



REVIEW OF PAST CHILD PROTECTION CASES

GUIDANCE FOR CHILD PROTECTION COMMISSIONS

INTRODUCTION

1. This review is required by virtue of *A Programme for Action*, Recommendation 70:

Bishops and religious superiors should ensure that any cases which were known of in the past but not acted on satisfactorily (* "historic cases") should be the subject of review as soon as possible, reported to the statutory authorities wherever appropriate, and that there is appropriate follow-up action including possibly regular continuing assessment.

*Now called "past cases"

2. The key purpose of the review is to ensure that in every case, the current risk, if any, is identified, and appropriate plans are made to manage the identified risk.
3. The review concerns cases involving volunteers as well as employed persons and office holders.
4. If the review identifies anyone who has suffered abuse in a Church setting, they will be offered support as appropriate.

CONFIDENTIALITY

All new documents produced in the course of the review of Past Child Protection Cases must be clearly marked "Strictly Confidential" and securely stored. Access to them must be allowed only to those entitled to it in order to fulfil their responsibilities to conduct the review and to protect children. The Bishop/Congregation Leader, the Child Protection Co-ordinator/Officer and the Child Protection Commission will all have access, as will the Reviewing Officer. Any other person needing access will be agreed in writing by the Bishop/Congregation Leader and the Chair of the Child Protection Commission before the Review begins.

SCOPE OF THE REVIEW

1. All cases known of in the past will need to be identified in the first part of the review (**cf IDENTIFYING AND DOCUMENTING CASES below**).
2. However, some known cases will not require further review. These include:

- Cases where the abuser is known to be deceased, and therefore presents no current risk;
 - Cases where recent court proceedings have meant that the case has been considered by the Child Protection Commission since 1st June 2004, (when the National Policy on Responding to Allegations was implemented) and which can therefore confirm that no current risk exists;
 - Cases already reviewed in line with this protocol since 1st June 2004.
3. COPCA may be consulted for advice about any aspect of the review at any stage by Bishops/Congregation Leaders, the nominated person and/or the reviewer.

SECTION A

GUIDANCE & TASKS FOR BISHOPS AND CONGREGATION LEADERS

1 THE PRO-FORMA

- 1.1 Enclosed is a pro-forma (List of All Known Child Protection Cases, page 6) for your use in recording details of all known child protection cases in your Diocese or Religious Congregation.
- 1.2 Your Child Protection Co-ordinator or Officer or other **nominated person** may assist in the compilation of this list, but ultimately the responsibility for ensuring that no cases are omitted remains with you, as you may have access to information not previously provided to others.
NB The nominated person may also undertake the review itself.
- 1.3 All cases and other child protection information found, including cases remaining open, should be listed on the pro-forma.

2 IDENTIFYING AND DOCUMENTING CASES

- 2.1 It is acknowledged that in the past there will not necessarily have been systems in place for storing and retaining child protection information about individuals.
- 2.2 In identifying information which may require review it is best to err on the side of caution where there is uncertainty, as very minor matters placed on record or in a memory may be the tip of an iceberg which has not been dealt with appropriately to date. If such cases come to light later on through another route this would undermine our efforts to demonstrate a transparent and accountable approach to child protection matters in the Church and the progress that we have made on this with the public.
- 2.3 If information is found that suggests that there may be protection issues in relation to vulnerable adults that require review or action, the details should be noted separately and await our policies on vulnerable adults. However, in cases where immediate risk to the public is evident the information should be passed to the Child Protection Co-ordinator without delay. If in doubt, please consult your Child Protection Commission or COPCA on this point.
- 2.4 Information may be held in a variety of different locations and some information may not have been recorded anywhere in documentary form.

