

THE STONES CRY OUT

REPORT ON THE MACSAS SURVEY 2010



MACSAS May 2011

Minister & Clergy Sexual Abuse Survivors www.macsas.org.uk

*“Trouble is coming for the man who grossly exploits
others for the sake of his House,
to fix his nest on high
and so evade the hand of misfortune.*

*You have continued to bring shame on your House,
by making an end of many peoples
you have worked your own ruin.*

***For the stone from the very walls cries out
and the beam from the framework responds”***

(Habakkuk 2: 9 - 11)

MACSAS is a voluntary organization with charitable status. We are a support group for women and men from Christian backgrounds who have been sexually abused by Ministers or Clergy, as children or as adults. We support both survivors who have remained within their Christian communities and for those who have left.

When you go to see a clergyperson for help, advice, or as a person in need, you should never expect to be encouraged into a sexual relationship. Just as we understand this should not happen if we were to visit a physiotherapist, doctor or psychologist.

For a clergyperson to breach the sexual boundaries in a pastoral relationship is a violation of ethics. Clergy are in a more powerful position and meaningful consent is never possible when there is this difference in power.

We offer support in the following ways:

- through our telephone Helpline;
- by responding to confidential letters;
- by establishing local support groups countrywide;
- by organizing meetings, conferences, workshops and training to raise awareness;
- by publishing Newsletters and publications to help inform on the issues;
- by advising churches and church authorities on effective policies and procedures.

We are an interdenominational group that does not campaign for or promote religious ideals. We are here to provide mutual support and information to victims and survivors.

We actively challenge the denial, collusion and apathy within Christian communities of Minister and Clergy sexual abuse. We work to raise awareness and educate Ministers, Clergy and Christian communities about sexual abuse issues within churches and religious organisations.

We welcome feedback and contributions from survivors: poems, artwork, your story. Send contributions by email and we'll get back to you.

Free Helpline: 08088 01 0340

Tuesday: 2-5pm
Wednesday: 6-9pm
Thursday: 6-9pm

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**The Response of Churches in the UK to Victims of Sexual Abuse Perpetrated
by Clergy, Religious and other Church Officials**

Anne Lawrence

Chair of MACSAS

PREFACE

People of faith moved by the findings of the MACSAS Survey have said that men and women who sexually abuse children and adults should not be ministers. They have said that the calls for Churches to set aside vested interest to protect the most vulnerable within church communities is not just good practice but the mandate of the Kingdom of God.

To these and others who have made similar statements we can only say that whilst these things are obvious to you, they are not too many Church leaders.

This report is as much about Institutional dynamics as it is about personal corruption, trauma and suffering. It is about Institutions that seek to protect their reputation, power and assets at the cost of the purpose of their mission. It is about the enduring reality at the heart of Church Institutions; that the protection of the Institution takes priority over the protection of the vulnerable.

The recommendations made in this report will be ineffective if the environment that receives them does not prioritise the most vulnerable and have at its heart the needs of the abused, the disempowered and the dispossessed. Until Church Institutions turn away from self protection, with its denial, minimisation and disregard for the victims created within them, there can be no effective measures for the protection of the most vulnerable within Church communities.

This report is only a part, a small part of the process required to bring about transformation. It is a call which others must hear if real change is to happen.

ACKNOWLEDGEMENTS

Without the strength and courage of the victims of child and adult sexual abuse perpetrated within Churches this report would not be possible. There would also be no child protection procedures within Churches. The victims who have spoken out have torn open the silence imposed on them, breaking through the terrible trauma of sexual abuse and overcoming the fear, shame and guilt of what happened to them. They have brought into the light an unspeakable truth at the heart of Churches in this country and around the world. They have told us that all is not well in our Churches; that the abuse of the vulnerable; of children, women and men, by those ordained to represent Christ to them, by those placed in positions of religious, spiritual and moral authority over them, has been known about and allowed to continue into the 21st Century by Church leaders. The testimony of many thousands of victims around the world and here in the UK has revealed that the abuse of the vulnerable by clergy and religious is institutionalised and endemic.

The task of those who have heard the victims is to ensure that this abuse is not allowed to continue, and to work with utmost integrity to change the Institutional dynamics within Churches that have allowed the most vulnerable to be so terribly abused. This report is an attempt to set straight the record, to reflect the truth that victims have told over the past twenty years and through the MACSAS Survey.

Dr Margaret Kennedy the founder of MACSAS has worked tirelessly to bring about change within Church Institutions in the UK to ensure that children and adults are protected from sexual abuse and exploitation by clergy and religious and that victims are supported and provided with redress for the harm caused to them. Dr Kennedy first raised the awareness of child sexual abuse within Churches in the early 1990s after she founded Christian Survivors of Sexual Abuse in the late 1980s. She was involved in the development of the first Catholic Child Protection policies in 1994 and has written reports and consultation documents for the Nolan and Cumberlege commissions, was part of the working parties developing procedures for responding to child and adult sexual abuse in the Catholic Church, and Churches Together in Britain and Ireland. Her work is referenced throughout this report. At all times hers has been a prophetic voice calling the Churches to change; her entreaties to Church leaders have continued up to the current time. I am grateful for her editorial assistance on this report.

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THE REPORT ON THE MACSAS SURVEY 2010

INTRODUCTION

The MACSAS Survey 2010 was designed to gather evidence from victims of clergy and religious perpetrated sexual abuse on how Church Authorities across Christian denominations in the UK responded when they reported cases.

Over the past twenty years in the UK there has been a growing awareness of the sexual violence perpetrated by clergy, religious and other church officials placed in positions of religious, spiritual and moral authority within Church communities. It seemed at first an impossible contradiction but as time has passed and more cases have come to light, the irrefutable evidence is that Church authorities allowed such violence to continue for decades, often covered up to protect the reputation and financial assets of the Churches.

Called to respond, Churches in the UK have produced a series of child protection/safeguarding procedures for responding to reported allegations of child sexual abuse perpetrated by clergy, religious and others in a position of trust within Church communities. The Current procedures include the '*Catholic Child Protection/Safeguarding Procedures*' produced in **2002**, following **Nolan Commission** recommendations and updated in **2008** following the **Cumberlege Commission** recommendations (www.csasprocedures.uk.net). The Church of England in 2004 produced '*Protecting All God's Children*' which was updated in **2010** (www.churchofengland.org/clergy-office-holders/child-protection-safeguarding.aspx). Other Christian Churches including the Methodist, Baptist, URC and Congregational Churches also have child protection/safeguarding procedures in place.

In recent years Church leaders in the UK have placed reliance on these Safeguarding/Child Protection procedures. The Catholic Church in England and Wales stated throughout 2010 that their safeguarding procedures were 'models' of good practice for other organisations and countries to follow (see 2009/2010 NCSC Report at www.catholicsafeguarding.org.uk). Whilst the Catholic Church may have been commended by Government agencies for the procedures

themselves, these ‘models’ have not been subject to any independent assessment of their effectiveness.

Remaining almost completely below the public radar has been the sexual abuse and exploitation of adult women and men perpetrated by clergy, religious and other senior church officials. The Church of England produced ‘*Promoting a Safe Church*’ in 2006 (to be updated in 2011) aimed at the protection of adults considered vulnerable (www.churchofengland.org/clergy-office-holders/child-protection-safeguarding.aspx). However the procedures do not cover the cases that have been reported to MACSAS by victims over many years. There is no recognition of the extent and the nature of the sexual abuse of adults perpetrated by clergy and religious within Churches despite the growing evidence of the widespread prevalence of such abuse.

Over the past fifteen years MACSAS has supported and campaigned on behalf of victims of clergy and religious perpetrated sexual abuse. MACSAS has received letters, emails and phone calls from victims which evidence the failure of Churches to respond either appropriately or at all, when they reported abuse. Victims time and again have told of being re-traumatised by the responses of Church authorities. The number of people contacting MACSAS has increased despite the procedures now in place.

There are currently no procedures in place for responding to the victims of sexual abuse perpetrated by clergy and religious in Churches in the UK. Whilst there is a brief mention of supporting the needs of children and their families within safeguarding procedures these lack any specific detail and exclude the needs of those who report cases of sexual abuse as adults, including victims of child sexual abuse (so called ‘historic cases’) and victims of adult sexual abuse.

In the face of growing evidence of people being re-traumatised when they reported abuse MACSAS wanted to understand the basis of the statements made by Church Authorities when they so insistently portray current safeguarding procedures as ‘*models*’ of excellence. These statements contradicted the experiences reported by the victims. The gap between the rhetoric of Church leaders and the realities faced by victims is of great concern. The MACSAS Survey 2010

hoped to evidence the ongoing experiences of victims when they report cases of sexual abuse to Church authorities.

The Report

The **Executive Summary** which is a separate document found at www.macsas.org.uk highlights the key findings from the MACSAS Survey, sets out the areas of concern raised and the main recommendation made in the report.

Part 1 of the Report looks in detail at the findings from the Survey, setting out demographics of those who reported and of the alleged abusers. The denomination and Diocese of the alleged abusers is given and when the abuse took place, its duration and the date of reporting the allegations to church and statutory authorities. A detailed focus of the responses of Church authorities is provided.

Cases reported in the Catholic Church and the Church of England concerning both child sexual abuse and the sexual abuse of adults made up over four fifths of all reported cases and so a focus is placed on the responses of these Churches to identify issues of concern.

Part 2 places the Survey findings within the context of what is already known about the sexual abuse of both children and adults within Churches and the wider society. Specific concerns and issues raised by the findings of the Survey are considered in detail under three broad headings: Effectiveness of Safeguarding Procedures; Adult Sexual Abuse/Exploitation; and Responding to Victims of Sexual Abuse

Recommendations are made for improving the effectiveness of child protection/safeguarding measures currently in place; for developing procedures that recognise and protect church communities from clergy & religious perpetrated sexual abuse of adults; and for developing procedures and programmes for responding to the victims of sexual abuse within parish communities and other church institutions.



PART 1

FINDINGS OF THE MACSAS SURVEY 2010

“The greatest persecution of the Church today, was born from the sins inside the Church, not outside. The Church needs to answer to justice because forgiveness cannot replace justice”

(Pope Benedict XVI, 11th May 2010)

Those who responded to the MACSAS Survey 2010 were active members of their Church communities and/or were under the care and guidance of clergy and religious when they were sexually abused by those ordained and consecrated to be religious and spiritual leaders.

All were owed a duty of care by their Church leaders to ensure that they were not placed at risk of harm from those in positions of religious, spiritual and moral authority over them.

All are the Children of God and Church leaders purport to represent Christ to them within their spiritual and pastoral ministry.

All have been grievously offended against by their Church leaders.

The Survey

- 1.0.0 The **MACSAS SURVEY** was open for responses from January to December 2010. People could access the form on the **MACSAS** website at www.macsas.org.uk (a copy of the Survey form is at Appendix 1).
- 1.0.1 The Survey was completed by victims of sexual abuse perpetrated by clergy, ministers, religious and other church officials within Christian Churches. The only notice given about the Survey was placed on the MACSAS website.
- 1.0.2 The Survey was anonymous however those who responded were invited to contact MACSAS for support or further information. A number of respondents have contacted MACSAS since completing the form. Some respondents have provided updates to the cases they reported to Church and/or statutory authorities.
- 1.0.3 In response to the draft of this report the Church of England National Safeguarding Adviser has provided further information on some of the cases reported which has been incorporated where appropriate.
- 1.0.4 During the period of the Survey **Pope Benedict XVI** visited the UK in September 2010 and this may have contributed to the Response rate for the Survey and may also have influenced the proportion of respondents who reported child sexual abuse.
- 1.0.5 The Survey does not purport to represent the totality of sexual abuse within Churches in the UK. It is not known how many children and adults have been and continue to be sexually abused by clergy and religious in the UK. This Survey gives a snapshot of what happens when allegations of sexual abuse are reported to Church and statutory authorities.
- 1.0.6 Part 1 of this report is based upon responses to a survey and simply reflects what was reported by those who responded. Whilst we have no reason to doubt the accuracy of these responses and we have taken all reasonable means to verify these cases, we do not take responsibility for any inaccuracies, errors or omissions that may remain.

1.1 Number of Responses

1.1.0 There were **74 responses** to the Survey of which 2 provided insufficient quantitative or qualitative information to be included in the analysis of findings. There were therefore **72 ‘completed’ responses**. 64 of the respondents were from the UK and 8 were from overseas: Ireland, America (2), Australia (2), Germany, Russia and Columbia. All were victims of sexual abuse either in childhood or as adults.

1.2 AGE & GENDER of VICTIM

Age of Respondents at time of abuse

Gender	Child	Adult	Total
Female	19	14	33
Male	34	5	39
Total	53	19	<u>72</u>

Figure 1 (a): Gender and Age of respondent when abuse took place

1.2.0 53 out of the 72 respondents reported child sexual abuse and the majority of the victims were male. In three cases the respondent was abused by more than one abuser. A significant number of respondents (19) reported being abused as adults and included men as well as women. These findings will be considered further below.

1.2.1 Research has found that the sexual abuse and exploitation of women is more prevalent than child abuse within our Christian Churches (Sipe 1990 and 1995: <http://tessera2009.blogspot.com/2010/03/sexual-abuse-of-women-in-church.html> ; Kennedy 2009, Chavez & Garland USA 2009) however this is not reflected in the MACSAS Survey responses which may have been skewed by the Pope’s visit to the UK. Certainly a great many of the calls to the MACSAS helpline are from women and a small number of men sexually abused/exploited by clergy or religious as adults.

1.3 Name of the Alleged Abusers

1.3.0 In total **45 alleged sexual abusers were named** in the Survey and two others were partially named. Four of those named have been convicted of child sexual offences and two others have been publicly identified as sex offenders; however the vast majority appear never to have been convicted of any offence.

1.3.1 Sexual offenders often have many victims and continue to abuse over a number of decades. Whilst the Churches and religious orders in the UK are not compelled to reveal the identifies of those clergy and religious with multiple allegations against them, and whilst Bishops & the Heads of religious orders continue to protect clergy and religious who have confessed to sexual offences against children and adults protected by the seal of the confessional, victims of clergy abuse are left isolated and cut off from the knowledge of other victims (see findings below and Part 2). By telling MACSAS the identity of their alleged abusers the victims are breaking that isolation and enabling connections to be made.

1.4 DENOMINATION OF ALLEGED ABUSER

Denomination of Alleged Abuser

Age/ Gender Victim			CoE/W	RC	Baptist	Methodist	Ev/Ptcl	Other	Total
			Child	M	7	28			
F	6	10		2			2	20*	
Adult	M	2	1		1	1		5	
	F	6	4	1	1	2		14	
Total			21	43	3	2	3	4	76*

*(NB * one female respondent was abused by a CoE vicar and a RC priest ‘working’ together; one male respondent was abused by two religious brothers and one lay teacher in the same school; and one male respondent was abused by a religious nun and a religious brother whilst in an orphanage)*

Figure 1 (b): Denomination of abuser & Age/Gender of Victim

- 1.4.0 In total victims reported 76 alleged abusers. Over ½ of these were clergy or religious within the **Catholic Church**: and of these 38 are reported to have sexually abused children.
- 1.4.1 Almost one third (21) of cases within England & Wales were reported within the **Church of England** (and **Wales**): 13 child abuse allegations, and 8 adult abuse allegations.
- 1.4.2 The sexual abuse of children and adults has also been reported within other Christian denominations and the number of responses from these Churches reflects the significant difference in size and population of these communities.
- 1.4.3 The 4 '*other*' denominations include three cases where the respondent did not give the denomination of the alleged abuser, all reported child sexual abuse. The fourth '*other*' denomination is not given as it would possibly reveal the identity of the victim and/or her abuser.

1.5 Gender of Alleged Abusers

- 1.5.0 Whilst most of the alleged abusers were men, 5 women were reported to have abused children or adults: 2 Catholic nuns are reported to have sexually abused boys in two children's homes; 2 female Episcopalian ministers and 1 female minister, denomination not given, are reported to have abused adults.

1.6 CATHOLIC CHURCH – Dioceses, when abuse occurred & when reported

Catholic Diocese		When Abuse Occurred	When Reported by Victim
Archdiocese Liverpool:	Child abuse:	1944 – 1947 1967 - 1978 1983	To report 2011 2010 2002
Archdiocese of Birmingham:	Child abuse:	1945 – 1955 1955 1971 – 1972 1972 – 1974	not reported 1969 and 2001 2006 1974 and 1988
	Adult Abuse:	2004 – 2006	2006
Hexham & Newcastle:	Child Abuse:	1964 1972 – 1976	2009 Not reported
Clifton:	Child Abuse:	1954	2010
	Adult Abuse:	1984 – 1985 2007 – 2009	Not reported Not reported
Middlesbrough:	Child Abuse:	1967	Not reported
Salford:	Child Abuse:	1977 – 1981	2008
East Anglia:	Child Abuse:	1964 – 1970	1970 and 2000
Sunderland:	Child Abuse:	1963	2010
Nottingham:	Child Abuse:	1963	2008
Lancashire	Child Abuse:	1953 – 1956	1957/1998/2010
Shrewsbury:	Child Abuse:	1960 – 1961	1961
Southwark:	Child Abuse:	1961	1998
Arundel & Brighton:	Child Abuse:	1984 1988 – 1993	Not reported 2009
Portsmouth:	Child Abuse:	1961 – 1962	1964
St Andrews & Edinburgh	Child Abuse:	1973 – 1978	2000 and 2010
	Adult Abuse:	1985	2005
Fife	Child Abuse:	1971 – 1976	1998
Northern Ireland	Child Abuse	1970	1970

Non Diocese / Other			
Ampleforth Abbey	Child Abuse:	1986 – 1987	2007
Lourdes Pilgrimage	Child Abuse:	1970	2009
Diocese not given	Child Abuse:	1965 – 1969	circa 2010
		1978 – 1985	Not reported
		1988	Not reported

(Three of the respondents did not name the diocese where the abuse took place, and seven cases were reported from overseas in Australia (Sydney and Brisbane), Germany (Aachen), Russia, Columbia (Bogota), and Ireland (Dublin))

Figure 1 (c): Catholic Church Dioceses, when abuse happened and when reported

1.6.0 Allegations of sexual abuse in the UK were reported to have taken place in **14 Catholic Dioceses in England and Wales, 3 Dioceses in Scotland, and 1 in Northern Ireland.**

1.6.1 Of the 28 alleged child sex offenders within the Catholic Church identified by name within the MACSAS Survey three are known to have been convicted of child sex offences: one in England (**Fr William Green**), one in Ireland (**Fr Ivan Payne**) and one in Australia (**Fr Finian Egan**). The Survey respondents identified a further 25 alleged child sexual offenders not believed to have been previously convicted, although **Fr John Tolkien** now deceased has previously been reported to have been a child abuser (www.bbc.co.uk/1/hi/england/west_midlands/3082071.stm). Ten alleged child sex offenders within the Catholic Church are not named so it is unknown if they have previous convictions or have otherwise been previously identified.

1.6.2 **Six of the alleged abusers named are known to be dead.**

1.6.3 In addition four clergy reported to have sexually abused/exploited or assaulted adults within the Catholic Church have been named and another was not named. None of these have previously been convicted of sexual offences or otherwise identified.

1.6.4 Multiple allegations of child sexual abuse have been reported from within the same Dioceses which reinforces what is already known about the prevalence of child sexual abuse within Catholic Dioceses from reported convictions (see for example Channel 4 news special report on 15th September 2010; and article at: www.channel4.com/news/catholic-abuse-in-england-and-wales-revealed).

Role of Alleged Child Abuser/Relationship to Child

1.6.5 11 of the respondents reported that they were abused within their parish communities by the parish priest: 5 were altar servers or in the choir (all male); 3 stated that they were members of the congregation (female); two were in youth groups and 1 reported that the priest was a friend of the family.

1.6.6 17 respondents reported being sexually abused within Catholic schools, care homes and orphanages. In two cases the respondents suffered sexual abuse by multiple abusers: 2 Christian Brothers and a lay teacher within a school; and a religious nun and religious brother in a care home.

1.6.7 The orders which ran these schools and homes include: Benedictines, Sisters and Brothers of Charity; Marist Brothers; Christian Brothers; Jesuits; Franciscans in the St Joseph Order and the De La Salle Brothers. Two of the institutions were said to be orphanages, three children's care homes and twelve were schools, of which ten at least were boarding schools.

1.6.8 2 respondents reported being sexually abused by priests whilst on pilgrimage to Rome and to Lourdes respectively; and one reported being sexually abused by a priest who was also a social worker.

1.7 CHURCH OF ENGLAND/WALES – Dioceses, when the abuse occurred and when allegation was reported

Church of England /Church in Wales Dioceses		When Abused Occurred	When Reported by victim
Birmingham	Child Abuse:	1988 – 1992	2008
Derby	Child Abuse	1965 – 1967	Not reported
	Adult Abuse	1991 – 1992	Not reported
Bangor (Wales)	Adult Abuse	2000	2001
Llandaff (S. Wales)	Child Abuse	1974 – 1978	Not reported
London	Child Abuse	1958	Known Abuser*
		1974	1994
		1975 – 1978	2005
Chelmsford	Child Abuse	1974 – 1977	Not reported
	Adult Abuse	2004 – 2008	2009
Southwark	Child Abuse	1988 - 1993	2009
	Adult Abuse	2006 – 2009	2009
Bath & Wells	Child Abuse	1987 – 1989	2007
Winchester	Adult Abuse	2005 – 2009	2008
Coventry	Child Abuse	1996 -1998	Known abuser*
Liverpool	Adult Abuse	2009	2009
Chichester	Adult Abuse	1981 – 1982	Not reported
Manchester	Child Abuse	1972 – 1973	Not reported
	Adult Abuse	2003	2003
East Anglia	Child Abuse	1995	2009
Portsmouth (Isle of White)	Child Abuse	1973 – 1976	1995 and 2010
Aberdeen & Orkney	Child Abuse:	1995	Not reported

*(*The victims in these cases reported that the abusers were notorious within the school or church community. Victims felt that reporting the abuse would be and still is pointless.)*

Figure 1(d): Church of England/Wales Dioceses, when abuse occurred and when reported

1.7.0 Sexual abuse allegations were reported against clergy in **13 Dioceses in England, 2 Dioceses in Wales** and **1 Diocese in Scotland**.

1.7.1 Of the 13 alleged abusers within the Church of England identified by name only one is known to have had a previous conviction for child sexual offences (**Rev Guy Bennett**); one other had a previous conviction for child sexual abuse overturned on appeal. Neither of the allegations reported in the Survey were included in previous criminal proceedings. **Four of those named are known to be dead.**

Role of the Alleged Child Abuser/Relationship to the Child

1.7.2 Only 1 respondent alleged child sexual abuse had taken place in a school setting by a vicar who was an RE teacher. The rest involved vicars within parish church settings: 3 were choir boys/altar servers, 2 were in youth groups, 1 reported being sexually abused during confession and 2 during confirmation preparation. 1 was abused by a family friend and 3 reported that they were members of the congregation.

1.8 OTHER CHURCHES

1.8.0 12 responses were from other churches. The findings can be summarised as follows.

1.8.1 1 **Baptist** minister was named who is reported to have abused a woman when she went to him for spiritual/pastoral counselling and support. The abuse took place in **Leicester**. 2 Baptist ministers reported to have abused children were not named; 1 was also a relative of the victim and no details were given of geographic area; the other reported being a member of the congregation in **Herefordshire**. All the alleged abusers were male.

1.8.2 2 **Methodist** ministers are reported to have abused an adult man and a woman respectively and both took place after the victims went to see the ministers for

pastoral/spiritual support. Both alleged abusers were male and neither was named. The abuse is reported to have taken place in **Leeds** and **Lancashire** respectively.

1.8.3 2 of the cases where **Episcopalian/Pentecostal** ministers are reported to have abused adults took place in America. The other case took place in **London**.

1.8.4 Of the 4 ‘**other**’ cases where the denomination was not given or can’t be disclosed to protect the identity of the victim/accused, all reported child sexual abuse. 1 of the alleged abusers was an unnamed female minister (**Sheffield**); another was a relative who was named (**London**). The other two alleged abusers were male and the abuse took place in one instance within the congregation (geographic area not given) and in the other was opportunistic (**Manchester**).

