutory sector and whether recruitment and retention of Commission members should be revised to focus on skills (rather than, as now, having: (i) membership tied to representation from specific statutory organisations and (ii) fixed terms of office);
- Identify a suitable infrastructure and robust model for quality assurance of safeguarding work within dioceses and religious congregations, that demonstrates what is working well and where we need to improve. Matters of 'organisational' reach and sufficiency in terms of resources, must be addressed in this.
- Identify whether the mechanisms for dealing with unresolved complaints from outside the church's employment and appointed role arrangements are sufficient and propose an alternative model if appropriate

## **4 Training**

- Whether the content and model of delivering safeguarding training to seminarians and men and women in formation as religious contributes sufficiently towards a culture of safeguarding; and,

- Whether the current model of nationally developed but locally delivered training to clergy and safeguarding representatives is appropriate and sustainable and identify gaps in reach of safeguarding training e.g. to religious safeguarding leads.

## **5 Policy and procedure**

- Identify areas where policy and procedure might need review to reflect any proposed changes to structure, organisation and operation.

## **6 Financial arrangements**

- Whether the resources available to safeguarding arrangements, nationally and locally, are sufficient for the fulfilment of responsibilities. If not, what level of resourcing is required and how this compares to existing financial arrangements.

## **3. Consultation**

The panel will consult widely with relevant stakeholders and survivors represent a critical element that must be included, specifically the Survivor Advisory Panel (SAP) to the NCSC. Within the church safeguarding structures and responsibilities key stakeholders will include members of the Bishops' Conference, Conference of Religious, NCSC, CSAS, Safeguarding Commission Chairs, Safeguarding Co-Ordinators and Parish Representatives. The Panel may wish to make contact with other Departments within the church structures that have a direct contribution to make to safeguarding arrangements (e.g. Domestic Violence/Abuse) The review should also consider relevant supporting evidence by looking at and drawing upon other areas with the Catholic Church in other territories who may have a significant positive contribution to make to this review.

## **4. Timeline**

The final report is to be received no later than 1<sup>st</sup> October 2020. In addition to a final report, the Chair of the panel will be expected to provide an interim report on progress by April 2020, which should address the steps taken to consult with relevant stakeholders and some indicative findings.

## **5. Authority**

The NCSC commission and own this report and all related material produced in relation to the review. The report must be submitted to the NCSC at the conclusion

of the work. NCSC should use its findings to make recommendations to the Bishops at the NCSC at the conclusion of the work.

25<sup>th</sup> October 2019

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