- 2.5 Where there is no indication that there is child protection information about an individual, it is not necessary to review his/her personnel file. However, where a concern is identified for any reason, the relevant personnel file(s) must be reviewed, and the Data Protection Act allows for such action to be taken.
- 2.6 Nothing in this protocol prevents Bishops/Congregation Leaders from undertaking a review of all personnel files – whether personally or through a reviewer.
- 2.7 Some records may have been lost or damaged. Some may have been received in the form of confidential reports from psychologists, and these may have been returned to the author without a copy having been retained.
- 2.8 In such cases Bishops and Congregation Leaders must ensure that concerns are re-documented, and that the status of the information – fact, opinion or unsubstantiated information is clearly recorded.
- 2.9 The source of the information should always be recorded if it is known, so that any current issues of risk may now be addressed, where necessary through investigation by the statutory authorities.
- 2.10 This information should be recorded on the pro-forma provided (List of All Known Child Protection Cases) and will remain strictly confidential to the Bishop/Congregation Leader, Reviewer and the Child Protection Commission.
- 2.11 Bishops and Congregation Leaders may be aware of such non-recorded cases themselves, and will also need to consult predecessors and relevant colleagues for information which may exist only in their or their colleagues' memories. This does **not** mean that an investigation or the interviewing of potential witnesses should take place at this point.
- 2.12 All those consulted should be listed as indicated on the final page of the pro-forma. Those who have information which may be relevant to a specific case should be listed alongside details of the case, as indicated.
- 2.13 Where doubt exists about the relevance and/or accuracy of information, it should nevertheless be included so that an assessment of it may be made by the Reviewer.
- 2.14 Relevant colleagues to be consulted to identify possible past cases will include:
- Other managers, not only within the Diocese or Religious Congregation, but also within establishments and structures overseen by the Church such as youth work, care homes and other services.
 - Rectors (and former Rectors) of Seminaries, Vicar Generals, retired and previous Bishops and Congregation Leaders, retired managers and directors of organisations such as the St. Vincent De Paul Society where relevant.
- 2.15 It is best practice to request all such information in writing and to require a written response, keeping copies of the requests and replies. (See pro-forma letter, page 13)

3 COMPILING A LIST OF ALL KNOWN CASES FOR REVIEW

WHAT IS A "CASE"?

- 3.1 A case will be added to the list whenever information about possible abuse or inappropriate behaviour with children is found from any source.-
- 3.2 Such information could derive from one or more of the following:
- Allegations – information about possible abuse received from any source.
 - Acknowledgement by an individual to any other person that s/he has behaved abusively towards children, including information given to a psychologist or therapist.
 - Concerns expressed by any person about inappropriate behaviour, including low level concern about the treatment of children or young people. The following indicators **may** have formed part of the reason for such concern:
 - Inappropriate favouritism,
 - Inappropriate physical contact,
 - Seeking the company of a particular child or children,
 - Inviting a child to stay the night,
 - Taking an unaccompanied child away overnight,
 - Concerns regarding any offence against a child or young person,
 - Information regarding actual or suspected criminal sexual offences against adults.
- 3.3 Such behaviour may represent a classic pattern of grooming and should always be taken seriously; "rumours" and "gossip" may have their origin in actual events of concern, and efforts should always be made through the Child Protection Commission to establish the facts in fairness to all parties and to ensure that any risk is suitably managed.

4 SELECTING A "REVIEWER"

- 4.1 It is necessary to select a suitable person or persons to carry out the process of the review. In order to demonstrate transparency and independence, this person will need to be:-
- Independent of the leadership in the Diocese or Religious Congregation;
 - Suitably qualified and experienced in child protection investigation and assessment;
 - Approved by and accountable to the Child Protection Commission for the Diocese or Religious Congregation.

If it proves difficult to identify such a person, please contact COPCA.

- 4.2 It is important to create a support structure for this person in this difficult work. Adequate time and resources should be made available, together with an identified person to provide professional supervision.
- 4.3 The Reviewer will have access to all files on the list, in order to prepare a case report for consideration by the Child Protection Commission and open a case file, in line with National Child Protection policies.
- 4.4 It is recognised that the person best placed to conduct the review may be the Child Protection Co-ordinator, the Child Protection Officer, or a member of the Child Protection Commission, specifically appointed to this role on a temporary basis.