1.9 ALL CHURCHES

Primary Relationship between Alleged Abuser and Adult Victims

Pastoral/Spiritual counselling	13
Congregant	3
Youth Group	1
A Friend	1
Colleague	1
Total	19

Figure 1 (e): Context within which adult abuse took place

1.9.0 It is clear from the Survey responses that those reporting adult sexual abuse/exploitation were in a spiritual/pastoral counselling relationship with the priest/minister at the time the abuse began, and as such should be deemed vulnerable in the same way that clients and patients of Doctors, Psychiatrists and Counsellors are deemed vulnerable. (See Part 2 of report at section 2.2)

1.10 Time period in which abuse took place

1.10.0 The reported cases of child sexual abuse took place from 1944 to 1998;

<u>CHILD ABUSE</u>	RC	CoE	Others
1940s – 1950s	5	1	1
1960s – 1970s	20	7	2
1980s	9	1	3
1990s	2	4	1

(In one case the victim did not give the decade in which the abuse took place)

Figure 1(f): Decade in which child sexual abuse took place

1.10.1 The time period within which the abuse of adults took place was from 1971 to 2010:

<u>ADULT ABUSE</u>	RC	CoE	Others
1970s			1
1980s	2	1	1
1990s		1	
2000s	3	6	4

Figure 1(g): Decade in which Adult sexual abuse took place

1.10.2 Half of the reported child sexual abuse cases in the Survey were perpetrated in the 1960s and 1970s. Many of the victims have only reported in the past 5 to 10 years, if at all. The victims would now be in their 40s to 60s. Past convictions of clergy and religious child sex offenders, and research from the USA and Australia considered in Part 2 of this report reflects a similar pattern of incidents of child sexual abuse and of the time lapse until cases are reporting. The NSPCC survey in 2000 also showed that the majority of victims do not disclose child abuse until they are adults (Cawson et al, 2000).

1.10.3 Given the known time lapse between when abuse occurs and when it is reported it would be a mistake to conclude from the survey that less abuse has taken place in the 1980s to 1990s, or that as no cases were reported from the 2000s child sexual abuse no longer happens in our churches. The evidence in Part 2 strongly indicates that child sexual abuse within our churches may be as prevalent now as it ever was.

1.10.4 The reported cases of sexual abuse of adults are more recent, with over two thirds of the abuse reported taking place in the 2000s.

1.11 Duration of Abuse

	1 off	<1 yr	1-3 yrs	3-5 yrs	5-8 yrs	8-10 yrs	>11 yrs	Total
Child Abuse:	15	2	13	9	8	5	1	53
Adult Abuse:	4	1	11	3	0	0	0	19

Figure 1(h): Duration of Abuse

1.11.0 Over a quarter of reported child sexual abuse cases involved one off incidents. This may indicate that a number of children were able to prevent further attacks and/or the abuse was opportunistic; for instance in two cases victims report that they were abused whilst on pilgrimage and another on a visit to Manchester.

1.11.1 The most common duration for the abuse for both children and adults was between 1 and 3 years. For Adult victims the longest duration of sexual abuse/exploitation reported was between 3 and 5 years.

1.11.2 Two thirds of reported cases of child sexual abuse took place over a prolonged period of time (more than 1 year). Children in care homes and schools and those abused by clergy relatives or friends of the family tended to be within the group that reported suffering abuse for a considerable period of time, indeed throughout their childhood. The 14 reported cases of child sexual abuse which took place for 5 years or more make up a quarter of all reported cases. The longest duration of abuse reported was for 16 years, the

alleged abuser was a clergy relative. Children in boarding schools, children’s homes and orphanages also experienced prolonged sexual abuse, in two cases within schools for 10 years. However it is striking to note that an equal number of those who reported abuse continuing for five years or more were abused within their parish church communities. The alleged abusers seemed to be capable of continuing to sexually abuse their victims for many years under the glare of the church community and diocesan authorities. (See Part 2 for discussion on what Church Authorities knew)

1.12 Reporting Cases of Sexual Abuse

1.12.0 51 out of the 72 respondents reported the abuse to Church and/or police authorities; that is over two thirds of all respondents. Reports to the Churches and other agencies were made between 1957 and 2010. National statistics on child abuse in the UK has also shown that around 30% of all victims of child sexual abuse do not report it (Cawson et al NSPCC report 2000 – see Part 2). Those abused as adults appear to be more likely to report their abuse to Authorities with only 3 out of the 19 not reporting and in these cases because of shame at what happened and fear of the response from the Church.

1.13 ACTIONS TAKEN AGAINST THE ALLEGED CHILD SEXUAL ABUSERS

CHILD ABUSE	Action taken against alleged abuser			
	Conviction	Church Action	No Action	Ongoing
Reported				
1950 – 1990			9	
1991 – 2001	1		5	
2002 – 2010	1		13	10
Total	2	0	27*	10

(* In two of the cases the stated reason given why no action was taken to investigate the allegations was because the alleged abuser was dead)

Figure 1(i): Actions taken against those alleged to have abused children

1.13.0 In only two cases was the alleged child abuser convicted as a direct result of the victim in the survey reporting; one was in Australia (Fr Finian Egan) and the other in England (Fr William Green). Two other alleged abusers had been convicted of child sex offences before the respondents in the survey reported their cases to Church and/or statutory authorities: in Ireland (Fr Ian Payne), and in England (Fr Guy Bennett). Three of these are priests in the Catholic Church and one a vicar in the Church of England.

1.13.1 Of those cases where the reported allegations were reported to be still ongoing six were being investigated by the police. In no case was the victim aware of or informed of what if any action was being taken within the Church.

1.13.2 The reasons given by respondents for not reporting the alleged abuse included:

- The abuser told the victim he would go to hell
- Scared that s/he would not be believed by church authorities
- Feelings of shame and the impact of reporting on family
- The abuser was already dead
- Impact on victim's mental and psychological health

1.14 CATHOLIC CHURCH Actions Taken in Response to Allegations of Child Sexual Abuse

1.14.0 The Catholic Church has in the past admitted that it was slow to respond either appropriately or at all to allegations of child sexual abuse up to the 2000s (see **Nolan Commission 2001**). However from 1994 the Catholic Church in England & Wales had guidelines in place to respond to allegations of child abuse, and from **2002** has had in place **Child Protection/Safeguarding procedures** recommended by the **Nolan commission** in 2001 and updated following the **Cumberlege Commission** recommendations in **2007** (www.cumberlegecommission.org.uk). These are the “*model procedures*” held up as a template for the rest of the world (www.csasprocedures.uk.net).

1.14.1 The MACSAS Survey asked, as far as the victims are aware, what actions were taken by Church authorities when allegations were reported. It is concerning then that Figure 1(i) suggests that little if any effective actions are taken by Church authorities against the alleged offenders when cases of child sexual abuse are reported. Further details are given of some of the cases reported.

(1) Only one case of child sexual abuse within the Catholic Church reported in the Survey led to a conviction. In the Diocese of Salford the victim went directly to the police in 2006 rather than to the Catholic Church (**Fr William Green** convicted in 2008). Green was convicted of 27 counts of sexual assault against six boys whilst he was a religious teacher at St Bede's School in Manchester, between 1975 and 1987. He later became a parish priest for the fifteen years before he was arrested in 2007. Diocesan authorities in Salford put Green on Administrative leave after his arrest.

It is not known what information the Catholic Church held on Green going back more than three decades. As we will see in Part 2 of this report past cases have evidenced Church authorities sitting on allegations and not reporting them to the police.

At no time did Church authorities inform the victim in our Survey of what if any actions they were taking against Green. Green was sentenced to six years in prison and is due for release this year.

(2) Of the 4 child abuse cases within our Survey that took place in the **Archdiocese of Birmingham**, three were reported to authorities. One victim reported the alleged abuse to his parents in **1974** when the abuse happened, and then to the parish priest who replaced the alleged abuser, in **1988**. The Parish Priest is reported to have called the alleged abuser 'a nutcase' and told the victim to forget about the abuse until he was older. The alleged abuser came back to work in the parish for a short while in **1992**, "**as if nothing had happened**". Although the

alleged abuser has been named MACSAS has no further information on this man or his current whereabouts. At the time the victim reported the abuse the **Archbishop of Birmingham** was **Maurice Couve de Murvill**, later heavily criticised for his handling of child sexual abuse allegations made against clergy.

Whilst the reporting of this case predates any safeguarding guidelines within the Catholic Church, it is clear that the priest who took over from the alleged abuser knew something about his behaviour. Why did Church authorities allow this man to return to parish work if he was a known to abuse children? What have Church Authorities done about this man since?

(3) In the second child sex abuse case in the **Archdiocese of Birmingham** the victim reported her alleged abuser to **Archbishop Vincent Nichols**, then Archbishop of Birmingham in **2006** and to **COPCA**, the Catholic Organisation for the Protection of Children and Adults (set up in 2002 following the Nolan Commission recommendations). The alleged abuser had died a few days before which triggered the reporting of the abuse that had taken place in the early 1970s. Archbishop Nichols did not respond to the victim's report but did officiate at the alleged abusers funeral. The named officer at **COPCA** told the victim that she would set up a panel to determine the credibility of the abuse allegation, and would also inform the police. However upon chasing up, the victim was told that the safeguarding officer had '**forgotten**' to report the allegation to the police. The victim heard nothing further. When she checked later in the year with COPCA to find out what had happened with her allegations another safeguarding official said that he couldn't tell her. No indication was given of any intention to do anything about her allegation and the victim has heard nothing since.

(4) In the final case reported in the **Archdiocese of Birmingham** alleged abuse dated back to the 1950s and was reported by the victim to the media in 1969 and to the police in 2001: the alleged abuser was **Fr John Tolkien** who died in 2003. He was investigated by police in 2001 following multiple allegations made against

him dating back decades. No charges were brought. There appears to have been no investigation by Diocesan authorities to determine whether the allegations made were substantiated either before or since his death.

(5) In the **Diocese of Hexham & Newcastle** the victim reported allegations of child sexual abuse by a Christian Brother in **2009** to the Papal Nuncio and the Vatican. The abuse is reported to have taken place in 1964 in a school run by Christian Brothers. So far the victim has been met with denials and solicitors letters. As far as the victim is aware neither the Catholic Church Safeguarding authorities nor the Religious order Authorities have reported this case to the police or otherwise investigated his allegations.

(6) In a deeply disturbing case the respondent was sexually abused by a religious nun from **1953 to 1956** in a convalescent care home for sick children in the **Diocese of Lancashire**. The respondent had no access to formal education and was used by the religious order as the nun's 'laundry boy' in the home's laundry from the age of 12. The abuse was discovered when the nun became pregnant. The Mother Superior and the Chaplain to the home are alleged to have told the boy *"Keep your mouth shut. No one would believe the likes of you."* The child was expelled from the home aged 15.

In **1998** the respondent reported the abuse to the Police and understood that the religious order was advised of the allegations. Although the police investigated they could not gather enough supporting evidence to bring a prosecution against the alleged abuser. Neither the Church nor religious authorities took any action. In **2010** an advocacy group helped the respondent secure a verbal apology from the safeguarding officer for the religious order. The alleged abuser died in the 2000s. To date no steps have been taken to investigate the allegation made or to communicate further with the victim.

(7) Another respondent reported a case concerning alleged abuse by a priest whilst he lived at **St Ninian's Children's Home in Fife, Scotland**. The abuse lasted for five years from the age of 11 to 16 and took place in the 1970s. The victim reported the abuse to the police in 1998. He was told that the abuser had died some years before and that a number of other victims had also made allegations against the priest. Because the abuser was dead the police took no further action.

At no time does it seem that Church Authorities or Religious order authorities have investigated these allegations to determine whether they were substantiated. It is not known what the authorities knew about this priest's offending behaviour.

1.14.2 In the twenty two cases of child sexual abuse within the Catholic Church in the UK reported to authorities, only one case has resulted in a conviction (**Green in Salford 2008**).

1.14.3 The following is a summary of the actions and responses communicated to those who reported allegations by Church Authorities in the other cases:

- Told by Church authorities to report the matter to the police as the Church could do nothing until she did (2010),
- Told that the police already knew of the abuser but as he had left the priesthood he was no longer the Church's responsibility (Liverpool 2002),
- No prosecution by police and the Church refused to investigate. The alleged abuser by then an Archbishop in another area died in the 2000s having been sacked by the Pope following revelations of his failure to respond to professional and church warnings concerning clergy sex offenders within his Archdiocese (Southwark 1998)
- No police prosecution, the outcome of any church investigation not known to the victim and the Church took no action: the now retired Bishop moved back to Ireland (2005)
- The Child Protection advisor and Diocesan officials offered a meeting, nothing further happened (Nottingham 2008)

- Priest was dead and no actions taken by religious order or church authorities (Fife 1998)
- No investigation took place, told to get over it (re Ampleforth 2007)
- No actions taken despite repeated reports to Church and Statutory Authorities (Bishop Peter Smith 2000, and Archbishop Vincent Nichols 2007) and to the police (re Edinburgh 2000 and 2007)

1.14.4 In addition six investigations were reported to be still ongoing at the time of completing the Survey. Where the alleged abuser is dead it appears that some Dioceses will investigate (Clifton 2010) whilst others will not (Fife 1998, Lancashire 2010) and others ‘forget’ (COPCA 2006).

1.14.5 Many of these cases were reported to church and/or statutory authorities after the Nolan recommendations were made in 2001. Far from consistent responses to allegations of child sexual abuse the Survey catalogues a failure to respond either appropriately or at all; victims are regularly ignored and their complaint disregarded; repeated attempts were made by the few able to do so to get any response; often Church authorities seemed to rely on a failure to prosecute or convict to determine what if any actions should be taken where the victims reported the abuse to the police.

1.14.6 The responses from the survey evidence that the Safeguarding procedures are either not being followed or are ineffective. In Part 2 the Procedures will be considered in order to understand these findings.

1.14.7 It is as if the allegations and reports from victims are absorbed into the dark recesses of the Catholic Church and few if any see the light of day again. There is no transparent handling of allegations, no procedures for involvement with victims, no understanding or concept of the need to inform the victim of outcomes, and seemingly no need to take any actions to determine whether allegations are substantiated or to ensure alleged offenders still alive do not pose a risk to children, whether in ministry or retired.

1.15 CHURCH OF ENGLAND – Actions taken in response to allegations of child sexual abuse

1.15.0 The Church of England has had child protection procedures in place since 1995. In **2004** procedures and reporting structures were put in place which were updated in 2010 with *‘Protecting All God’s Children’*

1.15.1 Given the reliance placed on these guidelines by leaders within the Church of England, the responses to reported allegations in the Survey make disturbing reading and raise concerns about the reliance Church authorities are placing on the criminal justice system to determine the actions they should take against alleged offenders.

(1) In **2009** in the **Diocese of Southwark** the respondent reported that she was abused by the **Rev Guy Bennett**, a convicted child sex offender, ‘working’ with a Catholic priest (**Catholic Diocese of Arundel and Brighton**) and another man between **1988 and 1993**. **Bennett** was originally convicted in 1999 on three counts of child sex offences dating back to the 1970s and 1980s; four other offences were not found proved. He was sentenced to 9 months in prison, of which he served half. Since his release **Bennett** has lived in the **Diocese of Chichester**. He is still a vicar, has referred to himself as a vicar at, at least, one church service.

Following a police investigation of the respondent’s allegations in 2009/2010 no charges were brought against either man because of the passage of time since the alleged abuse and seemingly a lack of supporting evidence. No investigations or joint investigation with the Catholic authorities appears to have been undertaken by Diocesan authorities or safeguarding officers. The Respondent reported that she was told by Diocesan authorities that **Bennett** had only confessed at the time of his conviction to spare the victims, the

implication being that he hadn't done what they alleged, and that Bennett was no longer a danger to children as he had not abused since the 1970s. Obviously the respondent has reported being abused by Bennett up to 1993.

Bennett is still a vicar though it is understood that he is not allowed to practice as a priest or take part in church services. A safeguarding officer visits **Bennett** regularly and he is supposed to attend services only with permission of the safeguarding team. How that works is unclear as he can go to any church he wants to without permission, he can call himself a vicar at any time even if he is not supposed to and has at least one 'friend' who is the Catholic priest whom he is alleged to have abused the respondent with living very close to him.

- (2) In the **Diocese of Chelmsford** multiple allegations have been made against a vicar alleged to have abused children over decades. It is understood that a previous conviction for child sexual abuse was overturned on appeal because of a technicality. The respondent in the Survey reported an allegation of sexual abuse by this vicar in **2005**. At the time of the alleged sexual abuse in the **1970s** he was in London and training for ordination. She told her family but as he was a family friend she was not believed and she was told to not speak of it again. It is clear that the multiple allegations made by others took place after his ordination.

Police again investigated the respondent's allegations however the CPS did not prosecute because they could not contact the other victims for a retrial. It is believed that no action has been taken against the alleged abuser by the Diocesan Authorities. The priest is understood to still be in ministry in **the Diocese of Chelmsford**. Numerous attempts have been made to have this man removed from ministry but the Church has refused to take actions against him. Local community outrage was expressed when a children's home situated beside the parish house where this man lives, had to be closed down

in **2007** after he was deemed by Social Services to be a risk to the safety of the children in the home. The respondent reported that she “*[w]as told by police that the Rev [name] had confessed to a bishop but neither would reveal details as it has the seal of the confessional on it.*”

- (3) In another appalling case reported in the Survey, an alleged abuser in the **Diocese of Sheffield** has faced multiple allegations of child sexual abuse and the police have investigated him on four separate occasions. Allegations hit the media in **1997** when the vicar was court martial for alleged child sexual abuse (it is believed he was a Chaplain in the army). Allegations of child sexual abuse were reported to police in the Diocese of Sheffield however the CPS refused to prosecute.

In 2007 when the respondent discovered that this vicar was still a parish priest, she reported the child sexual abuse perpetrated on her in the late 1980s, which took place when the vicar was in the **Diocese of Bath & Wells**. The CPS once again failed to prosecute. The **Bishop of Sheffield** asked the respondent if she would be willing to take the case to a Disciplinary Tribunal under the **Clergy Discipline Measures 2003**. She agreed however without further consultation the Bishop decided that it would be unfair for the accused to face these allegations after such a lapse of time and the Tribunal case was dropped. The vicar was again allowed to continue to work as a parish priest in the **Diocese of Sheffield** despite the 14 allegations of child abuse reported including many that occurred since he has been in Sheffield.

The respondent continued to press the Bishop of Sheffield and the safeguarding authorities for action to be taken to protect other children from this man. Having heard nothing further, in February 2011 the respondent was informed by Diocesan authorities in Sheffield that reports of the allegations of child abuse had been sent to the Independent Safeguarding Authority (ISA) in or about 2010. As a result of their determinations the ISA has barred him from

working with children. It is not known what actions will now be taken by Church authorities against this man.

Church authorities have informed MACSAS that the priest has now appealed the ISA decision and the outcome is awaited.

1.15.2 Eight cases of child sexual abuse were reported to the Church Authorities within the Church of England: two cases before 2004 and six after 2004. The actions taken against the abusers in the remaining cases include:

- The Child Protection officer informed the victim that the Church would not investigate her allegation as the vicar was dead (Birmingham 2008)
- Informed parish priest but nothing done as no procedures in place at the time (London 1994)
- No response from Bishop when reported in 1995. Now reported to police and investigation ongoing (Portsmouth 1995 and 2010)

1.15.3 There are two further cases where investigations are still ongoing. However the response of Diocesan Authorities to reported allegations of child abuse is deeply concerning. Vicars appear to be working as ministers in parishes with multiple allegations of child sexual abuse against them, one is reported to have confessed to the Bishop, and another vicar has a criminal conviction for child sex offences and yet has been allowed to remain a vicar.

1.15.4 These cases raised serious concerns about the effectiveness of safeguarding procedures in place within the Church of England. In Part 2 the procedures themselves are considered in order to understand these findings.

ACTIONS TAKEN AGAINST THE ALLEGED ADULT SEXUAL ABUSERS

ADULT ABUSE	Actions taken against alleged abuser			
Reported	Conviction	Church Action	No Action	Ongoing
1960 – 1990			1	
1991 – 2001			3	
2002 – 2010		2	5	1
Total	0	2	9	1

Figure 1(j): Actions taken against those accused of adult sexual abuse

1.16.0 Once again from the responses to the Survey where abuse allegations were reported to Church authorities it seems that few resulted in any action being taken against the alleged abuser, as far as those who report the allegations are aware; vicars, priests and ministers remain in ministry. The whole issue of the sexual abuse of adults by clergy/ministers and religious within Church Communities is discussed in detail under Part 2 of the report however it is important to understand here that there is currently no recognition that clergy, ministers and religious who engage in sexual relations with an adult congregant or a person coming to see them for pastoral/spiritual guidance and counselling are committing any kind of offence for which a criminal prosecution can be brought. It is in this wider social context that the responses of Church communities should be considered.

1.17 Catholic Church – Actions taken following allegations of Adult Sexual Abuse

1.17.0 There are currently no policies, procedures or codes of conduct in place within the Catholic Church to respond to allegations of sexual abuse/exploitation of adults or other sexual ‘misconduct’ by Catholic Priests and religious. Sexual relations between a priest or religious and his/her congregants or a person who comes to him/her for pastoral/spiritual guidance and counselling is considered an expression of ‘*normal sexuality*’ or ‘*a consensual affair*’.

1.17.1 The following cases were reported in the Survey and raise considerable concerns about the response of the Catholic Church to reported cases of clergy/religious perpetrated sexual abuse /exploitation of adults.

- (1) An adult sexual abuse/exploitation case that even the Catholic Church seem to have recognised reached some burden of proof was reported in the **Archdiocese of Birmingham** in **2006** and involved a priest who had sexually abused and exploited many women over more than 20 years. However it took many pleas, one in person to a Bishop and several more by phone over a period of nearly a year and finally a letter to an Archbishop, two Bishops, and a Vicar General before the respondent in the Survey was put in touch with a safeguarding officer. It took a further 2 -3 years to find out the outcome of her case.

Following the respondent's complaint the priest was sent for treatment to St Luke's Institute, a treatment centre for sex offenders in America. A risk assessment was undertaken there which judged that he should always be considered high risk and the respondent was told that he was barred from public ministry permanently. However this man is still a priest, he lives in England and is listed in the Archdiocese of Birmingham directory. The respondent has recently been told that the abuser is telling people, including other clergy, that he has been told to decide by the Diocesan authorities if he wants to return to ministry.

This case raises many concerns: it is clear that Church authorities have minimised the predatory nature of this man's conduct and the harm he has caused to many women over decades. No actions appear to have been taken for more than 20 years to protect women after previous reports of sexual abuse/exploitation against this priest were raised. The respondent's complaint was also initially ignored in 2006-2007 until she persisted in being heard. Despite a clear recommendation from those who assess sex offenders that this man should never be placed back in public ministry, he remains a priest. Diocesan

officials now appear to be ignoring the fact that he is telling people, including other clergy, that he has been told to decide by the Diocesan authorities if he wants to return to ministry. The respondent has been assured by the Diocese that he knows that he will not be allowed to return to ministry. This respondent is concerned that the priest could still be abusing women as he gains their trust because of his clerical status, and the Diocesan authorities have to date ignored pleas that this could be occurring.

(2) In the **Diocese of St Andrews & Edinburgh** a young man was sexually assaulted by a priest in the **1980s**. He reported the alleged sexual assault to the Church Authorities in **2005**. The alleged abuser had been prosecuted for two other sexual assaults in **2001** however the charges were found ***not proved*** in the courts. The alleged offender left the priesthood. Following the trial the Church funded a MBA for the former priest and he now works in the Middle East.

Given that this man is a suspected serial sex offender with multiple allegations against him, when did Church authorities first know about his offending behaviour, and why was he allowed to continue in ministry until the 2000s when he had been sexually assaulting young men for decades?

(3) In another case in the **Diocese of Clifton** the respondent has not reported the priest to Church authorities because she is scared that they will not believe or support her. The sexual abuse/exploitation began in **2007** when she went to the priest for spiritual/pastoral support and counselling and continued for over a year. In **2009** she told a friend. The priest is reported to have had sexual relations with a number of other women.

What do church authorities already know about this priest, if there is widespread talk of his '*affairs*' with women? Why has no action been taken to ensure that other women are not put at risk?

1.17.2 **Whilst only a few cases are considered here they all involve priests who were allowed to continue in ministry for decades after multiple allegations of sexual assault, abuse and/or exploitations of women and men were reported. It is also of concern that when cases were reported and victims persisted in having their allegations investigated it was years before any or any substantive response was made and/or before any actions were taken to safeguard others. The lack of recognition of the seriousness and prevalence of adult sexual abuse and the lack of procedures in place within the Catholic Church to deal with these cases leaves women and men open to the risk of sexual abuse by priest and religious.**

1.18 Church of England/Wales – Actions taken following allegations of Adult Sexual Abuse

1.18.0 The **Clergy Discipline Measures 2003** together with its **Code of Practice** provide procedures for complaining about ‘*misconduct*’ in the Church of England (in the **Church in Wales** the Code is called “*Cure for Souls*”) and there is also a policy called “*Promoting a Safe Church*” focused on vulnerable adults, though a references is given to those made vulnerable by *life events such as bereavement or previous abuse or trauma*. MACSAS was interested to see how effective these Guides and policies were and if they were used at all in response to allegations of sexual abuse and exploitation of women by vicars within the Church of England. From the reported cases in the Survey the responses were little or no better than the Church responses to allegations of child sexual abuse.

(1) In the **Diocese of Southwark** a woman reported being sexually abused and exploited by a priest for three years up to 2009, whilst she attended his church as a congregant. She reported the abuse to the **Bishop** in **2009**. However the Bishop refused to meet the victim and no outcome of any investigation has ever been communicated to the woman. The vicar remains in post and the woman was told to forgive him. When she complained that this was not an adequate response she reported that she was victimised by church authorities.

(2) In one of the most troubling cases to be reported in the Survey the respondent was an adult male victim who reported that he was sexual abuse by an ordained vicar/minister who was licensed to minister in the **Diocese of Chelmsford**. The respondent reported that other young men were also sexually abused. The Respondent reported the case to Safeguarding officers in the Diocese in **2010** but they informed him that they would not investigate the case because the alleged abuser was no longer a licensed minister in the Church of England, having not renewed his license in **2009**. This man is a **Canon** in the Church of England and he is reported to have used **his healing ministry to sexually abuse a number of young men** over a number of years in a **House Church** he had set up.

Initially the respondent and two other victims reported the sexual abuse to church elders in the House Church he attended in **2009**. Despite some investigation process being engaged with by junior ministers after three months it was decided that no abuse had taken place. The Respondent had been told that in fact when the minister was confronted he admitted his conduct. The minister was also asked by church elders to apologise to the respondent and his wife, some money was also paid for six sessions of therapy.

The respondent was then isolated by church elders and the community turned against him and his wife and blamed the respondent for seducing the minister. The respondent reported the case to the police in 2009 and the minister was arrested in 2010. Following an initial police investigation the CPS decided not to prosecute when other victims refused to make statements.

This minister/vicar has now set up another House church, and is reported to be grooming more young men. His name is still listed in **Crockfords** as the **Rev Canon**, and any day soon he can apply for and receive a license to continue his ministry within the Church of England as there does not appear to have been any investigation into this man's conduct by Diocesan authorities and it is not known if

any record exists of the allegations made against him to the Diocesan safeguarding adviser.

- (3) Another respondent reported her alleged abuser in the **Diocese of Manchester** in **2003** and there does appear to have been some response. A vicar was reported to have sexually abused/exploited the respondent for up to a year, whilst she was a parishioner and had gone to him for spiritual/pastoral guidance and counselling. She reported the case to the **Bishop** and **Archdeacon** the year the abuse happened. The respondent was interviewed informally and the vicar was *asked to leave* ministry, though under the guise of '*retirement on health grounds*'.

This man is still a vicar and as such he can be granted 'permission to officiate' (PTO) to continue in ministry as happened with others as will be seen in Part 2. As no one was told why this vicar 'retired' he continues to pose a danger to other women who come to him for pastoral/spiritual support and guidance.

- (4) Another respondent reported being sexually assaulted by a vicar in **North Wales** in **2001**. There were multiple allegations of sexual assault and abuse of other women made against this man over a number of years. Although a disciplinary tribunal was convened to consider two sexual assault allegations the case was halted when the vicar was allowed to plea bargained his way down to *sexual harassment* at a preliminary hearing and a full hearing did not take place. The victims were not consulted nor were they able to attend that preliminary hearing. The vicar moved to England and is now Priest in Charge in a parish in the South West of England. The then Archbishop of Wales Rowan Williams supported the actions taken and the Diocesan Bishop supplied the vicar with a reference supporting his placement. The victim left the Church England.

Church authorities appear to have had no regard to the ongoing risk this man poses to women in his parish or those who come to him for spiritual and pastoral guidance and counselling. The treatment of the victim in this case was appalling.

1.18.1 Two other cases were also reported in the Dioceses of Winchester and Liverpool. In the first there was at last an investigation process undertaken two years after the allegations were made when the respondent contacted the Archbishop of Canterbury. The respondent has recently reported that the outcome of the investigation was to give the vicar the *'benefit of the doubt'* and to suggest ways that the vicar could change his behaviour so that it is less *open to misinterpretation*. She is again writing to the Archbishop of Canterbury.

1.18.2 Again it is clear that Church leaders do not seem to take these cases seriously, or understand the need for resolution when complaints are made. Even when allegations are investigated through the Clergy Discipline Measures the procedures are manipulated to minimise the actions of the vicar and the subsequent penalty imposed. Women are not being protected from further abuse by these men.

1.18.3 At least one of these vicars is reported to be a serial sexual abuser of women and has been allowed to continue in ministry far from the diocese where he became notorious for sexually assaulting and abusing women. Another has multiple allegations of sexual abuse of young men during healing ministry and past allegations of child abuse and sexual misconduct. He was not investigated by Church authorities because he chose not to renew his license when allegations were made. In other cases women who had dedicated their lives to working in their parishes were vilified and isolated when they raised concerns about the conduct of the parish vicar.

1.18.4 At all times it appears as if the reputation of the priest/vicar is more important than safeguarding members of the congregations, their colleagues and others who come to them for spiritual/pastoral support. These issues will be discussed in Part 2 and placed in the context of the wider society and research on sexual violence.

THE RESPONSE TO VICTIMS OF SEXUAL ABUSE

- 1.19.0 There are currently no national policies or procedures in place within any Churches for responding to the victims of sexual abuse perpetrated by clergy, ministers, religious and others in positions of trust within Church communities. There are no procedures or structures in place through which victims can access support, assistance or redress for the harm caused to them.
- 1.19.1 Both the **Nolan Commission (2001)** and the **Cumberlege Commission (2007)** recommended that the **Catholic Church** put in place procedures for encouraging victims to tell of their abuse and for listening to what is being told to them, provide a support person to be with them throughout the process and to provide services in recognition of the pain, harm and distress caused to victims. No such procedures or support structures have been put in place.
- 1.19.2 A draft policy was written by a working party headed by COPCA after two years work but the central recommendations were rejected by the Conference of Bishops and an alternative document *“Healing the Wound”* (2006) was produced which failed to reflect the model of support proposed by the working party (The Tablet 18th March 2006). There is no evidence that this policy was ever put into effect and it no longer appears on the Safeguarding website.
- 1.19.3 Whilst the **Church of England** is in the process of developing a policy for responding to those who have been sexually abused in childhood (*“Responding Well”*), this is not yet in place, it makes no specific provision for victims abused by Clergy or other church officials, and there are no procedures or structures to determine allegations made or to provide redress and support to these victims. *Responding Well* is not about the Church taking responsibility for the abuse perpetrated by its ministers and other church officials, it is a social/pastoral document that reflects the reality that victims of childhood sexual abuse come to the Church seeking help and support at a time of need including those abused within the Church (see examples of such procedures in **Part 2 section 2.3.5**).

1.19.4 Into this vacuum then come the victims of clergy and religious sexual abuse when they report allegations of child and adult sexual abuse and exploitation. Any illusion that Churches provide a compassionate and just response to those abused and harmed within their own communities is shattered by the findings of the MACSAS Survey.

1.20 The response of Church Authorities to victims who reported sexual abuse

	Child Abuse	Adult Abuse	Total
Disregarded/Ignored	15	2	17
Denial	1		1
Vilification/blame	1	2	3
Told to get over it/forget	4	3	7
Silenced	5	1	6
Supportive/Counselling	3	5	8
Total	29	13	42

Figure 1(k): Response to victims who reported abuse

1.20.0 Only 8 out of 42 respondents to the Survey who gave further details of the response they received from Church Authorities felt that they had received any kind of support. Of these few most reported that an individual priest or religious sister offered support. Only three reported that church authorities provided a limited amount of counselling and one received some compensation (Australia). The overwhelming majority reported that they were ignored, disregarded, vilified within their communities, silenced and/or told to forget about it.

1.20.1 Among those who reported child sexual abuse allegations to Church Authorities it is deeply concerning to find that even where there has been a prosecution either as a result of the particular case or from previous cases most Church Authorities provided nothing

by way of assistance or support. Child abuse victims are still being silenced, ignored, blamed and/or told to forget about it when they report offences to the Church.

1.21 The Catholic Church - Response to victims who reported sexual abuse

1.21.0 The following responses were made to victims by Catholic Church authorities and safeguarding officials when allegations of abuse were reported.

- (1) One respondent reported being sexually abused by **Fr William Green** for four years during his childhood whilst a pupil in the St Bede's School in Manchester (Diocese of Salford), where the abuser taught. He has received no acknowledgement of the harm caused to him and no redress, support or assistance from Church authorities. This in a case where the priest was sentenced to 6 years in prison in **2008** for multiple offences of child sexual abuse against multiple victims including the respondent. The victim is now pursuing a civil claim against the Diocese.

- (2) In a case concerning an allegation of sexual abuse within a Catholic Boarding School, **Ampleforth** the victim reported the case to Church Authorities in **2007**. As far as the respondent knows there was no investigation and he was given a 'there there' response and told that it was all over now. No apology was given, no acknowledgement of the harm caused, and no redress, support or assistance has been provided.

The victim stated in his response ***"I have never received an apology or any support from either the Catholic Church or the School. Their claims that the victims are their main concern are rubbish."***

- (3) The respondent who reported that he was sexually abused by a religious nun in a convalescent care home in the **Diocese of Lancashire** was expelled from the home at the age of 15 when the abuse was discovered, and told by the Mother

Superior and the Chaplain from the home to keep quiet as no one would believe him. Despite reporting the abuse in 1998 when there were procedures in place, there was no acknowledgement from Church or religious order officials of his case or the harm caused. In **2010** the respondent contacted **Caritas in Preston** and they arranged for a meeting with the safeguarding officer for the religious order who verbally apologise to him for the abuse he had suffered and he was informed his abuser had died in the early 2000s. Counselling was arranged through Caritas who said they would make a donation. He had 18 sessions for which Caritas donated £250. The respondent sent his statement to the religious order asking for compensation but this was ignored.

At no time has the trauma and suffering caused to this man been acknowledged by Church Authorities or the religious order involved. No investigation has taken place to determine the victim's allegation, and no support, assistance or redress has been offered by Church of religious order authorities. 18 sessions of therapy were provided and a token donation was made by Caritas to the therapist. This victim described that his life had being destroyed by the abuse he suffered and by the response of Church and religious authorities when the abuse was discovered and when he later reported the abuse.

- (4) In **2000** the parents of a victim reported allegations of child sexual abuse of their son which took place in the 1970s whilst he was a boarder at a College in Dumfries run by the Marist Order. The parents were working overseas at the time. The sexual abuse began when the victim was 11 causing him to run away from the College twice.

The abuse was reported to **Bishop Peter Smith** then **Bishop of East Anglia** and to the authorities in **2000**. The police did little to investigate as the victim had previous dealings with the police for public order offences associated with alcoholism and severe mental health/PTSD issues caused by the abuse he suffered. It is understood that Bishop Smith wrote to him but nothing substantive

was said. In **2010** the family wrote to **Archbishop Vincent Nichols** seeking pastoral/spiritual support for the son who is now in institutional care. The Archbishop facilitated two visits from a priest to their son and then nothing more.

At every level of contact the family and their son have been left traumatised by the response from the Catholic Church. To date there has been no acknowledgement of the harm caused to him, no apology and no assistance, support or redress has been offered. The victim has not been informed of any investigation or any determination of his allegation. Once again there has been no resolution provided for this man despite the devastating impact the abuse has had on him.

- (5) In **2006** a respondent reported an allegation of child sexual abuse to **Archbishop Vincent Nichols**, then in the **Archdiocese of Birmingham** and to **COPCA**, just days after her alleged abuser died. A COPCA official told the victim that a panel would be convened to determine the credibility of the allegations made and that the case would be reported to the police. However when the victim tried to find out what was happening she was informed that the official had ‘forgotten’ to report the case to the police. The respondent again asked if the Archbishop had received her letter as she had had no response, the safeguarding officer said that the Archbishop “*is very busy*”. Eventually a bland note expressing sorrow for her suffering and “*the burden you feel you carry*”, was sent purportedly from the Archbishop; this after he had officiated at the alleged abuser’s funeral and eulogising his life of selfless ministry. No outcome of any investigation has ever been communicated to the victim in over five years and it appears that the safeguarding officer/COPCA has ‘forgotten’ to determine these allegations and/or to respond to the victim.

Meanwhile the victim has received no assistance, support or redress from the Catholic Church and there has been no resolution of the deep hurt she has

experienced. The impact on the victim has been re-traumatising and she is left feeling angry at the way her case has been handled.

She said this "On receiving [the note from the Archbishop] I was in a very bad place for a long time (I am crying now, sorry), shattered is not enough of a word to describe how that felt or the effect it had on me, without the support of my family and counsellor I would have killed myself. The only good thing the letter did was help me to realise that no help would come from the Catholic Church and all childish longing I had to be accepted back and forgiven was extinguished, but that nearly killed me."

(6) The Respondent who was sexually abused by a Catholic priest as an **adult** in the **Archdiocese of Birmingham** and reported her abuse in **2006** stated that she found the whole process very traumatic and still does. The victim believes she was initially not taken seriously. There was no response to her complaint for nearly a year. Only after numerous pleas and finally the sending of a letter to the senior clergy in the Diocese was action taken. However she was not told what this action was. She wrote a second letter to Archbishop Vincent Nichols in 2006 who said that cases involving women would be better dealt with in future. However she was still not informed of what happened to her complaint until 2 to 3 years later. This was after the victim asked for a meeting with the Vicar General and Safeguarding officer. Following this she contacted the Bishop she originally complained to and he told her the outcome and said she could phone him whenever she needed to. It was nevertheless a harrowing and very distressing struggle for the victim to find out the outcome of her complaint.

She has since been re-traumatised by finding out that the priest has been telling people, including other clergy, that he has been told to decide by the Diocesan authorities if he wants to return to ministry and as such could be still abusing.

The victim reports that she felt that *“the Diocesan [authorities] who had not listened to me [] have caused as much anguish and psychological damage to me as the original abuse.”* She also stated that *“I certainly wasn’t offered..... counselling which I think I should have been”* And *“There is an apparent acceptance of priests involving themselves with women and [] these are seen as affairs – they are not”* She ends *“This has been the worst experience of my life.”*

1.21.1 There are too many reports of appalling responses from the Catholic Church to set them out here. The above provide a range of responses in cases that called out for a compassionate response. It had taken these victims all their courage, battling against every instinct never to tell of such terrible suffering and betrayal, to approach Church authorities and these were the cowardly and careless responses they received.

1.21.2 Despite the repeated recommendations of two Commissions undertaken at the request of the Catholic Conference of Bishops in England and Wales (**Nolan** and **Cumberlege**), the clear evidence from the Survey is that victims who report child and adult sexual abuse by clergy and religious continue to be ignored and their needs disregarded by Church authorities, including those tasked with responding to reports of sexual abuse.

1.21.3 There appears to be no awareness or understanding within the Catholic Church of the harm caused to victims of child and adult sexual abuse, of the re-traumatising effect of inadequate responses, or of the needs of victims who come to them seeking help. The careless disregard for the victims reported in this survey is shocking. Part 2 of the Report considers this matter further.

1.22 Church of England/Wales - Response to victims who reported sexual abuse

1.22.0 The following are illustrative of the responses made to victims by Church Authorities and safeguarding officials within the Church of England/Wales when they reported allegations of sexual abuse.

(1) A respondent reported that he had been sexually abused as a child by a vicar to the **Bishop of Portsmouth in 1995**. He had been an altar server when the abuse took place over a period of three to four years in the **1970s**. He received no response from the Bishop; there was no investigation and no support or assistance for the victim. In **2010** he reported the abuse to the police and the case was still under investigation by the police when he completed the Survey. Once again at the time the survey was submitted he had been no response from the diocesan authorities or safeguarding advisers and no offer of support, assistance or counselling. The respondent stated ***“I did not get a response [from the diocese]. Please offer any help you can to me.”***

(2) Another respondent who reported that she was sexually abused by a **trainee vicar** whilst a child in the **1970s** was told by her family never to tell anyone when she told them what happened. When she reported to the police in 2005 the victim was harassed by members of the local church community and her son was forced to change schools. The CPS did not prosecute the vicar and the Church refused to take disciplinary actions against him or to otherwise determine the allegation made in the context of the multiple allegations already made. The victim has been offered no support or assistance and there has been no acknowledgment of the harm caused to her despite the fact that the police informed her that the vicar has confessed to his Bishop that he abused children. She has been compelled to go to a solicitor for help to have the harm caused to her acknowledged.

She says this ***“Finding it hard to continue as I am so traumatised and exhausted by the whole episode. I am frightened for my child as he has***

already had to change schools because of Church involvement. . . There seems to be a culture of 'blame the victim' in relation to child abuse . . . It seems society wants to lock away the victims but somehow the perpetrators are okay to continue with their life and career."

- (3) Another respondent reported that she was sexually assaulted by a vicar as an adult **North Wales**. Church authorities allowed her abuser to plea bargain his way out of being removed from ministry for multiple offences against women, at a preliminary Disciplinary Tribunal hearing without the knowledge of his victims. The respondent challenged this decision and tried to ensure other women were not put at risk by this man but the church authorities colluded to move him far away to a parish in the South West of England where he is still in ministry. An offer of support made by the Bishop at the time was so badly timed that it could not be responded to. She left the Church three years after. She said this *"I spent all my adult life in the Church in one way or another, studying theology for 12 years and working in parishes and hospitals []. My parish ministry meant everything to me. When I [left the church] I lost my vocation, my home, my job, my friends and worst of all, my respect for and trust in the one thing that framed my life – the church. . . . Six years on, the Church [] has never been in touch with me again – and I have never received a penny from them. My mother died two years ago without ever attending a place of worship again – and my father also vows that he will not attend Church ever again."* She concluded *"Now I do not attend worship anywhere at all. The pain and sense of loss I feel every single day does not diminish. It was not what [my abuser] did to me that hurts so much – it is what the Church [] did to me afterwards and how the situation was dealt with."*

- 1.22.1 How are these responses, to the victims of clergy perpetrated sexual abuse still possible in the 21st Century? Where is the understanding of the devastating impact of sexual abuse on the victims and the re-traumatisation experienced when church authorities fail to respond

either adequately or at all? There were too many such statements made by victims to put them all into this report.

1.22.2 It is hard enough to accept that those ordained to represent Christ and placed in positions of religious, spiritual and moral authority over children and congregants within their Churches could so betray their ministry and the trust placed in them by sexually abusing children and adults within parishes and church institutions. Now we must also accept that Church leaders protect the abusers over the needs of the victims, ignore the suffering caused and dismiss allegations made. From the findings of the Survey Church authorities seem incapable of responding appropriately or at all to the victims of abuse perpetrated by Clergy, religious and other church officials.

1.22.3 Whilst Church leaders fail to engage with victims, to hear their experiences and the harm caused to them and whilst they fail to provide support, redress or assistance when allegations of sexual abuse are reported, no safeguarding procedures will ever be effective. The safeguarding of children and adults in society and in our Church communities requires a change of hearts and minds, a paradigm shift away from the protection of the Institutions at the centre of all consideration, and towards the protection and welfare of children and those who come to churches in trust and faith.

CONCLUSION TO PART 1

- 1.23.0 The MACSAS Survey has found that Church authorities are failing to respond effectively, consistently or at all to allegations of child sexual abuse and the sexual abuse and exploitation of adults within Church communities. Issues raised in the Survey will be considered in detail in Part 2
- 1.23.1 Of real concern is that Churches appear to take little effective action to ensure those alleged to have sexually abused, and in some cases those convicted of sexual abuse, are removed from ministry and no longer pose a risk to children and adults (see Figures 1(i) and 1(j)).
- 1.23.2 The respondents who reported child abuse cases were all adults when they reported cases to Church and/or statutory authorities, and often the abuse took place decades before. This does not stop these allegations being true or the alleged abuser if still alive capable of posing an ongoing risk to children and adults.
- 1.23.3 Church Authorities continue to ignore the needs victims who reported allegations of sexual abuse and carelessly disregard their suffering and the need for acknowledgement and redress. Those who were able wrote repeatedly to Church authorities before they got any response to their allegations. Others could not face the re-traumatisation reporting would cause, and could not face the repeated rejection and disregard for their suffering. The responses of Church authorities to victims reported in the Survey are shocking.
- 1.23.4 **Whilst victims continue to be treated as pariahs within Churches, whilst their reports of abuse are deemed an inconvenience, and whilst their suffering, distress and needs are ignored by those entrusted to respond to reports of abuse, Churches will remain incapable of protecting children and adults within parishes and other Church institutions. The effectiveness of safeguarding procedures can best be measured by the response to the victims and the commitment of Churches to redressing the harm caused.**



PART 2 – CONTEXT & CONTINUUM

“[I]t is the lost child, the molested child who should be the centre of our attention. The church should be actively seeking out victims to embrace them with the healing power of Jesus Christ.

Restorative justice is not cheap justice. It is not justice without recognition of wrong-doing, without putting the balance right. Restorative justice may possibly even be about forgiveness, but again not about cheap forgiveness.

For restorative justice to work in a church environment then the church [must] become a restorative community – a restorative community for all.

A Church which becomes a restorative community will be one where the care of each one of the most vulnerable and most wounded will truly become the dominant concern of the ninety-nine others, who will learn to abandon their own security and try to represent Christ who still seeks out the abandoned and heals the troubled.”

Archbishop Diarmuid Martin (4th April 2011)

Archbishop of Dublin and Primate of Ireland

2.0.0 Introduction

2.0.0.0 The findings of the MACSAS Survey make disturbing reading. Far from coherent and consistent procedures in place to protect children and adults within Churches in the UK we have been told of repeated carelessness in carrying out procedures: officials ‘forgetting’ about cases, failing to report child abuse cases to the Police, failing to investigate cases; of church authorities telling the victims to get over it, or to pray for forgiveness and often completely ignoring the victims. Some victims have told of being hounded from their churches, vilified in their parishes and further abused by their abusers. In the majority of cases no effective or perceptible action was taken against the alleged abuser, leaving many still in ministry where they continue to pose a risk to children and/or adults within their Church communities.

2.0.0.1 Very few of the respondents were offered redress, assistance or support either during or following investigations into allegations, regardless of whether they were substantiated or the decade in which the reports were made. Far from these inadequate responses being *‘things of the past’* within Churches, they have been continuing over the past ten years when ‘model’ policies and procedures were supposed to be in place.

2.0.0.2 Three areas of central concern arise from the findings of the MACSAS Survey, from what we know of past cases, reviews and commissions and from the many calls and emails MACSAS receive from victims/survivors of clergy and religious abuse.

(1) The effectiveness of the Child Protection/Safeguarding procedures and the implementation of the procedures within Church Communities.

(2) The lack of any or any effective procedures within Churches to recognise and respond to allegations of the sexual abuse/exploitation of adults by clergy, religious and other church officials.