5 TIMESCALES FOR THE REVIEW

- 5.1 Within 3 months (from an agreed date):

Completion of:

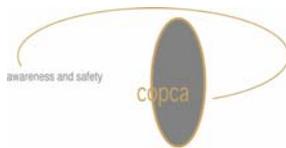
- Compiling List of All Known Child Protection Cases (pro-forma)
- Selection of the Reviewer/s and establishment of support arrangements

- 5.2 Months 4-7:

- The Reviewer will create a written action plan for conducting the review and timetable to ensure that all cases are followed through and that all aspects of risk are addressed in line with existing national policies. This action plan and timetable will be approved by the Child Protection Commission and regularly reviewed by them.
- The Reviewer must pass all cases where current risk is identified to the Child Protection Co-ordinator or Child Protection Officer within the timescales set down in the National Policy on Responding to Allegations for all cases in which current risk is identified.
- The Child Protection Co-ordinator or Child Protection Commission must report such cases to Police and Social Services within the required timescales.

6 GUIDANCE FOR REVIEWERS

This is contained within this document (pages 8-11)



**LIST OF ALL KNOWN CHILD PROTECTION CASES (PRO-FORMA)
reported prior to 1st June 2004**

Pageof

DIOCESE/RELIGIOUS CONGREGATION

STRICTLY CONFIDENTIAL TO.....

Ref	Name/address of subject of allegation/concern	Date info first given to Church	Nature of concern/allegation	Record(s) held?		Location of existing records/files	Person(s) with additional knowledge
				YES	NO		

Date/...../..... Signature..... (Bishop/Congregation Leader) Continuation sheet Yes/No



SECTION B

GUIDANCE & TASKS FOR REVIEWERS

INTRODUCTION

1. This review is required by virtue of *A Programme for Action*, Recommendation 70:

Bishops and religious superiors should ensure that any cases which were known of in the past but not acted on satisfactorily (*“historic cases”*) should be the subject of review as soon as possible, reported to the statutory authorities wherever appropriate, and that there is appropriate follow-up action including possibly regular continuing assessment.

*Now called “past cases”

2. The key purpose of the review is to ensure that in every case, the current risk, if any, is identified, and appropriate plans are made to manage the identified risk.
3. The review concerns cases involving volunteers as well as employed persons and office holders.
4. If the review identifies anyone who has suffered abuse in a Church setting, they will be offered support as appropriate.

CONFIDENTIALITY

All new documents produced in the course of the review of Past Child Protection Cases must be clearly marked “Strictly Confidential” and securely stored. Access to them must be allowed only to those entitled to it in order to fulfil their responsibilities to conduct the review and to protect children. The Bishop/Congregation Leader, the Child Protection Co-ordinator/Officer and the Child Protection Commission will all have access, as will the Reviewing Officer. Any other person needing access will be agreed in writing by the Bishop/Congregation Leader and the Chair of the Child Protection Commission before the Review begins.

SCOPE OF THE REVIEW

1. All cases known of in the past will need to be identified in the first part of the review (**cf IDENTIFYING AND DOCUMENTING CASES, page 2**).
2. However, some known cases will not require further review. These include:
 - Cases where the abuser is known to be deceased, and therefore presents no current risk;

- Cases where recent court proceedings have meant that the case has been considered by the Child Protection Commission since 1st June 2004, (when the National Policy on Responding to Allegations was implemented) and which can therefore confirm that no current risk exists;
 - Cases already reviewed in line with this protocol since 1st June 2004.
3. COPCA may be consulted for advice about any aspect of the review at any stage by Bishops/Congregation Leaders, the nominated person and/or the reviewer.

GUIDELINES FOR THE REVIEW

1 THE ROLE OF THE REVIEWER

1.1 The Reviewer appointed to perform a review of all child protection cases in a Diocese or Religious Congregation should be:

- Independent of the leadership in the Diocese or Religious Congregation;
- Suitably qualified and experienced in child protection investigation and assessment;
- Approved by and accountable to the Child Protection Commission for the Diocese or Religious Congregation.