(3) The lack of procedures that recognise and respond to the needs of victims of sexual abuse perpetrated by clergy and religious, and the failure to provide redress, support and assistance to victims who report abuse.

2.0.0.3 Research and commissions of inquiry from the UK, America, Ireland and Australia show that far from the Survey findings being aberrant results they reflect a disturbing and persisting reality (see below).

2.0.0.4 The prevalence of adult sexual abuse perpetrated by clergy and religious has been widely researched in the USA, UK, Australia, and in international studies. There is also considerable research on the link between childhood sexual abuse and re-victimisation/abuse as adults. Research has found that adult victims of child sexual abuse are disproportionately found among those being re-abused within our Churches when they seek spiritual/pastoral support and guidance (Kennedy 2009).

2.0.0.5 Research into the harm caused to victims of clergy perpetrated sexual abuse and studies from the UK and America (see below at 2.3.1.1 – 2.3.1.14) highlight the need for procedures and structures to be put in place to respond appropriately to adults who are victims of clergy and religious perpetrated child and adult sexual abuse, building on examples of programmes in place in Ireland and Australia.

2.0.0.6 MACSAS contends that whilst Churches continue to ignore the needs of victims, deny their suffering and minimise the extent of the abuse taking place within Churches whatever procedures are put in place to protect children and adults will remain ineffective.

2.0.0.7 For the past twenty years survivors and organisations set up to support them including MACSAS have called upon Church authorities to respond to victims of clergy perpetrated sexual abuse, to listen to allegations made, to take actions to ensure other children are protected, and to provide support, assistance and redress to victims. At all times survivors have been aware of the central importance of listening and responding to victims in

creating an environment within Churches that will ensure the effective protection of children and adults.

2.0.0.8 During Pope Benedict XVI's state visit to the UK in September 2010 he was compelled to return time and again to the issue of child sexual abuse within the Catholic Church. On the 16th September as he flew from Glasgow to London he said that "*the pastoral care of survivors must be the Church's first priority*".

2.0.0.9 For this to happen a paradigm shift is required; Church leaders need to turn away from prioritising the protection of Church Institutions and towards protecting the vulnerable. It is undoubted that in response to this report we will hear again the plaintive mantra from Church leaders repeated over the past twenty years that "*what happened then could not happen now*". The compelling evidence not only from this Survey but from other studies and commissions of inquiry carried out in recent years, is that these things can happen again, are happening now and will continue to happen within Church communities until Church leaders acknowledge the harm caused to victims and the institutional dynamics that allow the abuse to continue.

(1) EFFECTIVENESS OF SAFEGUARDING/CHILD PROTECTION PROCEDURES AND THEIR IMPLEMENTATION

2.1.0.0 The MACSAS Survey findings reveal that the procedures in place for responding to allegations of child sexual abuse are inconsistently applied. When procedures are engaged with to whatever degree the victims are often left in the dark as to what has happened with the allegation made, and in the vast majority of cases there seems to be no effective or perceptible action taken against the alleged sex offender. Overwhelmingly alleged offenders remain as clergy and ministers; some within the same parish, others moved on. If they have retired they are left in retirement, if they have left the Church they are no longer the concern of the Church Authorities, and if they are dead it is taken as of no concern that they abused in the past.

2.1.0.1 Only a very few of those reported to have sexually abused children within the Survey are known to have been convicted of child sexual offences; 4 out of the 45 named (9%) of which only two were convicted as a result of the respondent's allegations, the other two convictions predated the allegations made by respondents. Ten of the alleged abusers named in the Survey are dead. Of the rest some were processed through Church Safeguarding/Child Protection procedures, some were not, and few if any in the Survey were removed from ministry or had their ministry restricted in recognition of any risk they may pose to children and/or adults.

2.1.0.2 The findings of this Survey, statistics reported by the Catholic Church, past cases widely reported in the press, and numerous studies and inquiries, provide compelling evidence that there are considerable and persisting barriers to the **effective implementation of safeguarding procedures** within Churches. These include:

- (i) An over-reliance upon the criminal justice system and its standard of proof to determine the nature and scope of Church actions;

- (ii) a resistance from Church authorities to disclosing reports of child sexual abuse kept on files for clergy, ministers and religious including confessions of child abuse made to Bishops/other clergy;
- (iii) an ongoing denial of the scale of sexual abuse perpetrated within Church communities and the consequent assumptions that; adults who report allegations of child sexual abuse by clergy and religious are lying, exaggerating or disturbed; and/or that if the abuse occurred in the past the abuser no longer poses a risk to children;
- (iv) Institutional dynamics that continue to protect the reputation, power and assets of the Churches

2.1.1 The Ineffectiveness of the Criminal Justice System in Safeguarding/Child Protection

2.1.1.0 The failure of the criminal justice system to provide effective protection and redress for victims of child sexual abuse in the UK has been identified in numerous national surveys and studies, which have found that only 3-4% of reported child sexual abuse cases result in a conviction (Child Exploitation and Online Protection Centre figures 2010 at www.ceop.gov.uk; Cawson, P. et al. (2000) *Child maltreatment in the United Kingdom: a study of the prevalence of child abuse and neglect*. London, NSPCC).

2.1.1.1 It is accepted by professionals working in the field of child protection that this very low conviction rate reflects neither the truth of the allegations made, nor the guilt of the alleged offenders not convicted. Research in the UK and the USA has also found that only 2 - 3% of allegations of rape and sexual offences have been shown to be false (Kelly, E., Lovett, J., Regan, L. (2005) *A Gap or a Chasm – attrition in reported rape cases* Home Office Research Study 293 CWAS Unit London Metropolitan University).

2.1.1.2 The reality we face in our society is that out of every 100 reported cases of child sexual abuse, on average 97 victims reporting abuse are deemed to be telling the truth but only 4

of the cases will result in the conviction of the offender. This leaves over 90 sex offenders without a criminal conviction.

2.1.1.3 Donald Finlater, from the Lucy Faithfull Foundation, which assesses and treats sexual offenders, spoke about the sex offenders register in February 2011 on BBC R4. He reiterated that the more than 30,000 people currently on the sex offenders register represent only an estimated 10% of all sex offenders and explained that most sex offenders continue to abuse children for a considerable period of time before any allegation is made against them, and even then few are prosecuted or convicted. This leaves an estimated 270,000 sex offenders at liberty in England and Wales with no criminal conviction (www.bbc.co.uk/news/mobile/magazine-12478584).

2.1.1.4 The statistics set out above can reasonably be assumed to be constant across all sectors of society and as such over 90% of sex offenders working within Church communities and among clergy and religious in the UK will not have been convicted of any offence.

2.1.1.5 The John Jay Study commissioned by the USA Catholic Conference of Bishops in 2002 and published in 2004 found that of the estimated 4,392 priests (4% of the priesthood) in the USA alleged to have sexually abused more than 10,600 children between 1950 and 2002 only 6% had been convicted of child sexual offences. Only 1.5% of the reported cases in the study were deemed to be false allegations. In the more than 5681 cases where the church investigated and reached a determination 80% were substantiated. The survey excluded cases where the priest was completely exonerated. The priest denied the allegation in only 56 cases. (John Jay Study 2004 at www.usccb.org/nrb/johnjaystudy).

2.1.1.6 In Australia the General Synod of the Anglican Church commissioned a similar study of child sexual abuse perpetrated by clergy which was completed in 2009. Out of 191 allegations only 1.6% were deemed to be false or erroneous. Over half of reported cases were substantiated and another third were inconclusive and yet only 12% of reported cases resulted in a conviction. (The Australia Study 2009 at www.apo.org.au/research/study-reported-child-sexual-abuse-anglican-church)

2.1.1.7 It is clear from research across three continents that an allegation is not false just because the alleged offender is not convicted. For an allegation to be false there must be evidence to support such a finding which satisfies the necessary burden of proof. Only a very small percentage of allegations (between 1.5% and 3%) have been found to be false. Over 90% of sex offenders are never convicted. Those convicted represent only the tip of the iceberg.

2.1.1.8 Church Authorities must take on board this reality as it relates directly to the effectiveness of safeguarding/child protection procedures put in place and the duty of care owed to children within Church communities.

Standard of Proof

2.1.1.9 At the heart of the difficulties faced in securing a conviction in child abuse cases is the **standard of proof** required, which is proof **beyond all reasonable doubt**. Where a child's evidence has to be relied upon, or the evidence of a victim reporting decades after the offence took place it is very difficult to satisfy the standard of proof without corroborating, independent evidence and this is rarely available. This explains why the CPS often refuses to prosecute a case or the accused is found not guilty – the age of the victim at the time of the offence, the passage of time and the lack of independent supporting evidence, all conspire to undermine the chances of securing a conviction.

2.1.1.10 However the **standard of proof** required within **Child Protection** is **on the balance of probabilities**. The '**paramountcy principle**' at the heart of child protection requires that the welfare of the child is placed above the lack of certainty of an alleged abuser's criminal guilt. If on the balance of probabilities a cleric or other person in a position of trust has or may harm a child based on all the information available, then he or she should not be allowed access to children or be placed in a position of trust that would enable him or her to exercise authority over children.

2.1.1.11 Church Authorities also need to keep in mind that **the duty of care** owed to children within Church communities requires that they do not place anyone who on **the balance of probabilities** may cause children harm in a position of trust over them.

Paradigm Shift

2.1.1.9 The evidence from the MACSAS Survey and the many reported criminal and civil cases indicate that our Church leaders are not ready to accept this reality and this responsibility. They continue to deny that abuse has taken place, that the victim is telling the truth or that the alleged offender poses a risk to children.

2.1.1.10 For the past twenty years survivor organisations such as MACSAS have argued that a radical change is required within Churches in order to effectively protect children. The disturbing and irrefutable evidence that clergy and religious have been allowed to continue in ministry and thereby continue to abuse children despite repeated allegations made against them indicates that there is something fundamentally wrong with the priorities of Church leaders (see Murphy Report 2009; John Jay Study 2004; numerous cases reported in the UK press and set out below; the MACSAS Survey findings). Procedures alone will not resolve this fundamental problem, a culture change is required, a paradigm shift if you will: away from the protection of the reputation, power and assets of the Church and its clergy and towards the protection of the most vulnerable within our communities. Isn't that supposed to be the mission of the Christian Churches?

2.1.1.11 This part of the report will consider safeguarding within the Catholic Church and the Church of England and place the findings of the Survey within the context of the development of safeguarding, the concerns with current procedures and the continuing pattern of responding to allegations with Churches from past cases.

2.1.2 THE CATHOLIC CHURCH & CHILD PROTECTION

Background - Something more than words is needed

2.1.2.0 The first time the issues of clergy perpetrated child sexual abuse surfaced into public awareness in the UK was in **1992** when **Granada Television** broadcast a programme called '*Sins of the Father*'. The researchers uncovered the case of **Fr Anton Mowat**, a priest in the **Diocese of Northampton** who was allowed to move to America in 1986 and to become a parish priest in Georgia, despite the Diocesan authorities knowing of multiple reports of child sexual abuse against him, which a church spokesman referred to as '*rumours*'. The parish he went to was not informed of these '*rumours*'. Mowat fled America when charges were filed against him there in 1988 and hid out in Turin in Italy with the knowledge of the Diocese of Northampton. Diocesan authorities eventually turned him over to the police when he returned to England and refused to accept the need for treatment. Mowat was sentenced to 16 years in prison in America in **1990**.

2.1.2.1 In response to the programme in 1992 the Catholic Church spokesman **Bishop Christopher Budd** stated that the *sexual abuse of children by priests was an abuse of power* and he admitted that the church used to keep quiet *twenty years before*.

2.1.2.2 Bishop Budd set out **five principles that should govern Church Action**:

- (i) *Justice must be done to all parties*
- (ii) *The welfare of the child and the family must be a priority*
- (iii) *No one in the Church should help in the evasion of the law*
- (iv) *Proper steps should be taken to avoid the danger of re-offending*

(Only four were given in the article published in The Universe on 26th July 1992)

He stated that "*In no circumstances would it be just to provide protection by attempts to cover up a cases, or by frustrating social and judicial inquiry*".

2.1.2.3 Bishop Budd assured the public that “*We have learnt from past mistakes, they would never happen now*”. This assertion has been repeated like a mantra ever since despite at all times compelling evidence that the same reflex to protect priests and assets rather than children has continued over the past two decades.

2.1.2.4 **Ray Wyre**, now deceased, was the founder of **Gracewell Clinic in Birmingham** where child sex offenders/paedophiles were treated until its closure in the late 1990s. He stated in the **summer of 1992** that the clinic had been ‘*overwhelmed by the number of clergy cases in the last year.*’

2.1.2.5 Meanwhile also in **1990 Fr Peter Arkley** pleaded guilty at the Old Bailey to soliciting homeless young runaways for sex at railway stations and repetitive “*homosexual acts*” with underage youths.

2.1.2.6 In **August 1992 Fr Michael Creagh** deputy House Master of **Douai Abbey School** in Berkshire was convicted of multiple offences of child sexual abuse. The abuse for which he was convicted had begun in **1988**.

2.1.2.7 In March **1993 Fr Samuel Penney** a parish priest in the **Archdiocese of Birmingham** was convicted on 10 charges of child sexual abuse and sentenced to 7 ½ years in prison. In **May 1993** the **Everyman Programme** on BBC1 broadcast “*Breach of Faith*” a documentary on the Samuel Penney case. A young man who had been sexually abused by Penney for 10 years finally told his parents and they went to see the **Archbishop of Birmingham, Maurice Couve de Murvill**, who persuaded them not to report the case to the police and that the matter would be dealt with. In **1991** the victim returned from Australia where he was living, to find that Penney was still a parish priest and still abusing children. Penney was moved into treatment in July 1991 first at one centre in England and then to Gracewell Clinic from where he was arrested in **July 1992** just as Bishop Budd was saying that lessons had been learnt.

2.1.2.8 **Bishop Budd**, again spokesman for the Catholic Church, promised “*more help for victims*”. The Church authorities admitted that as of **May 1993** three priests had been convicted in the past two years and two more were awaiting trial. Another child abuser had been moved to a treatment centre after the family decided not to prosecute and another was wanted by the police but had fled the country (possibly **Fr Christopher Clonan from the Archdiocese of Birmingham**). The implication of this statement was that there were only a few cases within the Catholic Church and these were being dealt with.

2.1.2.9 Even as Bishop Budd said this it is now clear that the extent of child sexual abuse perpetrated by priests in the UK and still going on was being minimised and covered up as the above and later cases testify and as clearly reported by respondents in the MACSAS Survey who reported cases from the 1940s, through to the 1990s. As of September 2010 there were **37 priests** convicted of a total of **370 sexual offences** against children between **1993 and 2009**. The abuse took place between the 1940s and 2000s.

2.1.2.10 In **1994** a working party led by Bishop Budd produced “*Child Abuse: Pastoral and Procedural Guidelines*” (“**the 1994 Guidelines**”) for responding to reports of child sexual abuse by clergy. MACSAS members were part of the consultation with the working party that drafted the Guidelines.

2.1.2.11 However it soon became clear that the Guidelines were not being followed by Bishops, Archbishops and Cardinals. In **2000** the press revealed the mishandling of a known sex offender, **Fr Michael Hill** in the **Diocese of Arundel & Brighton** who was eventually convicted for child sex offences in 1997. The newly elevated **Cardinal of England & Wales** and former **Bishop of Arundel and Brighton, Cormac Murphy O’Connor** were put under pressure to resign.

2.1.2.12 **Michael Hill** was a parish priest in the **Diocese of Arundel & Brighton** when he was **convicted in 1997** of ten sexual assaults on boys and sentenced to five years in prison on **charges dating back to 1959**, the year before his ordination. It was discovered during

police investigations that **complaints against Hill first surfaced in the early 1980s** and he was sent to a clinic in Gloucestershire for **evaluation in 1982** (Our Lady of Victory, Stroud). Doctors advised Bishop Murphy O'Connor that Hill was a risk to children, however the Bishop **appointed him chaplain at Gatwick airport in 1983** where he abused more children including a learning disabled child on his way to Lourdes.

2.1.2.13 Fighting off pressure to resign and stating that back in the 1990s less was known about child sexual abuse Cardinal Cormac in **2000** commissioned **Lord Nolan** to review how reports of child sexual abuse had been handled within the Catholic Church and to make recommendations. The Cardinal also sent 10 files on other priests with allegations of child sexual abuse within the Diocese of Arundel & Brighton, to a Leeds based solicitor for an apparently independent inspection; the solicitor turned out to be working for the Catholic Church. In a brief statement the public was informed that no problems arose in respect of the handling of those cases.

2.1.2.14 **Bishop Peter Smith**, then of the **Diocese of East Anglia** was appointed to sit on the Nolan commission. In September 2000 at the launch of the Nolan review Bishop Smith stated in the Catholic media that *'there were a large number of false allegations made against priests'*. He reflected on the fact that there had only been 25 convictions out of 6,738 diocesan and religious priests in England and Wales, a further 70 had been accused, investigated and not charged. A further three were acquitted and 10 were charged by police but later had their cases dropped (The Catholic Herald 22 September 2000). These assertions were strongly countered by Margaret Kennedy the founder of MACSAS and she called for Bishop Smith to be removed from the review (Catholic Herald 29th September 2000). In response the Bishop said that he *"merely recognised the reality"*. *"The fact of the matter is that there are false accusations"*. He referred to no evidence to support this assertion.

2.1.2.15 This did not bode well for the Nolan commission and did not reflect a readiness within the Catholic Church hierarchy to recognise the extent of clergy and religious perpetrated child sexual abuse.

2.1.2.16 **New Guidelines** were drawn up, taken from the **recommendations of the Nolan commission** (found at www.cumberlegecommission.org.uk) and announced to the press in **June 2002** with a statement from the newly elevated **Archbishop of Birmingham Vincent Nichols** who was named Head of Child Protection in the Catholic Church. He stated that at the centre of the guidelines was **‘the paramountcy principle’** placing the welfare of children first. He stated that *“from now on those priests cleared in court of child sexual abuse still faced a risk assessment and possible sanctions”*.

2.1.2.17 The Nolan commission identified that between 1995 and 1999:

- 21 priests had been convicted of child sex offences,
- 2 had been tried and acquitted,
- 10 had been charged but the charges were dropped,
- 63 had been investigated but no charges were brought, and
- 6 had received police cautions.

2.1.2.18 A total of 102 cases had passed through the criminal justice system in less than five years. As set out above (**paragraphs 2.1.1.0 – 2.1.1.8**) and as can be seen from the statistics and research below that number reflected merely the tip of the iceberg. The Nolan commission did not discover or disclose the extent of abuse reported within the Catholic Church, or those cases held on file still waiting victims to come forward and report to the police.

2.1.2.19 The constant difficulty plaguing the Catholic Church when it publishes any figures on reported cases of child sexual abuse is the sheer number of historic cases of clergy and religious child sexual abuse still out there. The Church leaders may know something of the scale of the abuse perpetrated but they have never been compelled to disclose the files of clergy and religious with reported allegations of child sexual abuse dating back to the 1940s. Neither the Nolan nor Cumberlege Commissions had access to those files.

2.1.2.20 In **December 2002** Cardinal Cormac Murphy O'Connor was investigated by police over 12 new allegations that he failed to report claims of child abuse to the police whilst he was Bishop of Arundel & Brighton. A number of victims went to the police to complain that when they reported allegations to the Bishop in the 1980s nothing happened to the alleged abusers. The Cardinal confirmed that the Diocese was prepared to hand over the files to the police (The Times 7th December 2002).

2.1.2.21 One well publicised case concerned **Fr Timothy Garratt** who was convicted of making child pornography in **1984** in Portsmouth. He also admitted that whilst in a previous parish he had taken photographs of a 12 year old boy undressed for bed and asked for the incident to be taken into consideration by the magistrate. Following this conviction the Cardinal gave Garrett a job in Arundel and Brighton as assistant priest in Redhill, Surrey in 1986 and he later moved to a parish in Eastbourne in 1989.

2.1.2.22 From **2002** the **Catholic Office for the Protection of Children and Adults (COPCA)**, set up following the Nolan commission recommendations, published an annual report setting out statistics for reported allegation of child abuse within the Catholic Church and the actions taken by statutory and Church authorities in response (<http://www.csas.uk.net>).

2.1.2.23 However from their introduction the **New Guidelines** provoked controversy and misunderstanding within the Catholic Church. Throughout 2002/3 Bishops and priests within England & Wales challenged the validity of the new Guidelines and Procedures arguing that it was all unfair for priests to have their reputations tarnished by 'false allegations'. Some clergy and Bishops said that they did not have to follow the Guidelines as they were *only* 'Guidance'. The Vatican refused to recognise the Guidelines insisting that Canon Law and Papal authority were paramount over all matters relating to priests (see Catholic press 2002/2003).

2.1.2.24 From the beginning then the hierarchy and clergy within the Catholic Church took the view that when a priest was not prosecuted or convicted of a criminal offence the

presumption was that he was innocent of any wrongdoing and that the allegation was false, and many considered the Guidelines to be optional.

2.1.2.25 Following the publication of the fourth annual report of COPCA setting out the number of allegations of child abuse reported to the Church in 2005 and actions taken against the alleged abusers, the Catholic Herald once again reported that *“almost two thirds of the allegations received in 2005 turned out to be false.”* (Catholic Herald 7th July 2006). Eileen Shearer, then Director of COPCA wrote a letter to clarify that *“allegations reported to police and not taken forward by the police were not necessarily false allegations.”* (Catholic Herald 21st July 2006).

The John Jay Study (America)

2.1.2.26 Meanwhile in America the Catholic Church was besieged by allegations that Cardinals and Archbishops covered up and colluded in widespread child sexual abuse to protect the reputation of the Church and its financial assets. Thousands of victims began to bring criminal and civil cases. In 2002 the Conference of Catholic Bishops in the USA agreed a set of principles for dealing within child abuse allegations known as the **Dallas Charter**. It also commissioned a study into the handling of child abuse allegations in all Dioceses, to be carried out by the John Jay College of Criminal Justice at the City University of New York.

2.1.2.27 The John Jay Study is the most comprehensive study of its kind in the world into the prevalence of clergy perpetrated Child Sexual Abuse within the Catholic Church. Dioceses provided the information for the study from records held on reported allegations of child abuse made between 1950 and 2002. Any case where the priest had been exonerated (298 in total) was excluded from the study. The study was published in 2004. The following are the key findings made, which this report will refer to:

- 4,392 priests were alleged to have abused children between 1950 and 2002 which represents 4% of all priest during that period. 69% were diocesan priest, 22% were

religious priest. The rest were made up of other kinds of priests, Deacons, Bishops and Seminarians.

- From numerous studies considered in the Study the prevalence of child abuse within the clergy between 1950 and 2002 was between 3% and 6%.
- A total of 10,667 individuals made allegations of child abuse by priests. Of these files contained information that 17.2% of them had siblings who were also alleged to be abused. 81% of the alleged victims were male and 19% were female.
- Less than 13% of allegations were made in the year in which the abuse allegedly began. More than 25% of the allegations were made more than 30 years after the alleged abuse began.
- In 34% of allegations the abuse occurred within a single year, in 21.8% the alleged abuse lasted more than a year but less than 2 years, in 28% between 2 and 4 years, in 10.2% between 5 and 9 years and in under 1% 10 or more years.
- 29% of victims reported one off offences, 18% reported being abused more than once and 53% reported being abused numerous times.
- The majority of priests were alleged to have abused one victim (56%), 27% were alleged to have abused two to three victims, nearly 14% were alleged to have abused four to nine victims and 3.4% were alleged to have abused more than ten victims. The 149 priests who had more than 10 allegations of abuse were allegedly responsible for abusing 2,960 victims.
- 7% of the priests had been physically, sexually and/or emotionally abused as children.
- Only 1,021 cases were reported to the police (24% of the total) and the likelihood of reporting the case did not seem to relate to the severity of the alleged abuse. 384 instances (9%) have led to criminal charges of which 252 were convicted and at

least 100 served time in prison. Therefore 6% of all priest against whom allegations were made were convicted and about 2% received prison sentences at the time the report was published

- The more potential victims the priest had the more likely he was to be convicted. Where there were 10 or more potential victims 17.5% were convicted, but where there was only one potential victim only 3% of these were convicted.
- The age range of priests at first instance of alleged abuse was from 18 to 90 years of age. The most common age was in their 30s (over 40%), 20% were in their 20s and 20% in their 40s, 11% were in their 50s, 4% in their 60s and 1.6% were between 70 and 90.
- From the alleged abusers surveys for 1,672 priests the allegations were thought to be credible and for 345 priests the allegations were thought to be not credible by church authorities.
- From the 9,281 victims surveys in 6,696 cases (72%) an investigations was carried out by Diocesan and religious authorities. In 5,681 cases a definitive result was reported. Of these 4,570 (80%) were substantiated, 1,028 (18%) were unsubstantiated, and 83 (1.5%) were found to be false. Priests were reported to have denied the allegation in 56 cases (<1%).
- 27% of all priests subject to allegations had their ministry restricted by a superior.

2.1.2.28 Whilst many survivor organisations in America rightly criticise the study for relying on the returns from Diocesan authorities, and not consulting with victims, and many believe that there has been an under reporting of reported child sexual abuse, the John Jay Study remains the most comprehensive study to date to have been published into clergy perpetrated sexual abuse of children and it provides a bench mark against which the findings within the MACSAS survey and other studies can be considered.

2.1.2.29 It would also have been hoped that Church authorities in the UK would have looked at these findings and reflected on how they had handled cases in the past. Clearly with 98.5% of allegations deemed not to be false and 80% of investigated allegations substantiated by Church authorities in the USA, authorities here may have been expected to take a different approach in their public pronouncements. There is no evidence that the study in America made any difference to the Catholic church responses here

2.1.2.30 In Britain in **2006 Baroness Cumberlege** carried out a five year review of the **Nolan Commission** and the effectiveness of the procedures in place. The report was published in 2007 (www.cumberlegecommission.org.uk). Identifying that the Bishops had not taken ownership of child protection, which undermined the effectiveness of the procedures, the Cumberlege Commission recommended that the role of COPCA be transferred to the Bishops and Religious leaders so that they would have direct responsibility for Child Protection. **The National Catholic Safeguarding Commission (NCSC)** was established in 2008 with three Bishops and three Heads of Religious Orders included as members and was to be headed by an Independent Chair. In addition the **Catholic Safeguarding Advisory Service (CSAS)** was set up to advise the NCSC on safeguarding matters. New guidelines and procedures were drafted having regard to the Cumberlege recommendations.

2.1.2.31 MACSAS has argued since Cumberlege that it was a grievous mistake to place child protection back under the control of the Bishops who had shown themselves incapable of dealing with child sexual abuse in the past. MACSAS concerns were confirmed when it was discovered that the first chair of NCSC, **Bill Kilgallon**, was a former Catholic Priest who had been in seminary with Vincent Nichols, now **Archbishop of Westminster**. The closeness of association between the Chair of Safeguarding and the hierarchy of the Church was less than desirable and insufficiently Independent to satisfy close scrutiny. As can be seen below there has been less transparency in child protection and the published statistics on reported cases since NCSC took over.

Current Safeguarding Procedures within the CATHOLIC CHURCH

2.1.2.32 The current Catholic Church safeguarding procedures (“**the Procedures**”) were last amended in 2008 following the Cumberlege recommendations and are found at www.csasprocedures.uk.net. The structures for Safeguarding include: four regional safeguarding commissions; a safeguarding commissioner for each Diocese; and within each Diocese there may also be a Safeguarding officer/advisor working under the Safeguarding Commissioner.

(i) Those who report allegations

2.1.2.33 The **Procedures** are sprinkled with references to ‘**the paramouncy principle**’ and an awareness that Dioceses and congregations are responsible for ensuring that children are not placed at risk from clergy, religious or others in positions of trust within Church communities. However the Procedures make **no reference** to adults who report that they were sexually abused in childhood. Indeed the assumption is that the Church will be receiving reports from children, or those related to or working with children for instance. In other words the victim will still be a child and the abuse will have happened to the child now or in the recent past.

2.1.2.34 No mention is made of adults who come maybe ten or twenty years later with allegations of child abuse. This is the first indication of the minimization of past or ‘*historic*’ cases and is a fundamental gap in the Procedures.. Research in the UK, USA and Australia has found that only a minority of cases of child sexual abuse are reported within the first two years the abuse took place or whilst the victim was still a child (**Child Maltreatment in the UK, NSPCC 2000; John Jay Study 2004; Australian Study 2009**). The first the Church Authorities will hear about child abuse in the majority of cases is when the victim reports the abuse in adulthood.

2.1.2.35 Not reflecting this reality within the Procedures reduces the likelihood of reports of child abuse by victims who are now adults, being dealt with either effectively

or at all. The MACSAS Survey clearly shows that adults who reported allegations of child sexual abuse were often ignored or had to struggle to be heard often reporting the abuse repeatedly over decades before any notice was taken, meanwhile the alleged offenders continued to abuse children.

(ii) Laicisation/removal from access to children

2.1.2.36 The **Procedures** themselves allow a wide discretion on what happens to clergy or religious whether they are convicted or not. Where a priest is convicted for a child sexual offence and sentenced to more than a year in prison the **Nolan commission** recommended that **steps are taken for the priest to be laicised**. However the Procedures make it clear that when a priest is convicted or cautioned for child sex offences **consideration will be given to whether steps should be taken to laicise the priest**, and no more.

2.1.2.37 **Channel 4** highlighted in a news report in **September 2010** that laicisation has rarely followed the conviction and imprisonment of clergy in the 37 cases highlighted (www.channel4.com/news/catholic-abuse-in-england-and-wales-revealed). Further details are given below.

2.1.2.38 The **Procedures allow for the exercise of a wide discretion and this allows those convicted of child sex offences to remain in situations where they can access children. Sex offenders who remain in the priesthood invariably hold authority over children and their families because they are priests, even if not in parish ministry.**

(iii) Risk assessment, discretion and reliance on the criminal justice system

2.1.2.39 The **Procedures** make much of the need to assess the risk clergy and religious pose to children even when they are not convicted following an allegation of child abuse. Much is made of **Independent Risk Assessments** being the “*cornerstone of*

the Church's commitment” to safeguarding Children. However the detail of the **Procedures** makes it clear that not all those alleged to have abused children will be risk assessed either independently or at all. The Procedures state that **Independent risk assessment may** be carried out for:

- *Convicted offenders*
- *Those acquitted of wrongdoing but concerns about risk remain*
- *Those charged but the charges were not pursued*
- *Those investigated but not pursued*
- *Those on the sex offenders register*

2.1.2.40 It is clear from the Procedures that the risk assessment process is focused on those clergy who have gone through the criminal justice system and have been charged, prosecuted and/or convicted of a sexual offence. However research has consistently found that very few reported cases of child abuse result in a conviction (3-4%) or even charges being brought, and as set out above less than 10% of sex offenders are on the Sex offenders register. In America the John Jay study found that only 9% of priests were charged with an offence and only 6% convicted; and this was where 80% of the allegations had been substantiated (John Jay Study 2004). In Australia, the survey of Anglican clergy accused of child abuse found that 23% of the cases were prosecuted and only 12% resulted in a conviction despite more than 50% of allegations being substantiated and another third found to be inconclusive (Australian Study 2009).

2.1.2.41 In the MACSAS Survey only 4 out of the 57 alleged child sex offenders are known to have been convicted of child sexual offences (7%). With over 90% of allegations not resulting in a conviction it is important that the risk assessment procedures are consistently and rigorously applied.

2.1.2.42 However, the **Procedures** state that there is “*no obligation in Canon Law for a member of the clergy to undergo an assessment that asks for an examination of conscience*”. Also “*the informed consent of the cleric is required in all cases*”.

2.1.2.43 How can either of these statements fit with the child protection paramountcy principle? Whilst the procedures state that regard will be had to a refusal to undergo a risk assessment the very fact that clergy are allowed to refuse one under Canon law should raise very real concerns about what appears to be the **paramountcy of Canon law** in child protection matters.

2.1.2.44 It seems clear from the Procedures that **only those alleged offenders who have an Independent risk assessment undertaken will be considered for removal from ministry or laicisation**. The regional Safeguarding Commission must have regard to the recommendations from the Independent Assessment when determining the recommendations to make to the Bishop. If there is a dispute over the recommendations made by the Assessor, or the Safeguarding commission these must be resolved by reference to CSAS. It does not say what happens then.

2.1.2.45 It is also of concern that Diocesan and/or safeguarding authorities can challenge the recommendations from an Independent Risk Assessment; on what basis would they do this, and who would be tasked with determining such a challenge?

2.1.2.46 Where a **priest or religious is not convicted of any offence** the **discretion** as to whether to undertake an independent risk assessment becomes even wider. The **Procedures** say that where police/statutory authorities do not prosecute or the priest is not convicted then an independent risk assessment **may be commissioned if concerns remain**.

- **Who determines whether there is sufficient concern for an independent risk assessment?**
- **How is the effectiveness of the ad hoc risk assessment by the regional safeguarding commission, diocesan safeguarding commissioner and/or the safeguarding officer/advisor being assessed?**

2.1.2.47 The **Procedures** do not make it clear what if any *effective actions* should be taken to ensure that clergy and religious reported to have committed child sexual offences do not pose a risk to other children either following conviction or following an allegation if there is no conviction.

2.1.2.48 This wide discretion on what to do with alleged sex offenders led to such cases as that of **Father Michael Hill** (above) and **Fr David Pearce** who both went on to abuse more children following in one case a clinical assessment that said he was an ongoing risk to children and in the other a civil court finding that he had abused a child.

- In **2009** Fr David Pearce was finally convicted of 11 sexual offences against 5 boys which took place between **1972 and 2007**. He was sentenced to 8 years in prison. Pearce had been the Head of **St Benedict's School in Ealing** until he retired in 1993. In **2004** one of his victims reported allegations to the police but no further action was taken. A civil action was pursued and the victim was awarded damages in **2006** after the court found that Pearce had abused him. The victim testified that when he reported the case to the Abbot of Ealing Abbey in 2004 he was told that the **Abbot had known of the rumours about Pearce and his reputation whilst he was headmaster.**

Despite the High Court finding that abuse had occurred, the **Diocese of Westminster Child Protection Commission** recommended that Pearce could continue to live at Ealing Abbey under restrictions. The Abbey is attached to the School. The Abbot stated in public that he had banned Pearce from having contact with children to “*protect Fr David from unfounded allegations.*” Pearce remained a priest and he remained in the community where he had been head teacher and was perceived by all the children in the school to be an authority figure.

The Abbot also assured the **Charity Commission** that Pearce would not be in contact with children and that he would have no public ministry within a parish

setting. Pearce subsequently abused another boy between 2006 and 2007 who came into the Abbey to wash up. Pearce was arrested in February 2008.

A scathing report was issued by the Charity Commission in 2010 heavily criticising the Abbot for allowing Pearce to have access to children. The Catholic Church defended itself by saying that Diocese of Westminster Child Protection Commission had **followed the child protection guidelines**.

2.1.2.49 Clearly whatever **risk assessment** was undertaken in the case of **David Pearce** it failed to identify the obvious risk posed by letting a known child sex offender live beside a school and remain a priest where children came into and out of the house on a daily basis.

2.1.2.50 Having considered the Procedures the MACSAS Survey findings seem to make more sense. Little if any actions have to be taken against alleged offenders, even if convicted. Maybe then the respondents assessed well when they reported that nothing happened when they reported cases of child sexual abuse.

COPCA/NCSC Annual Reports on Child Protection/Safeguarding

2.1.2.51 **The Catholic Church** in England and Wales has published an annual report on Safeguarding/Child Protection which includes statistics on reported cases of child abuse since the **Nolan Commission in 2001** (found at www.csas.uk.net and click on Documents for reports up to 2007 and www.catholicsafeguarding.org.uk and again click on documents for 2008 onwards). These reports provide an insight into the effectiveness of the Safeguarding Procedures and the attrition rate between reported allegations, prosecutions, risk assessments and any effective or perceptible actions being taken.

(i) **Statistics available from the Annual reports 2002 – 2009**

2.1.2.52 Unfortunately the Statistics and information provided within the annual reports are incomplete for each year and therefore it is very difficult to establish exactly what actions have been taken within the Catholic Church for each priest or religious reported to have sexually abused children. Further difficulties arise as the statistics provided each year changed in format and content and since being taken over by NCSC in 2008 there has been even less transparency in the information provided.

2.1.2.53 However from the data provided the following figures have been collated:

Between 2002 and 2009
<ul style="list-style-type: none">Total No. of Allegations of Child Abuse made $148+62+100+60+41+46+50+41 = \underline{548}$
<ul style="list-style-type: none">Sexual Abuse Allegations $132 + 52 + 66 + 45 + 33 + 38 + 38 + 31 = \underline{435}$ (79% of all allegations)
<ul style="list-style-type: none">Total No. of Victims Approx $160^* + 86 + 153 + 75 + 43 + 53 + 64 + 52 = \underline{686}$
<ul style="list-style-type: none">Victims of Sexual Abuse Approx $140^* + 66 + 111 + 56 + 35 + 47 + 45^* + 35^* = \underline{535}$ (78% of all victims)
<ul style="list-style-type: none">Total Number of Alleged Offenders $148 + 62 + 100 + 59 + 41 + 44 + 51 + 43 = \underline{548}$
<ul style="list-style-type: none">Alleged Clergy/Religious Abusers $110 + 38 + 68 + 44 + 26 + 30 + 33 + 26 = \underline{375}$ (68% of all offenders)

*(*For 2002 the figures were not broken down, likewise the number of sexual abuse victims from 2008 and 2009 have been estimated from figures for 2003 – 2009)*

Figure 2(a): Number of allegations made, victims and alleged offenders

2.1.2.54 There have been 548 reports of child abuse in the eight years from 2002 to 2009 with 686 victims. Almost 80% were reports of child sexual abuse and almost 80% of the victims were victims of child sexual abuse. This figure turns on its head the common statistics on abuse within the wider society, where emotional and/or physical abuse and neglect are more common than child sexual abuse (see NSPCC website for latest figures in reported cases at www.nspcc.org.uk). Almost 70% of the alleged offenders were religious and clergy.

2.1.2.55 Tables within the annual reports from 2003 to 2009 also give details of Actions taken by statutory authorities and for 2003 to 2007 for Actions taken by Church Authorities. Each subsequent year the Annual reports attempted to update what had happened with cases that had not been resolved in the previous year. Trying to piece these partial figures together has provided the following statistics:

ACTIONS TAKEN BY STATUTORY AUTHORITIES against all alleged offenders

29 convictions & sentences (5%)

13 police cautions (2%)

(% of 548)

12 Court hearings outcome not known (2%)

ACTIONS TAKEN BY CHURCH AUTHORITIES in respect of Priest and Religious

Risk assessment = 22	Total = 27 (7% or 13%*)
Continued risk assessment = 4	
Risk management = 1	
Laicised = 6	Total = 25 (<7% or 12%*)
Dismissed/resigned = 19	
Restricted ministry = 23	Total = 37 (10% or 18%*)
Removed from ministry = 14	
	(% of 375 or 206*)

Figures also provide information that 18 alleged offenders were placed on POCA (2% or < 9%*). It is not known if that figure refers to those already considered above or in addition to the above.

*(*No Church Action figures were given for 2002, 2008 and 2009 - % adjustment if alleged offenders in those years excluded)*

Figure 2(b): Actions taken by Statutory and Church Authorities

2.1.2.56 Of very real concern is the attrition rate between reported cases and actions taken against alleged offenders either by statutory authorities or Church authorities.

2.1.2.57 Only 7% of all reported cases are known to have resulted in convictions as predicted from the statistics on conviction rates set out earlier. We do not know if the almost 7% of clergy and religious laicised and dismissed include those convicted of offences. In addition a further 10% were removed from ministry or had their ministry restricted. So at the highest 24% of all clergy/religious accused of sexual offences had actions taken to remove them from harm, however this could be as low as 17%.

2.1.2.58 Of more concern is that there appears to be an under assessment of risk, with only 7% of the 76 – 83% of clergy and religious accused of child abuse who were not

convicted or removed from ministry and laicised/dismissed having a risk assessment. With 80% of allegations involving child sexual abuse this is deeply concerning. Around three quarters of all clergy and religious accused of child abuse appear to have no actions taken against them and no risk assessment.

2.1.2.59 The annual reports also give figures for the number of cases still under investigation at the time the report is produced, and where ‘No Further Action’ is taken by either statutory or church authorities. In subsequent years for 2003 to 2007 an update is given. No Statutory actions or outcomes are listed for 2002 except for convictions, when 148 allegations were reported, and no Church Actions or outcomes are listed for 2002 or for 2008 and 2009 when the reporting was taken over by NCSC. The information is again only partial.

NO FURTHER ACTION		INVESTIGATION INCOMPLETE
Statutory Authorities:	243	67
Church Authorities:	53*	Cannot be ascertained

(No Church figures given for 2002, 2008 and 2009)*

Figure 2(c): No Actions & Incomplete Investigations 2003 - 2009

2.1.2.60 Clearly where there is no action taken by statutory authorities the Procedures indicate that an Independent risk assessment will be less likely. The partial figures indicate that in nearly half of all cases No Further Action was taken following the report of the allegation to statutory authorities. The other half had some form of investigation or discussion and as we saw very few resulted in prosecutions.

2.1.2.61 There should be a considerable number of risk assessments being undertaken for the 50% who had some action taken and yet when we look at the figure for the number of risk assessment given in the annual reports we find only 7% of clergy and religious alleged to have abused children have been independently risk assessed.

2.1.2.62 It is very difficult to ascertain how many cases there are where no action is taken against clergy and religious by Church Authorities. These figures were not given at all for three years and in other years sometimes they were and sometimes they weren't.

2.1.2.63 In March 2011 MACSAS asked the current **Director of CSAS** if there were any updated figures for the outcome of allegations of child abuse reported within the Catholic Church from 2002 to 2010 and was told that given there was only seven weeks until MACSAS published the report he could not assist. He referred me back to the statistics published annually and stated that a risk assessment is undertaken when a priest is not convicted of a criminal offence. This clearly does not tally either with the statements within the annual reports or the figures published which appear to show that **very few risk assessments** are actually undertaken.

2.1.2.64 The **2006 Report Executive Summary** stated at **Pg 8**

“In all cases where allegations are received and reported to police, the individual is temporarily removed from their role and remains so until the close of the statutory investigation. Where concern remains regarding risk, an assessment of the risk is undertaken, sometimes involving independent experts. Recommendations are made by Child Protection Commissioners as to the steps required to manage risk identified safely. In some cases this is not necessary for example where the allegation is unfounded, or where the accused is deceased.”

2.1.2.65 Whilst this statement does reflect the Procedures it does not reflect what MACSAS has been told by the Director of CSAS. Clearly not all cases are reported to the police and only some of those who are considered a risk are assessed by an Independent assessor.

2.1.2.66 Key questions from this statement include:

- **Who determines whether there is a risk remaining?**
- **Who decides when an independent risk assessment should be undertaken?**
- **Who determines when an allegation is unfounded?**

2.1.2.67 The 2006 report states the **Child Protection Commissioners determine what steps are required to manage any risk identified.** From the 2003 report we find that **only 7 of the 206 Child Protection Coordinators were lay people** i.e. not clergy or religious (they are now called ‘Commissioners’). This hardly bodes well for the effectiveness of the Procedures when there is a clear conflict of interest between the alleged abuser and the person making decisions and recommendations about the risk posed and the actions to be taken.

2.1.2.68 The findings from the MACSAS Survey revealed a patchwork of responses to allegations with no coherence whatsoever. Sometimes police were informed, sometimes nothing happened, sometimes there were investigations, sometimes there were not, and most of the time those who reported allegations were completely ignored. Maybe the gaps identified within the Procedures and the lack of independent decision making, are among the reasons for this.

2.1.2.69 **What we see from the published statistics, which the Director of the Catholic Safeguarding Advisory Service stands by, is that very little effective action is taken against clergy or religious following a report of child sexual abuse: the majority of alleged offenders who are in ministry at the time the allegation is reported continue in ministry after any process engaged with is completed, and those in retirement remain untroubled.**

2.1.2.70 This corresponds to the John Jay Study in America (2004) which found a similar pattern of actions being taken; the offender was taken through assessment, administrative leave, and then back into ministry with only a minority of cases resulting

in the priest being laicised or remove for ministry even where allegations were substantiated (John Jay Study 2004).

(ii) Lack of Transparency

2.1.2.71 Whilst the current **Procedures** include the *possibility* of an Independent risk assessment and refer to ongoing risk assessment whether or not a priest or religious is convicted of any criminal offence, there is no record published of how many alleged offenders have so far been assessed to pose a risk to children. We know that somewhere in the region of 90% of the child sex offenders are estimated to have never been convicted according to national statistics, yet this is not reflected in the published statistics of the actions taken to ensure that those who may be a risk to children are not placed in positions of trust and authority over them. It can be argued that those thought to pose a risk would surely have their ministry restricted or be laicised/ removed from ministry. So far we have been told that 7% were convicted and 17% had their ministry restricted or were laicised or otherwise removed from ministry. 10% of those accused of child abuse were put on the POCA list. These figures are either exclusive or inclusive.

2.1.2.72 Only time will tell whether the priests and religious put back into parishes and other church communities go on to abuse other children or face further allegations, as happened in the past (Hill and Pearce for example). The MACSAS Survey findings clearly indicate that most of the allegations reported seem to have been ignored by Church authorities and safeguarding officers and those alleged to have committed child sexual offences are still in ministry or allowed to continue undisturbed in their retirement.

2.1.2.73 The Catholic Church has many **past cases** to provide them with an understanding of the predatory and prolific offending patterns of child sex offenders which continued whether or not they had been through assessment and treatment and whether or not they have been retired or had their ministry restricted. See Hill, Pearce, and Penney above.

Ongoing Concerns about the Response of Catholic Authorities

2.1.2.74 A recent letter from **Archbishop Vincent Nichols, Archbishop of Westminster and Head of the Catholic Church in England and Wales** evidences that there has yet to be any radical change to the denial and minimisation of child sexual abuse seen within the Catholic Church over the past two decades.

2.1.2.75 **Archbishop Nichols** posted an open letter on the **Archdiocese of Westminster website** in **January 2011** in which he expressed his support for a priest who had recently returned from suspension following the completion of criminal investigations and an internal assessment arising from an allegation of child sexual abuse made against him, dating back to the **1970s**.

2.1.2.76 The allegation was investigated by the police however the Criminal Prosecution Service (CPS) refused to prosecute the case due to the lapse of time since the abuse took place, a lack of independent supporting evidence (usually either a witness or another victim) and therefore the unlikelihood of securing a conviction. The internal assessment undertaken by the Catholic Church in accordance with the **Procedures** concluded that the priest could return to ministry.

2.1.2.77 **Archbishop Nichols** extended his comments beyond support for the priest to a lightly veiled criticism of the **Procedures** that had required such lengthy and arduous investigations; in so doing he undermined the very Procedures he has so recently held up as a ‘model’ for the rest of the world to adopt. The tone of the letter left no one who read it in any doubt that the Archbishop considered the allegation made against the priest to be false.

2.1.2.78 Given the lamentable failures of the criminal justice system to provide effective redress for victims of child sexual abuse, and the research across three continents that has found only a small percentage of allegations have ever been found to be false, it is extraordinary for the Head of the Catholic Church in England and Wales to

makes such a statement, it is also reckless. What if any Independent Risk Assessment was undertaken? How effective was the assessment of risk if it wasn't independent? Was there evidence to support a finding that the allegation was malicious or false? Clearly as set out above there are considerable concerns about the independence of those making decisions on risk and the actions to be taken.

2.1.2.79 **MACSAS contends that given the inadequacy of the current Safeguarding Procedures highlighted above, the statistics which evidence the attrition rate in reported cases of child abuse within the Catholic Church, and the findings of the MACSAS Survey, it is highly unlikely that Children are currently being protected from clergy and religious child sex offenders.**

Prevalence of Child Sexual Abuse within the Catholic Church

2.1.2.80 The figures within the Annual reports for child abuse cases reported in the year in which the abuse is alleged to have occurred, raise concerns and indicate a more pervasive problem than Church Authorities are currently admitting.