The “nominated person” who has compiled the Confidential List of All Known Child Protection Cases may also act as the Reviewer.

1.2 The Reviewer will be accountable for this work to the Child Protection Commission of the Diocese or Religious Congregation, and will provide a written action plan for approval by the Commission. It is recognised that the work may be time-consuming and difficult and the Reviewer will require an identified avenue for advice and support.

1.3 Where the Reviewer is also the Child Protection Co-ordinator or Officer, time will have to be dedicated to the review which is likely to require the provision of assistance in maintaining cover for usual duties. This also includes the Reviewer requiring a support structure and having adequate time and resources made available along with suitable supervision.

2 THE REVIEW

2.1 Bishops and Congregation Leaders will compile a List of All Known Child Protection Cases reported prior to **1st June 2004**, (when the national policy on Responding to Allegations was implemented), and this will be the basis for the review. (see pro-forma attached). The Guidance on creating this list is at **SECTION A** above.

2.2 It may be that you were involved in its compilation. If not, it will be necessary to consult with the “nominated person” in the course of the review.

2.3 This review concerns cases involving volunteers as well as employed persons and office holders.

2.4 The key purpose of the review is to ensure that in every case, the current risk, if any, is identified, and that appropriate plans are made to manage the risk.

2.5 It is important to ensure that the National Child Protection Policies are followed in all relevant cases arising from the review in relation to Responding to Allegations,

- Independent Risk Assessment etc. and that the support needs of those who may have suffered abuse are attended to promptly in the course of the review.
- 2.6 In some cases, where current risk is identified, immediate action may be required by the Child Protection Co-ordinator/Officer, and you as the Reviewer must pass information to them in line with the Responding to Allegations Policy.
 - 2.7 It is also important to be alert to possible issues relating to the protection of vulnerable adults arising from the review. Advice may be sought from COPCA on this subject.
 - 2.8 All cases reported before **1st June 2004** (when the National Policy on Responding to Allegations was implemented) will be considered in the review, and all will have the status of open cases for the duration of the review and for as long afterwards as the management of risk may require.
 - 2.9 All documentation relating to cases on the Confidential List of All Known Child Protection Cases must be made available to the Reviewer for consideration and subsequent discussion with the Child Protection Commission.
 - 2.10 Where it is indicated on the list that documentation does not exist, but persons with knowledge do, then enquiries must be made by the Reviewer of these persons to gather information. A formal letter giving the authority of the Bishop/Congregation Leader should be issued to confirm the formal nature of the review to those with information.
 - 2.11 The Reviewer will create records as necessary, provide a concise report and refer to the Child Protection Commission in the manner described. Where information is missing and cannot be retrieved, the review will be carried out based on available information.
 - 2.12 The Reviewer will provide a concise written report about each case for consideration by the Child Protection Commission summarising the facts of the case and highlighting the main issues, sufficient for them to assess the need for further action and issues of possible continuing risk posed by any individual. (See Past Cases Review: Recording Pro-Forma on page 12 of this guidance)
 - 2.13 It is not the role of the Reviewer to commence further action in respect of any case, though cases may be referred urgently to the Child Protection Co-ordinator where this is considered necessary. The Reviewer will make it clear in the case report when in his/her opinion further investigation is necessary. The process of investigation is initiated in the first instance by referral to the police and social services (see National Policy on Responding to Allegations, held by Child Protection Co-ordinators and Officers).
 - 2.14 The Child Protection Commission will consider each case on the basis of these reports and make recommendations about further action. They may request further documentation to assist them in their decision-making. This documentation will be provided wherever possible for this purpose.
 - 2.15 It is recognised that there will be sensitive issues to be confronted in some cases, such as contacting those who previously made complaints or provided information and addressing a present need to contact the statutory authorities where this was not done at the time, in order to assess, after the process of investigation, any continuing risk to children. **Only in the most exceptional cases and where deemed absolutely necessary, should a victim or referrer be contacted, in order to minimise the damage to the person concerned.** This will always be done in consultation with the Police, in line with the Responding to Allegations Policy. Other approaches could be

investigated in order to corroborate information i.e. newspaper coverage archives for example. Where contact with the referrer or victim is felt to be necessary, support needs also have to be addressed.

3 AUDIT

- 3.1 For the purpose of auditing this review in the future, the Child Protection Commission should take responsibility to ensure the following documents are preserved:
- Confidential List of All Known Child Protection Cases submitted by the Bishop or Congregational Leader;
 - Any further lists compiled by the Reviewer;
 - Case reports compiled by the Reviewer for consideration by the Child Protection Commission;
 - Comprehensive notes should be made on the file outlining what activity occurred, when and by whom during the process;
 - Any file reviewed for this purpose must be annotated to show the date of the review and the details of the Reviewer, with the final decisions and the reasons for them; if no concerns were found this must also be clearly stated and signed by the Bishop/Congregation Leader and Child Protection Co-ordinator.
- 3.2 Where recommendations have been made by the Child Protection Commission and action has been taken in respect of a case, details will be retained in the Child Protection File.
- 3.3 All Child Protection information must be stored securely and confidentially.

PAST CASES REVIEW: RECORDING PRO-FORMA

DIOCESE/RELIGIOUS CONGREGATION: _____

REVIEWING OFFICER: _____

File Number:
Name of Alleged Abuser:
Role of Alleged Abuser:
Name of Alleged Victim:
Date when alleged abuse occurred:
Age of victim when alleged abuse occurred:
Date of Review:

1. Summary of Allegations and relevant information:
2. Actions taken by the Diocese and other Child Protection or Civil Agencies:
3. Current Circumstances of person(s) harmed and affected and of subject:
4. Identification of risk and control factors and evaluation of current risk:
5. Outstanding matters requiring attention:
Referral to the Police
Removal from role
Risk assessment
6. Actions recommended by Child Protection Commission:

Signed:	Reviewer	Date:
Signed:	Child Protection Co-ordinator/ Officer	Date:
Signed:	Chair of Commission	Date:

PAST CASES REVIEW: PRO-FORMA FOR LETTER REQUESTING INFORMATION ON PAST CASES OF CHILD ABUSE

Dear

RE: PAST CASES REVIEW: DIOCESE/RELIGIOUS CONGREGATION

I write to ask for your help with this review of all potential past cases in Diocese/Religious Congregation.

The Review is taking place in order to meet Recommendation ... of *A Programme for Action* (Lord Nolan, 2001), and follows the National Guidance issued by COPCA (The Catholic Office for the Protection of Children & Vulnerable Adults) following wide consultation.

The review will begin by identifying all potentially relevant information, which will then be considered by the appointed Reviewing Officer (.....), in order to establish whether any current risk remains to be addressed as of now.

The National Guidance requires not only that written records are reviewed, but, as record-keeping was not always systematic in the past, that also information people may remember is gathered and considered:

Bishops and Congregation Leaders may be aware of such non-recorded cases themselves, and will also need to consult predecessors and relevant colleagues for information which may exist only in their or their colleagues' memories.

It is important to the Church's aim of becoming a model of best practice in Child Protection that all possible cases of abuse from the past are dealt with, and that we can be confident that we have full information about the past in order to go forward with a clean sheet.

Therefore I would be grateful if you could search your memory for any cases of abuse, or concerns expressed that you can recall, however far back in the past, and whether relating to clergy, employees or volunteers.

It is essential that anyone named by you is not informed at this stage that you are providing this to me as this could interfere with subsequent investigations should these be required.

Please provide all the information you may have to me in writing by AT LEAST A MONTH'S TIME..... (date). If this deadline is not possible for you please contact me to discuss this.

The information you provide will be held strictly in confidence by myself, the appointed Reviewing Officer and members of the Child Protection Commission, and will be stored securely in line with national policy.

Thank you for your help in this important contribution to the work of the Church in protecting children and young people from abuse.

Yours sincerely