The total number of allegations of child abuse between 2004 and 2009 reported to church authorities in the year the abuse is said to have taken place

= 124 cases

2.1.2.81 The John Jay Study estimated that less than 13% of all child sexual abuse cases perpetrated by priest were reported to Church Authorities in America in the year that the abuse occurred (John Jay Study 2004). The Australian study of child sexual abuse within the Anglican Church also found that only 9% of cases were reported within a year of the incident occurring (Australian Study 2009). Indeed a further 33 cases where abuse was alleged to have taken place between 2000 and 2008 have already been reported in subsequent years

2.1.2.82 Extrapolating from this research it is estimated that the actual figure for the number of cases of child abuse within the Catholic Church between 2004 and 2009 is at least **1000 cases**.

2.1.2.83 Averaging the proportion of cases which involve child sexual abuse from the figures already given within the annual reports somewhere between 75 and 80% will be cases concerning sexual abuse – approximately **750 - 800 cases**.

2.1.2.84 Catholic Church leaders in England and Wales including the current Archbishop of Westminster have repeatedly stated that the incidence of child sexual abuse perpetrated by clergy and religious is no worse than in the rest of society. The dismissive tone of this statement is itself a treacherous betrayal to those now coming forward to seek justice for the suffering they have endured over many years. It is also an inadequate and fatally flawed response to the growing outrage at the ultimate betrayal of thousands of children and their families over many decades by those placed in positions of religious, spiritual and moral authority over them.

2.1.2.85 The statement fails to acknowledge the often unquestioned authority priests and religious exerted over children and their families, and the unparalleled access they have to children in the daily life of the church and its institutions. It is not just one or two children that priests have access to, and not just for a limited period of time. Priests and religious have access to many children at any one time and over a number of generations as has been evidenced in some of the worst but tragically not rare cases reported within the findings of the Inquiry into child sexual abuse perpetrated by diocesan priest in the Archdiocese of Dublin (Murphy Report 2009 at www.dacoi.ie; and see also the John Jay Study 2004).

2.1.2.86 The statement also fails to acknowledge the duty of care owed to those who attend Parish Churches and/or are placed in the care of clergy and religious, nor does it reflect a commitment to the paramountcy of ensuring that children within Church communities are protected from those who may harm them.

2.1.2.87 Further as set out above the John Jay study in America estimated that 4% of all priest in America from 1950 to 2002 sexually abused children. Other research looked at in that study put the figure at anywhere between 3 and 6% (John Jay Study 2004). As the only study into the prevalence of child sex offending within the Catholic priesthood so far undertaken anywhere in the world it must stand as the best estimate. This figure is higher than the estimated percentage of child sex offending within the wider population.

When child abuse is reported to have taken place (from Annual reports)

	2003	2004	2005	2006	2007	2008	2009
2009							18
2008						21	
2007					10		
2006				17	3		
2005			21	0	2		
2004		37	1	1	1		
2003		16	1	1	0		
2002		3	0	1	1		
2001		1	0	2	0		
2000		1	0	0	0		
1990s		20	9	8	3		
1980s		10	16	6	8		
1970s		46	13	5	11		
1960s		11	4	1	10		
1950s		5	8	0	3		
1940s		4	1	0	0		
pre1930s		0	0	0	0		
Unknown		0	0	1	0		

Figure 2(d): Decade or year in which abuse occurred

2.1.2.88 There are four years (2004-2007) for which we have a breakdown of reported allegations by year/decade in which the abuse took place. For 2008 and 2009 we also have the figure for cases reported where abuse took place in the same year.

2.1.2.89 There were **157** alleged cases reported to have occurred between **2000 and 2009** from the partial figures we have been given. A further **202** cases have been reported for decades dating back to the 1940s: **40** in the 1990s; **40** in the 1980s; **75** in 1970s, **26** in the 1960s, **16** in the 1950s and **5** in the 1940s.

2.1.2.90 However the 148 cases reported in 2002, 60 cases in 2003, 51 cases in 2008 and 43 cases reported in 2009 have not been broken down into decade when the abuse occurred however it is undoubted that a similar pattern will have been present in the reported cases of abuse.

2.1.2.91 More than half of the allegations reported between 2004 and 2007 were of '*historic cases*' of child abuse dating back from the 1990s to the 1940s. This delay between the occurrence of abuse and reporting is reflected in the MACSAS Survey and corresponds to the findings in the John Jay Study 2004 and the Australian Study 2009. It is clear that many victims report child sexual abuse often decades after it has happened. This makes the abuse no less a criminal offence, the harm to the victim no less serious and the offender no less a risk to other children.

2.1.2.92 In the John Jay Study 1% (50) of the priests continued to abuse children when they were in their 80s. **Pearce** was in his 60s and still abusing boys and was found to have abused boys for more than 30 years. **Hill** abused children over four decades from 1959. It is clear from the reported cases of clergy and religious who have been convicted of sex offences against children that many carry on abusing for decades (see also Murphy Report, Ireland 2009). Unless the alleged abuser is actually dead he continues to pose a risk to children.

2.1.2.93 The John Jay Study found that only a quarter of all allegations were made within 10 years of the incident that gave rise to the allegation, half of the allegations were made between 10 and 30 years after the incident and the remaining quarter were reported more than 30 years after the incident. In half of the cases the victims made repeated reports to Church Authorities on at least one further occasion. These figures are for clergy who have since been deemed to have sexually abused children (John Jay Study 2004).

2.1.2.94 The MACSAS survey also found that a number of the respondents had reported their case to Church and other authorities several times and in some cases there was still been no response whilst in other (**Fr William Green**) a conviction had been secured. That does not make the earlier allegations any less true or the abuse any less devastating. In fact being ignored or rejected when abuse is reported re-traumatises the victim and causes further damage and harm (see Section 2.3.0.0 below).

2.1.2.95 **All allegations however many years after the abuse took place should be deemed credible for the purposes of child protection as overwhelmingly allegations of child sexual abuse have been shown to be true. Only where there is evidence sufficient to satisfy the burden of proof should an allegation be considered false. Actions should be taken in all cases where there is a credible allegation made against an alleged offender however long ago the abuse was or however old the offender.**

2.1.2.96 From the MACSAS Survey there are serious concerns that those tasked with implementing the Catholic safeguarding procedures, often themselves religious and/or clergy, are dismissing or minimising '*historic*' allegations, even when the reported abuse took place in the 1980s and 1990s and the priest or religious is still in ministry. Victims who reported allegations spoke of failures to inform the police, delays for years in considering the case at all, and being ignored. The number of allegations published within the annual report therefore may not even reflect the total number of cases reported within each year.

How the Catholic Church has handled past cases

2.1.2.97 A Channel 4 news special report broadcast on 15th September 2010; and the accompanying article at www.channel4.com/news/catholic-abuse-in-england-and-wales-revealed, gave the names of 37 priests that researchers could find who had been convicted of child sex offences since the early 1993.

- Six priests in the **Archdiocese of Birmingham** have so far been either convicted or identified as child sex offenders with abuse dating back to the 1940s

Fr John Gerald Flahive (2002) *

Fr Thady Francis O'Malley (1999)

Fr Eric Taylor (1998)

Fr Samuel Penney (1993)

Fr Christopher Clonan – fled the country in 1992, High court in 2010 decided that he had abused children.

Fr John Tolkien – Deceased was identified as a child abuser in 2001 when police investigated him following allegation of child sexual abused. In 2003 the Archdiocese settled a claim for damages brought by one of Tolkien's victims (see for example www.telegraph.co.uk/news/uknews/1380542/Tolkiens-son-is-questioned-over-child-sex-allegations.html).

- Six priests and religious in the **Diocese of Middlesbrough** have so far been convicted for child sexual offences dating back to the 1940s

Fr Noel Barnett (2004)

Fr Michael Dunn (2004) *

Br James Carragher (2004)

Fr David Crowley (1998)

Fr Gregory Carroll (2005) *

Fr Piers Grant-Ferris (2005)

- Five priests in the **Diocese of Hexham & Newcastle** have so far been convicted for the child sexual abuse offences dating back decades

Fr Adam McLeish (1996)

Fr William Jacks (2001)

Fr David Taylor (2009) *

Fr Patrick Fitzpatrick (2004) *

Fr John Corrigan (2007)

- Three priests in the **Diocese of Lancaster** have so far been convicted for the child sexual abuse:

Fr James Charing – Pearce (1997)

Fr Anthony McKay (2002)

Fr Edmund Cotter (2007) *

- In the **Diocese of Leeds** **Fr Neil Gallanagh (2005) *** abused in a school for the deaf children. He had previous a conviction for child abuse on the Isle of Man.

- There have so far been four priests either convicted or identified as child sex offenders in the **Diocese of Salford**:

Fr William Green (2008)

Fr Thomas Doherty (1998)

Fr John James Pearson (2000)

Monsignor Thomas Duggan (2011) * was recently identified when Bishop of Salford issued a public apology to those abused by him (15th March 2011 www.bbc.co.uk/news/uk-england-manchester-12743490).

- In the **Diocese of Menevia** (South West Wales) **Fr John Michael Kinsey (2005)**

- In the **Archdiocese of Cardiff** two priests have so far been convicted of child sexual offences:
 - Fr Joseph Jordan (2000)**
 - Fr Michael John Lloyd (1998)**

- Five priests have so far been convicted of child sex offences in the **Archdiocese of Westminster**:
 - Fr David Pearce (2009)** – his second conviction for child sexual abuse
 - Fr John Coghlan (2005) ***
 - Fr William Hufton (2004)**
 - Fr Peter Grant (2007) ***
 - Fr Michael Hobb (2000)**

- Two priests have so far been convicted in the **Diocese of Southwark** for child sex offences:
 - Fr Malcolm Mc Lennon (2009)**
 - Fr James Murphy (2000)**

- Only one priest has so far been convicted in the **Diocese of Arundel & Brighton** for child sexual offences: **Fr Michael Hill (1997)**

- In the **Diocese of Portsmouth** **Fr Brian Rutledge** was convicted of child sexual abuse in **2008**

- In the **Diocese of Clifton** **Fr Peter Carr** was convicted of child sex offences in **2007/8**

- In the **Diocese of Plymouth** **Fr Paul Couch *** was convicted of child sex offences.

2.1.2.98 In total 37 priests were convicted of **330 child sex offences** and **sentenced to 137 year** in prison. However only eight of the 22 men sentenced to more than a year in prison since 2002 had been laicised by September 2010, despite the clear recommendation of Lord Nolan (2001) that any priest sentenced to a year or more in prison should be put forward for laicisation. Clearly the Procedures do not reflect the Nolan recommendation and so despite some of these men being prolific child sex offenders they remain priests. Those with * are still listed within the Catholic Directory 2010.

2.1.2.99 The Channel 4 list does not include **Mowat (Diocese of Northampton)**, **Creagh (Douai Abbey)**, **Arkley (Probably the Diocese of Westminster)** or **Garrett (Dioceses of Arundel & Brighton and Portsmouth)** all referred to previously. Nor does it include consecrated religious (not priests) within the many care homes and schools who have been convicted of child sex offences over the past twenty years.

2.1.2.100 The Catholic Church has had many cases of clergy abuse over the past 20 years to inform them of the prolific behaviour of child sex offenders and the consequences of covering up the abuse and failing to remove them from ministry: Hill, Pearce and Penney already considered above and also:

- In **2000 Fr Joseph Jordan of the Archdiocese of Cardiff** was convicted in two separate trials for sexual offences against boys in the 1980s and possession of child pornography, and was sentenced to a total of 8 years in prison. During the trials it was revealed that Jordan was subject to investigation following allegations of child sexual abuse when he lived in Plymouth in the 1970s before he became a priest. Although Jordan had been acquitted on that occasion the Bishop of Plymouth had warned the Archbishop of Cardiff, Archbishop Ward that he was investigating Jordan's suitability for ministry as a result. The Archbishop ignored those warnings.
- In **2005 Fr Neil Gallanagh** pleaded guilty to sexual offences against two pupils at St John's Roman Catholic School for the Deaf in Wetherby, West Yorkshire. A further 11 charges against him of indecently assaulting five other boys under the

age of 16, including an 11 year old, were left on file. Gallanagh received a suspended sentence because of his ill health, age and previous good character. The abuse took place whilst he was resident chaplain at the school in the 1970s.

However a year later MACSAS discovered from another alleged victim of Gallanagh's that he had a previous conviction for abusing a child whilst he was a priest in Derry in Northern Ireland. He had sexually assaulted a 9 year old boy whilst on a day trip to the Isle of Man in 1960. Gallanagh admitted the offences and said he realised that what he had done was wrong. He promised to get treatment and received only a fine. It is not known if he got any treatment. His uncle was the Bishop of Derry and he moved Gallanagh to Leeds in England where he went on to abuse the children in St John's School.

2.1.2.101 However in the autumn of 2010 a case confirmed that the Catholic Church in England and Wales colluded with child abusers to help them avoid prosecution, as had been suspected with that first case concerning Anton Mowat in the 1980s.

- In 2010 a former priest **James Robinson** was extradited from America to stand trial for child sex offences dating back to the 1970s and 1980s. He was ordained in the **Archdiocese of Birmingham** in 1971. In 1985 he fled the country whilst under investigation for child sexual abuse. He was convicted in the autumn of 2010 for 21 offences of child sexual abuse which he committed between 1959 and 1983 and was sentenced to 21 years in prison. The Judge in the trial said that Robinson had used his status as a priest to gain “unfettered and unlimited” access to boys.

During the trial it was discovered that Robinson had been paid £800 per month by the Archdiocese of Birmingham **until 2001** despite at all times authorities being aware of the child sexual abuse allegations made against him and the fact that he had fled the jurisdiction. In 2000 the Archdiocese sent him a cheque of £8,400.

The Judge described the Catholic Church's role in the Robinson case as '*highly questionable*' and said "*Others may take the view that a full investigation and full disclosure of the results of that investigation is due to the members of that Church and (Robinson's victims).*" (Report from the Telegraph 22 October 2010 www.telegraph.co.uk/ews/uknews/crime/8080643/Priest-jailed-for-21-years-on-child-abuse-charges.html).

MACSAS contends that indeed an investigation is called for but not just into this case and this Archdiocese, but into all cases and into the cover up and collusion by Church authorities with child sex offenders.

2.1.2.102 The MACSAS Survey identified **a further 25 priests and/or religious** not previously identified or convicted of child sex offences and **10 other priests and/or religious** were not named so it is not known if any of these have previously been identified or convicted.

2.1.2.103 Given that many abusers avoid detection for decades and that over a third of all child abuse is never reported (NSPPC report; Cawson et al 2000) it is undoubted that there are many more priests and religious within the Catholic Church in the UK who have abused children and have never been prosecuted. How many of these the Catholic Church are aware of is unknown as the **Procedures** do not provide for all reports of alleged child abuse held on files to be handed over to Statutory authorities. Further it is not known how many Priests and religious continue in ministry and continue to abuse children who have had previous reports made against them.

2.1.2.104 Until a full commission of inquiry is tasked with establishing how many clergy and religious are reported to have sexually abused children in England and Wales we cannot know the prevalence of child sexual abuse perpetrated within the Catholic Church.

2.1.2.105 There is compelling evidence that the Catholic Church is relying upon the criminal justice system to determine which allegations of child sexual abuse are true and which alleged offenders pose a risk to children despite what the procedures say. The independent risk assessment process is rarely used and it is clear from the lack of actions taken that Church authorities and safeguarding advisers are underestimating the ongoing risk posed by those accused of sexual abuse who have not been convicted.

2.1.2.106 Further the latest reported conviction of a former priest for child sexual offences provides compelling evidence that Catholic Church authorities have continued to protect sexual offenders from prosecution, and even paying them for decades after they have fled the country. No attempt was made to inform the police either in England or in America of Robinson's whereabouts and it was only when a survivor organisation in America reported him, that he was finally extradited to stand trial for the terrible crimes he committed against so many children.

2.1.2.107 Bishop Budd's assurances in 1992 that "*these things would not happen now*" ring hollow when confronted by such compelling evidence to the contrary.

2.1.3 THE CHURCH OF ENGLAND & CHILD PROTECTION

2.1.3.0 It has been suggested to MACSAS members by the media and even by some authorities within the Church of England that they do not have the same problems with child sexual abuse as the Catholic Church. Our response has been to ask what evidence they have to support these assertions as no public inquiry has ever been undertaken to determine the prevalence of child sexual abuse within the Church of England.

2.1.3.1 The disturbing findings of the MACSAS Survey indicate that child sexual abuse has taken place in a number of Anglican Dioceses in England and Wales and few if any effective actions appear to have been taken to ensure that the alleged abusers do not pose a risk to other children. This failure to act to protect children has been reflected time and again within the Church of England and the Church in Wales' cases so far reported (see Part 1 and past cases considered below).

Background

2.1.3.2 In the 1980s and early 1990s a number of cases of child sexual abuse involving clergy from the Church of England were reported in the press. The most concerning of these was the case in **1988** when **two vicars**, a solicitor, a choirmaster and a convicted child abuser were convicted at **Winchester** Crown Court on 22 specimen charges of sex with boys which took place on church outings, at the YMCA and in the churchyard.

2.1.3.3 In **1993** the then **Bishop of Gloucester, the Right Rev Peter Ball** accepted a caution after pleading guilty to indecently assaulting a 17 year old novice monk. At the time the Archbishop of Canterbury expressed his sorrow and support for Peter Ball. Notwithstanding his admission of guilt he has remained a Bishop within the Church of England.

2.1.3.4 In **1994** the **Rev Richard Gizzard** from Kent was sentenced to 3 years in prison for sexual offences against two boys. Also in **1994** the **Rev Stephen Brooks** was sentenced

to 4 years in prison in Swansea County court for sexual offences against eight boys staying at his vicarage. In all MACSAS has found 17 cases of child abuse involving clergy in the 1980s and 1990s.

2.1.3.5 Following the publication of the Government policy on Child Protection ‘*Safe From Harm*’ (1993) the **first Guidelines** on handling child abuse cases within the Church of England were put in place in **1995** and **the House of Bishops** stated that **no cleric convicted of serious child sexual offences should be allowed to work with or close to children.** It is clear from the MACSAS Survey and from past cases considered below that this policy was not put into effect. It is also clear that the House of Bishops had no regard to the danger posed by the majority of offenders who are not convicted yet pose a considerable risk to children.

2.1.3.6 In **2004** the Church of England published their Child Protection/Safeguarding Guidelines and Procedures “*Protecting All God’s Children*”. However in 2007 two cases of child sexual abuse perpetrated within the Church resulted in convictions which caused considerable concern about the handling of child abuse cases within the Church of England. These concerns were similar to those found within the Catholic Church.

- In 2007 the **Archbishop of Canterbury, Dr Rowan Williams** issued a public apology over the ‘mistakes’ made by the Church of England in the **Peter Halliday** child abuse case. The Archbishop declared “*Any case in which the Church has failed to prove itself a safe place for children is deplorable. This is one such case, and we can only express our keen awareness of the damage and deep sorrow for the suffering caused*”. He stressed that the new procedures in place and the expertise within the Church made *such cases less likely in the future.*

In the early 1990s **Peter Halliday** was found to have abused children in the 1980s after he admitted the abuse. This followed a report to Church Authorities in 1990 by the parents of a child abused at **St Peter’s Church in Farnborough** where Halliday was the Choirmaster. At the time he was allowed to leave the Church quietly. **Bishop David**

Wilcox then **Bishop of Dorking** in the **Diocese of Guildford** was among clergy and others who made the decision not to inform the police of Halliday's behaviour, and at the time of Halliday's **conviction in 2007** stated openly that this was the common way of dealing with such cases. (See report <http://news.bbc.co.uk/go/pr/fr/-/1/hi/uk/6594439.stm>)

Halliday had continued to work with children at the **Royal School of Church Music** until he was charged in 2006 with indecently assaulting children. Halliday was convicted of child sexual abuse offences in 2007 at Winchester Crown Court and was sentenced to 30 months in prison after admitting the offences.

- Also in **2007** the **Rev David Smith**, in the **Diocese of Bath & Wells** was **convicted of sexually abusing six boys over a 30 year period from 1975 to 2005**, and was sentenced to 5 ½ years in prison. During the trial it was revealed that victims had **first reported allegations to Church Authorities in 1983** whilst Smith was in the **Diocese of Gloucester** and **again in 2001** after he had moved to the **Diocese of Bath & Wells**. Church authorities had assured the victims that the matter had been '*dealt with*' but Smith was allowed to remain a parish vicar where he continued to abuse boys. Whilst the **Bishop of Bath & Wells, Peter Price** expressed his *shock and horror* at Smith's actions and conduct, he failed at all to reflect upon the totally irresponsible conduct of Church authorities in both Dioceses who knew about his offending behaviour for more than twenty years and yet failed to take actions to protect children.

The 'reason' given to MACSAS by Church authorities was that the Bishop of Gloucester hadn't told the Bishop of Bath & Wells of the 1983 allegations and the latter Diocese took such action as it could to protect children once '*historic allegations*' had been raised in 2001. This action appears to be no more than informing the police. Smith continued to abuse children whilst he was allowed to remain a parish priest up to 2005.

2.1.3.7 In **2007** the Bishop of Manchester the Right Rev Nigel Mc Culloch appointed a lawyer to investigate the files of 777 members of the clergy and other church officials and ***found no record of abuse allegations***. This seemed to have been triggered by the wide publicity

caused by recent convictions. This was the first of the past case reviews to find little if any evidence of child sexual abuse by clergy.

Past Case Review (2008 – 2009)

2.1.3.8 Following the conviction and imprisonment of **Rev David Smith** and **Peter Halliday** in **2007** the House of Bishops asked all Dioceses to review past cases/reports of child sexual abuse held on clergy and other church personnel files. It was clear from these two cases that Diocesan authorities were still sitting on files containing allegations of child sexual abuse and had allowed clergy and others in positions of trust to continue working with children, leading to further abuse of children.

2.1.3.9 In 2009 the Church of England completed the **Past Case Review**. MACSAS understands from discussions with those involved in the **Review** that the Bishops were allowed to determine who should undertake the review within their own Dioceses. Some commissioned independent consultants to review the files and others decided to do it internally. Clearly issues of objectivity and transparency arise in respect of those Dioceses where reviews were undertaken internally. A number of the independent consultants called in asked Diocesan Bishops to sign letters to the effect that all files had been disclosed to those carrying out the review. It is not known how many Dioceses had an independent review done or how many Bishops signed such a letter.

2.1.3.10 The brief (less than three page) report published for public consumption in **February 2010** stated:

“As a result of this review, we are now able to say that nobody representing the Church in a formal capacity has allegations on file that have not been thoroughly re-examined in the light of current best practice and any appropriate action taken...”

As a result of the diocesan reviews of 40,747 files, 13 cases were identified as requiring formal action. Eleven cases were referred to statutory authorities: five cases related to

past allegations originally involving police investigations and some of which resulted in convictions . . . Six others were referred to the police for advice and investigation. . . and the police have since indicated they are unable to take further action. In three of these cases, a risk assessment strategy has been put in place. . . There are no cases where a police investigation is still ongoing. . . A further two cases . . . were deemed to warrant formal disciplinary action by the Church.” (www.churchofengland.org/media-centre/news/2010/2/pr2610.aspx).

2.1.3.11 It is deeply concerning that **only 13 files** were found to cause concern requiring any action to be taken, and of these **11** were sent to statutory authorities. From this brief note and from speaking to those involved with the Past Cases review MACSAS was able to clarify that **the 13 cases** referred only to ministers who had allegations of child sexual abuse in their files **and** were still working in active ministry at the time the review was conducted **and** for whom concerns were raised during the inquiry. It is not known how many files there are for ministers and other official currently in post containing allegations of child sexual abuse nor how it was determined that these ministers/officials did not pose an ongoing risk to children thereby requiring formal action to be taken. The brief report makes no mention of clergy, and other church official who had died, retired, were ill, had left ministry, or those who had moved to other countries. Given the **Halliday case** that triggered the review concerned a man who was no longer a church official, these are staggering omissions. The Church of England did everything it could to minimise the true extent of child abuse perpetrated within the Church. MACSAS contends that **the 13 cases stated are just the tip of the iceberg** of child sexual abuse perpetrated within the Church of England and reported to Diocesan authorities.

2.1.3.12 It is also concerning that **only three of the thirteen cases** have required a risk assessment strategy to be put in place, whatever that means; and that **only two cases** have required formal disciplinary proceedings. No risk assessment appears to have been undertaken for the remaining cases identified or the other cases where allegations have been made and are on file.

2.1.3.13 The attrition rate between reported allegations and any actual actions being taken to ensure those accused do not pose an ongoing risk to children is staggering given that research across three continents have consistently found that less than 2 - 3% of allegations of child sexual abuse have been found to be false. As we will see below the lack of effective actions being taken when allegations have been reported in the Church of England has time and again led to more children being abused by the alleged offenders.

2.1.3.14 As set out above there is nothing surprising about the failure of the criminal justice system to prosecute cases of child sexual abuse reported to them. If the Church of England is relying on the police and CPS to determine the risk posed to children they will continue to be at risk of abuse within the Church from those clergy and other officials already identified through allegations made.

2.1.3.15 The report of the Past Case Review also failed to explain why Bishops in Dioceses across England have continued to allow clergy and other church officials to remain in active ministry when there are allegations of child sexual abuse on their files. Despite the past case review which was itself triggered by revelations of such practices, it is clear that this is still happening, as it appears that following the review **only two of the cases** referred to have resulted in formal disciplinary proceedings being taken and yet at least five had allegations and or convictions on file.

2.1.3.16 The Church authorities have asked MACSAS to reflect that the two cases referred to in the Past Case Review were not the only ones where actions were taken, however the report makes it clear that the public should only be told of two cases, the rest of the findings have been kept hidden from public scrutiny. The public has not been told how many clergy and ministers there are with allegations of or convictions for child sexual abuse still in ministry in this country.

2.1.3.17 It is clear from the Past Case Review that Bishops continue to allowing alleged abusers to remain in ministry after allegations have been made. How many more children were sexually abused by these clergy/officials since the first reported allegations were

made to Diocesan authorities? Who are the Bishops and why have no actions been taken against them for breaching the duty of care owed to the children within their Dioceses?

2.1.3.18 **The brief Past Case Review Report issued for public consumption in early 2010 sounded alarm bells within MACSAS and other Survivor Support organisations. The report appeared to be a serious attempt by Church Authorities to minimise and/or deny the true extent of child sexual abuse taking place within the Church of England.**

2.1.3.19 The MACSAS Survey has identified at least two ministers who have multiple allegations of child sexual abuse, numerous police investigations and in one case an overturned criminal conviction on file and evidence that the alleged abuser confessed to the Bishop but that the Bishop refused to break the seal of the confessional. At the time of writing this report they are still in ministry and do not seem to have been referred again to the police since 2009. Whilst one has recently been barred by the Independent Safeguarding Authority in 2011, this was 14 years after allegations first arose and he was dismissed from a Chaplaincy following a court martial in 1997. We know understand that the vicar is appealing the ISA decision. Others have been allowed to continue in ministry after being convicted of child sexual offences.

2.1.3.20 The Past Case Review did not consider how allegations were handled, did not involve the victims of abuse and did not review the actions taken by Diocesan authorities that enabled clergy and others church officials with allegations of child sexual abuse to continue in ministry and to continue to pose a risk to children.

2.1.3.21 In **2009** the **Church in Wales** instigated a Past Case Review. In January 2011 the brief report from the Church in Wales stated that **five files of clergy** were forwarded for investigation by the police and social services and no further action had been taken. Two of these files had been sent to the ISA. The Church in Wales used exactly the same format of reporting as the Church of England again thereby minimising the extent of child abuse

perpetrated within the Church.
(www.churchinwales.org.uk/resources/general/historic_cases_en.pdf)

Australian Study 2009

2.1.3.22 Whilst the Past Case Review was taking place in England the General Synod of the Anglican Church of Australia commissioned a report on the nature and extent of child sexual abuse by clergy and other church workers reported since 1990. The resulting report “**Study of Reported Child Sexual Abuse in the Anglican Church**” (Patrick Parkinson, Kim Oates & Amanda Jayakody) was published in **May 2009** (www.apo.org.au/research/study-reported-child-sexual-abuse-anglican-church)

2.1.3.23 The report considered **191 reported cases** from 17 Dioceses reported between **1990 and 2008**. Six other Dioceses refused to participate. Not all cases within Dioceses were considered due to restraints within the study. However the report states that *the study covers the vast majority of known cases within scope within the 17 dioceses that participated*. The report also noted that there were gaps in the information received as diocesan files did not contain full details.

2.1.3.24 Diocesan authorities completed surveys on the files they held containing allegations of child sexual abuse. Similar to the John Jay Study victims were not contacted for the study and all information considered came from Bishops and Diocesan officials. Still the findings tell something of how allegations were reported by victims and how they were handled by Church authorities.

- 79% of the allegations were reported by the victims with three quarters made after 2000. Of the allegations made 15% (29) were admitted by the accused person, 39% (74) had corroborative evidence of some kind, and 38% (73) had evidence of more than one victim at any time.

- 8% of reported allegations were never investigated, 42% were investigated by the police and only 4 cases were investigated by child protection/other statutory departments. Church authorities investigated $\frac{3}{4}$ of all cases; with investigations involving interviews with the complainant and accused person (27), using an independent investigator (14), or use of formal church inquiry (11).
- There were 135 accused persons identified, two of whom were female. 24% of the accused were deceased by the time of the complaint or died during the investigation. Most were in their 20s and 30s at the time of the alleged abuse. Nearly two thirds were clergy or candidates for clergy. Three quarters of the accused were alive at the time of the survey.
- 27 accused persons had more than one allegation of child sexual abuse and these 27 accounted for 47% of all cases. The delay between when the abuse occurred and reporting was on average 23 years. Over half of the allegations were treated as substantiated by the Church, a third as inconclusive and in 11% of the cases there was no decision made. False or erroneous allegations were rare (1.6%).
- The duration of abuse ranged from 2-3 incidents (18%) to more than five years (5%). 50% of reported abuse went on for between 1 and 5 years.
- The reported abuse took place between the 1940s and 2008. Only 8% of victims reported the abuse whilst still under the age of 16. 3% were aged between 16 and 19 years. The rest were between their 20s and 70s at the time they reported, with 60% reporting in their thirties and forties. Only 9% reported the abuse in the year the abuse occurred. 90% reported the abuse at least two years after it had occurred.
- Of the 44 cases (23%) that went to court 23 resulted in a conviction (12%). 19% of all cases resulted in license removal or deposition from Holy Orders.

2.1.3.25 The Australian study as in the John Jay Study and the statistics published by the Catholic Church in England & Wales, demonstrates again the attrition rate between reported cases and any effective actions being taken to protect children for harm; only 19% of all cases resulted in license removal or deposition from holy orders regardless of whether they were convicted. This needs to be set against the fact that in over half the cases the Church believed the allegations substantiated. The substantive findings of the Australian study are mirrored in the findings of the John Jay study within the Catholic Church in America (2004) as set out above.

2.1.3.26 **The MACSAS survey clearly shows a similar duration of abuse and a similar delay in reporting cases after the abuse has occurred. The MACSAS respondents should also be believed as false allegations have consistently been found to be rare and yet the Survey indicates that little if any effective actions seems to be taken to remove alleged child abusers from ministry and therefore they remain a risk to other children. This lack of action is confirmed by the outcome of the Past Case review.**

Current Child Protection Procedures in the CHURCH OF ENGLAND

2.1.3.27 In 2010 the Child Protection Procedures for the Church of England were updated: *“Protecting All God’s Children”* (www.churchofengland.org/clergy-office-holders/child-protection-safeguarding.aspx). Not dissimilar to the Catholic procedures the ‘*paramountcy of the child’s welfare*’ is repeatedly referred to throughout. Words such as ‘*justice*’ are used, and statements about working with those who have suffered abuse, and the commitment to safeguarding children are liberally sprinkled about. However the substance of the Procedures raise a number of concerns not dissimilar to those found within the Catholic Church procedures.

(i) Structures

2.1.3.28 The Procedures provide that every Diocese must appoint a **Safeguarding Children's Adviser** who is accountable to the Bishop and should have full access to church files and other confidential material. The Safeguarding Adviser should be a professional who has training and experience in child protection.

2.1.3.29 However the Safeguarding Adviser can also be a member of the clergy or a relative of the Bishop/member of the clergy (see Diocese of Chichester case below). It is very difficult to see how there is no conflict of interest if the person investigating an allegation of clergy perpetrated child abuse is a colleague or friend of the accused. MACSAS does not know how many of the Safeguarding Advisers are clergy and/or are related to clergy.

2.1.3.30 The **Procedures** also provide that there should also be a **Coordinator** in each parish to work with the parochial church council (PCC) who should be a member of the PCC. This person could be a volunteer and again could be either clergy or related to clergy.

(ii) Responding to allegations

2.1.3.31 The **Procedures** provide that all allegations of child abuse should be responded to without delay, records should be kept and all allegations **must** be acted upon. **Support should be offered to adult survivors of child abuse** and there should be an openness to those with a legitimate need to know.

2.1.3.32 It is clear from the MACSAS Survey that this is not happening either consistently or at all across Dioceses in England and Wales. None of the adults who reported child sexual abuse received any support from the Church, most were ignored and their allegations seemingly disregarded. If any actions did take place the victims were not informed, nor were they told of any outcomes.

(iii) Responding to Concerns

2.1.3.33 Further on under a more substantive section the **Procedures** provide that Diocesan authorities should respond to **all reports where a child is at risk or may have been harmed.**

2.1.3.34 Adults who report '*historic cases*' are not mentioned in the **Responding to Concerns** section of the **Procedures**. Whilst a reference is made to supporting adults who were abused in childhood earlier on these reports do not make it into the actual **Procedures** for responding. This omission may go some way to explaining the very poor responses to victims reported in the Survey. It is also important to keep in mind that most cases of child sexual abuse are reported when the victim is an adult (see the Australian Study 2009).

2.1.3.35 Unfortunately nothing in the **Responding Well** document now drafted and awaiting final approval allays these concerns as it is not for victims of clergy perpetrated sexual abuse but rather it is a document to support all those who have been sexually abused in childhood who come to the church seeking spiritual and pastoral help. The safeguarding procedures amended only in 2010 makes no mention of **Responding Well** even though the key members of the working party who amended the Safeguarding Procedures were also on the working party for **Responding Well**.

(iv) Confession

2.1.3.36 The **Procedures** explicitly state that **Canon law** constrains disclosure of details of a crime/offence revealed in the course of formal confession. Whilst the Procedures note that this may be **inconsistent with civil law**, there is no attempt to set out what should happen in these cases.

2.1.3.37 The MACSAS Survey included a vicar with multiple allegations of child sexual abuse made against him, a previous conviction overturned in the Court of Appeal on a

technicality and evidence that the priest had confessed to the Bishop in the past, and the Bishop would not reveal what was said to the police because it was under the seal of the confessional. The priest remains in ministry now. Past cases such as the **Halliday** above and **Cranch** considered below also illustrate that Bishops know about the offending behaviour of some priests yet they are still allowed to continue in ministry or to work with children and invariably continue abusing.

2.1.3.38 **MACSAS contends that where a priest has confessed to committing child sex offences to a Bishop or another member of the clergy the priest must be removed from ministry and reported to the police.**

(v) **Managing Allegations against church officials**

2.1.3.39 The **Procedures** eventually get to what if any actions are taken when clergy and others in positions of trust are accused of child sexual abuse. It **may be necessary to suspend** the accused. If there is a '*prima facie*' case of serious misconduct/abuse the accused should **normally be suspended** whilst the allegation is investigated.

2.1.3.40 With such wide discretion allowed even in 'prima facie' cases it is little wonder that the MACSAS Survey found that few if any of the alleged abusers were suspended. In past cases considered above and below Diocesan authorities have even allowed priests to continue in ministry up to the day of the court hearing.

2.1.3.41 The Procedures warn of the **dangers of providing character references in criminal matters**. This may well reflect lessons learnt in past cases where serial paedophile clergy have been provided with glowing references from Bishops stressing the minister's '*outstanding and selfless pastoral ministry over many years*'. This adds to the sense of grievance felt by victims towards the Church when Bishops are willing to support a child sex offender but not the victims he had raped.

2.1.3.42 The **Procedures** provide for responses and support for child victims and their families during the process, but again there is no mention of any response or support for adults who were abused as children when they bring allegations. This is reflected in the total disregard for the victims by Church authorities reported within the MACSAS Survey.

(vi) Where No Prosecution or Conviction

2.1.3.43 The Procedures state that the fact that no prosecution is brought or there is a finding of ‘not guilty’ **does not necessarily mean that no concern remains.**

2.1.3.44 The language speaks of minimisation and denial. We know that the vast majority of reported cases of child sexual abuse will result in no conviction. Most will not even be prosecuted (9% John Jay Study; 23% Australian Study). “*Does no necessarily mean*” should be replaced with **“has absolutely no bearing on the truth of the allegation made, the guilt of the alleged offender or the ongoing risk s/he poses to children.”**

2.1.3.45 The **Procedures** go on to provide that **“maybe”** it **“might be”** appropriate to continue **disciplinary actions**; and **“maybe”** a **risk assessment** should be undertaken **if well founded** concerns remain.

2.1.3.46 Had the sex offenders written this document themselves they could not have done a better job of ensuring that it is highly unlikely that any risk assessment is carried out or any actions are taken against those not actually convicted of an offence.

2.1.3.47 **Where there has been a credible allegation of child sexual abuse made the accused should be immediately suspended and an independent risk assessment undertaken by professionals trained and experienced in assessing and treating child sex offenders regardless of the outcome of any statutory proceedings.**

(vii) Risk Assessment & Redeployment

2.1.3.48 Where a risk assessment is carried out the **Procedures** provide that it will be done by an outside agency **normally** professionally qualified. However by the time the procedures get to this point few if any of the accused will be considered. This provision is set in the context of those with previous convictions or cautions and with blemished CRB checks.

2.1.3.49 Worryingly the Procedures state that where a person has **old offences** this **will not normally prohibit otherwise suitable people from working with children**. The Church will always recognise **reformed characters**.

2.1.3.50 The Church of England National Safeguarding Adviser (NSA) stated that this section does not refer to past child abuse offences but rather to minor offences such as ‘shoplifting’. Yet we know of a number of vicars who have been allowed to be ordained and or to continue in ministry with convictions for child sexual offences (see Past Case Review above and cases set out below). If the procedures were aimed at ensuring no person with past convictions for child sexual offences was allowed into or to remain in ministry then it would explicitly state that in this section rather than the wording set out above.

2.1.3.51 This section may indeed explain why adults who reported ‘*historic cases*’ of child abuse in the MACSAS Survey were ignored and the ministers allowed to continue in ministry even where multiple allegations have been made.

2.1.3.52 Child sex offenders are notoriously manipulative and highly persuasive. They also invariably abuse children over many decades before they are detected and allegations are made. Offenders will wait it out if they believe they are under supervision and will resume offending as soon as they are free to do so. The John Jay Study found that 1.6% of the priests (50) had abused children when they were between 70 and 90 years of age (John Jay Study 2004).

2.1.3.53 One case reported in our Survey illustrates the manipulative nature of offenders. The **Rev Guy Bennett**, a convicted child sex offender, came out of prison in **2000** and has recently held himself out as a vicar at, at least, one church service in the diocese of Chichester where he now lives. One of Bennett's victims has been told by Church authorities that (i) **Bennett** only admitted the sexual offences in 1999 to spare the victims the court hearing, but wasn't really guilty: and (ii) that he is no longer a risk to children because the offences for which he was convicted dated back to the 1970s and 1980s. In fact he admitted only a limited number of offences and plea bargained his way to a nine month sentence of which he served only 4 ½ months. The respondent in our Survey reported that she was sexually abused by **Bennett** and a Catholic priest 'working' together, for five years from the late **1980s to 1993**.

2.1.3.54 Whilst the CPS refused to prosecute **Bennett** again when the respondent reported the case in **2009**, the Diocesan authorities should have carried out a full risk assessment based on this new allegation and realised that **Bennett** is a compulsive liar manipulating the authorities to remain in contact with and have authority over children.

2.1.3.55 **MACSAS contends that once a person has a conviction for child sexual abuse he/she must never be allowed to work with children again, no matter how long ago the conviction was. A child sex offender is never cured and can never be deemed safe to work with children. This should be made explicit within the procedures.**

2.1.3.56 The Procedures as currently drafted bend over backwards to accommodate those with allegations of child sexual abuse made against them enabling them to continue in ministry, in positions of authority over children and invariably to continue to pose a risk.

(viii) Ongoing reliance on the Criminal Justice System

2.1.3.57 CRB checks are flagged up in all Church of England publicity on their Child Protection/Safeguarding measures, yet we know that less than 10% of child sex offenders

have a criminal conviction. Many escape detection for years and even when they are discovered only 3-4% of reported cases result in a conviction.

2.1.3.58 **The Australian Study** on child sexual abuse in the Anglican Church found that only 12% of cases resulted in a conviction. Of the 190 priests accused of abuse over half of the cases were substantiated, a third were deemed inconclusive and 11% were not investigated at all. Only 1.6% of allegations were deemed erroneous or false (Australian Study 2009).

2.1.3.59 In the John Jay Study of those cases where allegations of child sexual abuse by priests was substantiated only 6% were convicted. Only 1.5% of reported cases were deemed to be false (John Jay Study 2004).

2.1.3.60 Rather than relying on the criminal justice system to determine the credibility of allegations and the risk posed by alleged abusers, the Church of England needs Procedures in place that make independent risk assessments mandatory for all those accused of child sexual offences. The paramouncy principle requires that the child's welfare is placed above concerns for the accused, yet clearly the Procedures have reversed this and placed the 'reputation' of the clergy and others in positions of authority above the need to safeguard children.

2.1.3.61 **An independent professional risk assessment should be carried out on ALL clergy and church officials accused of child sex offences regardless of the outcome of any statutory processes.**

2.1.3.62 **Where the accused is assessed to pose an ongoing risk to children he should be removed from ministry permanently and consideration should be given to deposition from Holy Orders.**

2.1.3.63 **Permanently should mean permanently.** Currently this is not the case as will be seen with Roy Cotton in the Diocese of Chichester (see case study below).

Figures of reported allegations and actions taken

2.1.3.64 The Church of England does not collate national figures of cases of child abuse reported to Diocesan or other Church authorities or the actions taken in each case. All we know from the MACSAS Survey is that it appears that none of the 8 cases of child abuse reported to Church authorities resulted in any *effective action* being taken to ensure that the accused did not continue to pose a risk to children. Two ministers appear to be working in parishes in **Chelmsford** and **Sheffield** with multiple allegations of abuse against them and in one case the accused is reported to have confessed his offences to the Bishop. Two are reported to have begun abusing whilst in training for ordination and have continued to abuse for decades.

2.1.3.65 It is understood that in 2010/2011 the vicar in **Sheffield** was reported by the safeguarding officer to the ISA but this belated actions was taken five years after the respondent reported the allegation and 14 years after allegations were first raised and investigated. It is not yet known how many more children were abused by this man during this time. In February 2011 the respondent was told that 5 of the allegations of child sexual abuse were substantiated including the respondent's case and the vicar was barred from working with children. The respondent has not yet been told what if any action will now be taken against the vicar by Diocesan authorities i.e. whether he will remain in active ministry. It is now understood that the vicar is appealing the ISA decision.

2.1.3.66 It would have been hard to contemplate a worse response to allegations of child abuse than that seen within the Catholic Church before undertaking this Survey. However the cases reported within the Survey together with the past cases reported in the media concerning the response of Church of England authorities to child sexual abuse leave little doubt that children are still not being protected from child sex offenders within the Church of England.

Prevalence and Past Cases

2.1.3.67 MACSAS found on the website mention of 17 cases involving Anglican clergy dating from the early 1980s to the early 1990s before any safeguarding policies and procedures were in place. It is not known how many clergy convicted of child sex offences in the 1980s and 1990s were allowed to remain in ministry afterwards. Given the recent cases reported in the media it is likely that a number of these sex offenders continued in licensed ministry.

- In the **Diocese of Exeter Peter Cranch** was eventually convicted of child sex offences in **July 1999 twenty years after he had confessed** to the then **Bishop, Eric Mercer** that he had committed very serious sexual offences against young boys in **Tavistock, Devon**. The Bishop did not report him to the police and following an internal private investigation Cranch was allowed to leave his post in **Torquay** and immediately take up a Chaplaincy at a hospital in **Exeter**. In the **mid 1980s** he was back in parish ministry in **Exmouth** where further complaints were made against him. He was again moved to another parish this time in **Exeter** where he was a curate in two churches until the **early 1990s**. Eventually one of his victims found out he was still a priest and still abusing children and he was reported directly to the Police. Despite the seriousness of the offences against him, he received only a suspended sentence.
- The case of **Rev Michael Walter** is highly illustrative. He was **first convicted of child sexual offences in 1970**. He was then allowed to continue in ministry in the **Dioceses of Durham and York** where he went on to assault more children until his eventual arrest and **second conviction in 1988** for violent assault. After release from prison he moved to **London** and was a curate in **Feltham**. On retiring in 1996 he was granted permission to officiate by the **Bishop of Fulham**, and assisted at a number of churches, including **St Luke's Church in Kingston Upon Thames** until **April 2003** when it was discovered that he had been convicted of child sexual offences and he was removed from ministry whilst everyone worked out what to do with him. The Church of England has assured MACSAS

that this man has held no licence of ministry since that time however he does remain a priest in Holy orders.

- In **2003 Canon Laurence Davies**, parish priest in Cardiff in the **Diocese of Llandaff** was sentenced to 10 years in prison for child sexual offences which took place over a 25 year period. When were the first allegations reported to Church authorities and what actions were taken then to protect other children from harm?
- **Richard Parry** a former vicar in **North Wales** was convicted of sexual offences against children in **2004** and sentenced to four years in jail. He had abused children whilst parish priest in the **1990s** at **Southsea, near Wrexham** and at **Holywell, Flintshire**. He **left the church in 2000** and started working as a counsellor. It is not known what Church Authorities knew about his offending behaviour nor why he left the Church in 2000, however given other cases we now know of, it may well be that once again the Church dealt with previous allegations by quietly moving Parry on.
- In **2006** in one of the few cases where the church took action against a vicar, the **Rev Malcolm Brooks** parish priest in **Ystrad Mynach** was deposed from Holy Orders by the disciplinary tribunal of the **Church of Wales** after allegations of indecent assault of a boy dating back to 1987 were found proved.
- In the **Diocese of Bradford Peter Hedge** was allowed to continue to abuse children until at least **2000** and young men until at least **2005** whilst a curate at **St Margaret's Church Thornbury** and **Holy Trinity Church Queensbury** despite serious allegations against him **investigated by police in 1997**. The Church did not disclose Hedge's file to police at the time of the investigation and without supporting evidence no prosecution was brought. In **October 2009** Hedge was sentenced to 14 years in prison for two offences of rape, 32 indecent assaults and one of committing a serious sexual offence, against six children over an eight year period in the 1990s. Sexual activity with one young man continued until 2005 when he was in his twenties. It only ended when the victim threatened to kill Hedge if he did it again. Whilst **Bishop David James** made a statement about the

commitment to protect children within the Church of England he made no reference to any investigation or risk assessment undertaken following the previous allegations and police investigation in 1997. **Hedge was allowed to continue in ministry for another ten years until 2007** when police again began investigating him after more victims reported abuse. Hedge was found to have continued to abuse children until 2000, three years after the original investigation took place and to continue to sexually abuse one for his victims until 2005 by which time he was a young man. Only time will tell if other children were abused by Hedge up to 2007, when they are able to report their abuse. The Diocese did carry out an independent review of this case but the findings were not made public. What did the Diocesan authorities know about Hedge and when did they know it?

2.1.3.68 Time and again we find that Church authorities failed to take effective actions when repeated allegations of child sexual abuse were made against clergy and ministers. These failures only came to light after repeated reports to the police finally brought sufficient evidence for a conviction to be possible. Church authorities in all these case failed to take effective actions to ensure children were protected when prosecutions were not secured. And time and again Diocesan authorities have been found to have withheld information that could have assisted in securing a conviction leaving some Bishops open to accusations that they were complicit in the abuse of children that took place subsequent to them being informed, the accused confessing, or multiple allegations being made.

2.1.3.69 We see again within the Survey that none of the cases reported to Diocesan Authorities or the police have so far resulted in convictions and no effective actions seem to have been taken against the alleged abusers by Diocesan Authorities to ensure they do not pose a risk to children. Whilst **Guy Bennett** is now visited regularly by safeguarding officers it is not known how *effective* this action is. Of serious concern is that he is now living in a Diocese where a number of ministers have been accused of child sexual offences and remain in ministry, others were convicted after decades of allegations being made, and one notorious paedophile with a previous conviction and many allegations of abuse dating back decades, escaped prosecution by dying just before prosecution were

brought (see Diocese of Chichester Inquiry below). It does not sound like a safe environment for a child sex offender to live out his retirement.

2.1.3.70 Respondents have told of cases where multiple allegations of child abuse by multiple victims had been brought against a priest, yet the CPS has continued to refuse to prosecute or if prosecuted the abuser has been found not guilty. The response of the Diocesan Authorities appears to have been to allow the clergy to continue in ministry in parishes where there are children even when the alleged abuser has confessed to the Bishop. This finding is again supported by the extraordinary report of the Past Case Review.

Diocese of Chichester Inquiry 2011

2.1.3.71 Currently Baroness Elizabeth Butler-Sloss is carrying out an inquiry in the **Diocese of Chichester** into the handling of child abuse allegations against two vicars who were allowed to continue in ministry and thereby continue to abuse children for decades after one had been convicted of child abuse and both had had reported allegations made against them which were kept in Church files (**Roy Cotton** and **Colin Pritchard**).

2.1.3.72 The **Butler-Sloss inquiry** is the second to look into the handling of these cases however the first report was not made public, nor has it been disclosed to the victims. It is believed that Baroness Butler-Sloss will consider the findings of that report in her inquiry and determine whether the original report should be made public. It is also understood that these two cases are not the only ones being considered within the Diocese of Chichester Inquiry but will be the only part of the Inquiry made public.

2.1.3.73 The Chair of MACSAS met with Baroness Butler-Sloss and made recommendations to the Inquiry for improving the effectiveness of child protection/safeguarding procedures. These recommendations are reflected in the recommendations made at the end of the report.

CASE STUDY Roy Cotton & Colin Pritchard

Bishop Hind of the **Diocese of Chichester** apologised in **March 2011** to the victims of **Roy Cotton and Colin Pritchard** for the sexual abuse they suffered and the failure of Diocesan authorities to recognise the danger posed by **Cotton, a known and convicted child abuser** at the time he was ordained in **1967** (see statement on www.macsas.org.uk; and BBC South East report of 2nd March 2011 also available on www.macsas.org.uk).

In fact Cotton was **convicted in 1954 whilst he was training for ordination** and was told to go away and come back when he was **‘more mature’**. Cotton then set up a boarding school, the infamous **Crookham Court**, where a major child abuse investigation led by Esther Rantzen took place in the 1980s. The school was eventually closed down and staff jailed. Cotton was co-head of the school but was dismissed in **1967** following abuse accusations. Despite church authorities knowing of Cotton’s previous conviction and of the more recent allegations made against him, he was ordained in 1967.

In **1996** two brothers, reported Cotton and Pritchard to the police for child sexual offences perpetrated against them in the 1970s. – 1980s. However following a three year investigation no charges were brought because of lack of independent evidence, i.e. another victim not related who had been abused. The **Diocesan authorities did not disclose the information they had on file, nor the fact that Cotton had a previous conviction for child sexual offences.** Neither Cotton nor Pritchard were suspended throughout this 3 year period and no additional safeguarding or restrictions were put in place. Although Cotton was eventually retired and told that he was permanently barred from ministry, he was quietly granted a PTO in 1999 which remained in place up until his death in 2006. Pritchard was allowed to remain in ministry and did not have any restrictions placed on him. When he too retired in the early to mid 2000s, he was immediately granted a PTO. The two men were allowed to live together in a house owned by the Church, overlooking a primary school.

In 2006/7 Northampton Police investigated other allegations of child sex abuse made against Pritchard, who had been a parish priest in Wellingborough in the 1970s and 1980s. He was charged with child sex offences in 2007. When a new Safeguarding adviser arrived in the Diocese of Chichester in 2007 she found a record of the earlier arrest and despite the fact that he had now been charged and was awaiting trial, he had not been suspended, his PTO was still in operation and he was working as an assistant vicar in Sussex. The Safeguarding adviser told the Bishop of Chichester to hand over the files on Pritchard and Cotton to the Northampton police and to suspend him from ministry. Cotton had died in 2006. Pritchard was eventually sentenced to 5 years in prison in **2008**.

The Safeguarding Adviser in the **Diocese of Chichester** in the late 1990s/early 2000s was the wife of Bishop Hind, who was also in charge in the **Diocese of Guildford** during the Halliday investigation and trial.

2.1.3.74 Past cases and the findings of the MACSAS Survey reveal that the **Cotton** and **Pritchard** cases are not isolated cases. The findings of the Survey have evidenced that Church Authorities continue to rely upon the criminal justice system and its heightened standard of proof to determine what if any actions to take to against alleged abusers. If any risk assessment is conducted, it is secondary to the statutory and criminal justice processes, in determining what actions should be taken. Even when convicted some child sex offenders are allowed to continue in ministry either by means of a license or a PTO (e.g. Cotton, Walter and Bishop Ball, and see also the report of the Past Case Review).

2.1.3.75 **MACSAS is compelled to conclude from the findings of the Survey and from past cases considered here that despite multiple allegations of child sexual abuse and sometimes multiple convictions clergy who have abused children within the Church of England continue to be allowed to hold licenses or to otherwise minister within parish churches and continue to pose a danger to children.**

CHILD PORNOGRAPHY – ALL CHURCHES

2.1.3.76 Child pornography is also child sexual abuse. Every picture taken involves a child; every sexual act photographed is a sexual assault on a child. Making, distributing or possessing child pornography is a criminal offence. These cases are no less serious than those considered above. A number of cases have resulted in convictions since the mid 2000s:

- In **2006** the **Rev Richard Thomas** former director of communications in the **Diocese of Oxford** was found guilty of making and possessing images up to the most severe level 5 which includes images of child rape. Quite extraordinarily the Bishop of Oxford gave a character reference for Thomas at the hearing which undoubtedly helped to ensure that he received a 3 year community order rather than a prison sentence.
- In **2007** the **Rev James Morrish** pleaded guilty to child pornography charges in the Diocese of Hereford after his wife reported him to the police.
- In **2008** the **Rev Richard Hart** parish priest in **Powys, Mid Wales** was convicted of possession of 56,000 child pornography images including 44 images at category 5, depicting sex with children. He also took photographs of girls. He had been collecting child pornography for 16 years from 1991 to 2007. He was ordained in 1988 and was also the governor of a local primary school. He was sentenced to 3 ½ years in prison. MACSAS has been informed that Hart has since been deposed from Holy Orders.
- In **2009** **Rev Trevor Diaper** of the **Diocese of Chelmsford** pleaded guilty to six charges of making indecent images of children including moving images and to the possession of 1,145 indecent images of children ranging in seriousness from level 1 to 4.

Diaper had also been charged with seven counts of child sexual offences against a child which took place between 1999 and 2003; however the CPS decided not to proceed with the charges when he agreed to plead guilty to the child pornography offences to spare the victim further distress.

Extraordinarily Diaper was only given a three year community order. However Diocesan officials indicated at the time that he would be subject to disciplinary procedures to ensure that Diaper does not minister in church again.

- In **2010 Rev Dominic Stone** of the **Diocese of Lichfield** was found guilty of 16 charges of downloading indecent images of children after 600 child pornography images were found on his computer. He was given a nine month sentence suspended for two years and ordered to sign the sex offenders register for 10 years. Stone resigned from ministry following his conviction.
- Also in **2010** former senior vicar **Paul Battersby** was convicted of downloading child pornography and sentenced to eight months in prison. This was the second offences for which he was convicted. Battersby had been the **Church of England national youth officer**. In **2007** he was reported to police after his family found pornographic images on his computer. One of the movies was of a 10 year old girl being raped by her father. Battersby, then a parish priest in Leyland was given a 34 week suspended sentence, 200 hours community service and ordered to attend a sex offenders' programme. MACSAS has been informed that after his conviction in 2008 he was prohibited for life from ministry. However as MACSAS has learnt Battersby can never be deposed from Holy order under the Clergy Discipline Measures 2003 and as such remains a vicar.
- A Roman Catholic priest **John Shannon** from the Diocese of East Anglia who was teaching at Durham Seminary was convicted in **January 2011** on 16 counts of making indecent photographs of children. He was sentenced to 8 months for each count to run concurrently.

2.1.3.77 These cases reflect only the latest and most publicised cases. It does appear that Child pornography is being detected more within the Church of England possibly because of the vicars having families who have access to their computers and find out.

2.1.3.78 It is not known what actions have been or will be taken against some of these men by Church authorities if it has not already been reported. They pose a clear and ongoing risk to children. One of the above offenders had allegations of child sexual offences against a child in addition to the child pornography charges. As set out above a Catholic priest Joseph Jordan was convicted of possessing child pornography as well as sexual offences against boys. All those who possess, make and/or distribute child pornography have a fixated interest in sex with children and contribute to the sexual abuse of children involved in making each image or film of child pornography.

2.1.3.79 MACSAS contend that all those convicted of or otherwise found to have made, distributed and or downloaded child pornography should be removed from ministry and steps taken for them to be laicised, permanently removed from ministry/ deposed from Holy Orders or dismissed from their religious community.

SUMMARY - Effectiveness of Safeguarding Procedures & their Implementation

2.1.3.80 Victims of child sexual abuse perpetrated within Church communities have spoken out over the past twenty years and they have told very similar stories. Allegations of abuse were reported to Church authorities, often repeatedly and years before any prosecution was brought or conviction secured. Invariably the victims were not believed, were ignored or were silenced, and the accused were allowed to continue in ministry and the abuse of children continued. This same story is still continuing even with safeguarding procedures in place as evidenced in the responses to the MACSAS Survey and in recent reported cases.

2.1.3.81 Whilst Churches rely upon our failing criminal justice system to determine what if any actions to take against alleged offenders, and whilst they continue to refuse to disclose files to the police and other external agencies investigating allegations against clergy and ministers, there can be no effective systems in place to protect children. Public statements from the Church leaders on ‘model procedures’ being in place need to be set against what is actually happening when cases are reported, from the testimonies of those who report cases to the Church Authorities and from the evidence revealed in criminal prosecutions.

2.1.3.82 **If safeguarding procedures are to be effective Church authorities must listen to the victims of abuse who report cases, no matter how long after the abuse took place, and must act upon every allegation made to ensure that the alleged abuser does not pose a risk to other children.**

2.1.3.83 **The many dozens of past cases where convictions have been secured, the repeated testimonies of victims and the growing number of research findings, provide compelling evidence that victims should be believed, that the vast majority of allegations are true and that the alleged offenders do pose a risk to children despite having a clean CRB check, and the lack of any criminal prosecution or conviction for the alleged offences.**

(2) ADULT SEXUAL ABUSE/EXPLOITATION

Definition of Sexual Exploitation

2.2.0.0 Sexual exploitation occurs when a person in authority, in the role of clergy, minister or pastor, sexualises contact with parishioners or those who seek help for his/her own sexual gratification. It constitutes exploitation whether or not the victims consented, if at the time they are a ‘client’ or parishioner. The minister misuses power and control whenever s/he sexualises contact with someone to whom s/he owes a duty of care. Consent is compromised within a setting where a person seeks the advice, counsel, teaching or spiritual direction of the minister. (From Margaret Kennedy PhD 2009)

2.2.0.1 MACSAS receives a great many letters, helpline calls and emails from women and some men who have been sexually abused/exploited by clergy and religious when seeking pastoral and/or spiritual support, as congregants and/or as co-workers. The MACSAS Survey included a substantial minority of respondents (over a quarter) who reported sexual abuse by clergy when they were adults. Of the 19 who reported adult sexual abuse/exploitation or assault 17 were in a Pastoral/Spiritual relationship with the priest or minister when the sexual abuse/exploitation began. The other two were a friend and colleague and both of these respondents referred to being ‘sexually assaulted’ by the priest/vicar in one off incidents. Men as well as women reported being abused by clergy or religious.

2.2.0.2 It is of very grave concern that in only two of these cases has any effective action been taken against the alleged perpetrators: one was banned from public ministry for life and the other was asked to leave ministry. In another case a Catholic priest left the priesthood long before the respondent reported his case, and was supported by his Diocese as he studied for a MBA despite facing multiple charges of sexual assault against a number of young men.

2.2.0.3 Most of the respondents spoke of their lives being ruined and of being re-traumatised by the response of Church authorities when they reported the alleged abuse.

2.2.0.4 These are not aberrant events and the findings of the MACSAS Survey can be placed in the context of what is known from other research on the sexual abuse and exploitation of adults by clergy and religious.

2.2.1 Past Research

2.2.1.0 Research has identified that the majority of clergy/minister sexual abuse is perpetrated against women within Christian communities. Sipe (1990) estimated that 20% of American Catholic priests were sexually active at any one time, 8-10% with women. In the first survey of its kind Chavez and Garland (2009) estimated that across the USA in every church congregation of 400 at least 7 women will have been sexually abused by a minister (that is 3.1% of women congregants). In 1992 an Australian study found that 1 in 7 of the country's 20,000 clergy men had sexually abused women.

2.2.1.1 Three recent studies: Kennedy (2009) in the UK and Ireland, Chavez & Garland (2009) in the USA and Kathryn Flynn (2003) in the USA, have found that clergy across denominations are sexually abusing and exploiting women who come to them at times of need for pastoral/spiritual support or counselling, those who work with clergy and/or women who are taught by them. No group of women is safe from these sexual predations: nuns, the terminally ill, the bereaved, those who have been sexually abused in the past, students, those on retreat, married, widowed, divorced, the elderly, the young and the disabled. The recent cases of the **Archbishop Burke of Benin, Nigeria, October 2009** and the **Dean of Truro Cathedral, April 2010** are illustrative examples (<http://www.independent.ie/national-news/archbishop-accused-of-abusing-14yearold-girl-1924394.html>); <http://www.guardian.co.uk/world/2010/apr/29/bishop-christopher-hardwick-affair-truro>).

2.2.1.2 Further research has found that Christian women are seven time more likely to seek assistance with marriage and family problems from clergy (86%) than from mental health professionals (12.5%) (Gengler & Lee 2001 pg 44 cited in Kennedy 2009). Marie Fortune (1995) identified that clergy rates of sexual intercourse with clients/congregants were more than twice the rate for psychologists: 12.7% v 5.5% and that 76.5% of clergy knew of another minister who had had sexual intercourse with a church member (citing statistics from Blackmon 1984).

Sexual Abuse of Catholic Nuns

2.2.1.3 A national survey in the USA completed in 1996 estimated that a *minimum* of 34,000 Catholic nuns, approximately 40% of the total, had suffered some form of sexual trauma. The St Louis University study was written by Chibnall, Wolf & Duckro and published in 1998 in two religious research journals.

2.2.1.4 For the study 538 religious orders were invited to take part; 123 orders agreed and of the 20,000 nuns within those orders a sample of 2,500 nuns were sent questionnaires. 1,164 responses were received. The respondents were all highly educated with 9 out of 10 completing at least college education. The study considered three types of sexual trauma: child sexual abuse; sexual exploitation and sexual harassment. The study found:

- 1 in 5 had been sexually abused as a child, of which 9% were abused by priests/religious
- 1 in 8 had been sexually exploited of which three quarters were victimized by priests/religious
- 1 in 10 had been sexually harassed of which 50% had been at the hands of priests/religious. Over 50% of the sexual harassment had involved physical contact.

2.2.1.5 This shocking study never received widespread publicity at the time, however another report in the abuse of nuns did.

2.2.1.6 In 2001 a report was written by Sister Maura O'Donahue of CAFOD and Sister Marie McDonald, mother superior of the Missionaries of Our Lady of Africa, which revealing that priests in at least 23 countries had sexually abused nuns. Most of the abuse had taken place in Africa where priests who had previously gone to prostitutes for sex turned to nuns to avoid contracting HIV/AIDS. Some nuns who became pregnant were pressurised to have abortions. One nun died whilst having an abortion and her abuser led the funeral mass. In another instance 29 nuns from one order had become pregnant to priests in the diocese. There were reported cases where novices applied to their local priest or Bishop for certificates of Good Catholic Practice which they needed to carry out their vocation and in return they were forced to have sex.

2.2.1.7 The confidential report was published by the National Catholic Recorder in the USA on 16th March 2001. (Reported in UK Catholic media: The Table 24th March 2001; The Catholic Herald 30th March 2001; The Catholic times 1st April 2001; The Universe 1st April 2001)

2.2.1.8 In response to the wide spread publicity attracted, a Vatican spokesman stated *“The problem is known and involves a restricted geographical area. Certain negative situations must not overshadow the often heroic faith of the overwhelming majority of religious, nuns and priests.”* However the reports of abuse covered not just Africa, but India, Ireland, Italy, the Philippines and the United States.

2.2.1.9 In 2001 the European parliament passed an unprecedented motion blaming the Vatican for the rapes of African nuns in the 1990s and calling for actions to be taken by the Vatican to bring perpetrators to justice and to ensure that such abuse is not allowed to happen again (www.tessera2009.blogspot.com/2010/03/sexual-abuse-of-women-in-church.html).

UK Research on the Abuse of Women in Churches in the UK & Ireland

2.2.1.10 Dr Margaret Kennedy, founder of MACSAS completed a PhD on the Sexual Exploitation of Women by Clergy in the UK and Ireland in 2009 (Unpublished PhD London Metropolitan University: *“The Well from which we drink is poisoned”* 2009). Her study involved 63 women who reported sexual exploitation and abuse by clergy and religious that ranged in a continuum of abuse to rape with violence. 25 of the respondents were Anglican and 23 were Catholic. Abuse and exploitation cases were also reported from Baptist, Methodist, URC, Pentecostal and House Churches and the Quakers and the Assembly of God.

2.2.1.11 **Over 60% of the women in the study had experienced childhood abuse in the past of which two thirds had been sexually abused** (40% of the total). Wider research across the general population has found that **those sexually abused in childhood are 2 ½ times more likely to be the victim of sexual abuse and rape as an adult than those not abused in childhood** ((Classen, Palesh and Aggarwal 2005 cited in Kennedy 2009; see also Herman 1992/2001, pg 111).

2.2.1.12 Those who took part in the Kennedy research had met the abuser when seeking pastoral or spiritual support or whilst attending the church (63%) and/or whilst studying or working within the church community (13%). 25% are recorded as having met the minister in some ‘other’ setting which included youth work, chaplaincy work, whilst helping others, and after being attacked.

2.2.1.13 The study found that 9% of the women were sexually abused/exploited at the first meeting and a further 20% within weeks of first meeting. Many described a process of grooming that the abuser engaged in before the sexual exploitation/abuse began and the use of romantic, therapeutic and spiritual deception when engaging in sexual activity. The women in the study reported that they did not feel to be in equal control, the abuser called the shots and determined when and where the sexual activity would take place. Violence and fear were used to compel the women to have sex, or to overpower the women.

- 2.2.1.14 43% of the women were told not to tell by the minister, 38% felt that they could never tell, 31% didn't know who to tell and 19% were too afraid to tell. Only 9% said that they discussed together how to keep the 'relationship' secret.
- 2.2.1.15 Describing how they felt about the sexual relationship at the time women reported being confused (80%), feeling guilty (48%), horrified (44%), frightened (56%) and shame (34%). 5% felt nothing and 2% felt angry. Some did feel loved (34%) with commensurate feelings of happiness (20%) and being cared for (30%), however most did not.
- 2.2.1.16 The duration of the sexual exploitation/abused ranged from a one off incident to more than 5 years. In only 15% of the cases did the cleric end the sexual relationship, in 54% of the cases the women did, and in 30% of the cases outside or unknown events ended it.
- 2.2.1.17 Out of the 41 cases (63%) reported to Church authorities in the study, in over half of them the Church supported the priest/minister and in a quarter of the cases the Church authorities actively blamed the woman. In 5 of the cases the minister was moved. In all there were only 3 disciplinary hearings and 1 consistory court hearing. Many found the response of the Churches to be re-traumatising and deeply damaging to their well-being and their spirituality/faith (Kennedy 2009).
- 2.2.1.18 The MACSAS Survey and the many emails and calls to the MACSAS helpline have shown that women (and some men) are being sexually abused by clergy and ministers across all denominations in the UK and little if anything is done about it by either church authorities or the criminal justice system when the abuse is reported. Often the victims are vilified, hounded from their parishes, or quite simply ignored. Where there have been actions taken against a priest these fall short of laicising/deposing the priest from Holy Orders or removing his license, even when there have been multiple allegations shown to be true. Priests are either moved to other dioceses or parishes or on the rare occasion, banned from public ministry but allowed to remain as priests and move around the country without supervision or restriction.

2.2.2 The Law and the criminal justice system

2.2.2.0 In America the Sexual Offences legislation in at least 18 States includes a specific category criminalising sexual relations between a minister and a congregant/client engaged in pastoral/spiritual support relationship. This offence stands along side similar criminalisation of sexual relations between Doctors, Psychologists/Therapists etc and their clients/patients.

2.2.2.1 In England and Wales, there is no specific recognition of an offence committed by clergy and religious who engage in sexual relations with congregants and others in a pastoral/counselling setting. Some woman have reported sexual abuse to the police but due to the uncertainty and lack of specific mention of clergy in the legislation, the police are hesitant to investigate and the CPS is slow to prosecute these cases unless multiple cases are brought and the facts of the case are compelling, i.e. rape or sexual assault (see examples below).

2.2.2.2 Once again the failure of the criminal justice system to prosecute rape cases and provide redress for victims has been identify in numerous studies in the UK including a Home Office Study in 2005: '*Gap or Chasm: Attrition in Reported Rape Cases*'. Of all cases of rape reported in the UK only 25% of suspects are charged, 12% of cases reach court and only 6% of reported cases result in a conviction (Kelly et al Home Office Study 2005).

2.2.3 Policies Procedures and Guidelines in Place within Church Communities

2.2.3.0 **The Catholic Church** has no polices of procedures in place for handling allegations of sexual abuse or exploitation of an adult perpetrated by clergy/religious. Sexual relations between a priest / religious, and his/her congregants or a person who comes to him/her for pastoral/spiritual guidance and counselling is considered an expression of '*normal sexuality*' or '*an affair*'. The Safeguarding Procedures only mention Vulnerable Adults and rely upon the current statutory definition of Vulnerable Adult set down within the Safeguarding Vulnerable Groups Act 2006. **The Safeguarding Procedures** do not

recognise the *'vulnerability'* of those who come to clergy and religious at times of personal crisis seeking spiritual/pastoral support and guidance, those on retreats seeking pastoral/spiritual guidance and counselling, or members of the congregation over whom the cleric has pastoral/spiritual authority.

2.2.3.1 A Draft Code of Conduct for Clergy within the Catholic Church produced by a working party organised through COPCA was rejected by the Bishop's Conference in 2006. Only the Canon Law provides limited guidance "*Clerics are to behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful.*" (Canon 277:2) Further "*A cleric living in concubinage, and a cleric who continues in some other external sin against the sixth commandment of the Decalogue which causes scandal, is to be punished with suspension. To this, other penalties can be progressively added if after a warning he persists in the offence, until eventually he can be dismissed from the clerical state.*" (Canon 1395)

2.2.3.2 Canon Law clearly does not recognise the abuse of power and betrayal of trust involved when clergy and religious sexualise pastoral/spiritual counselling relationships. These men have taken vows of celibacy, are consecrated to God and are ordained to represent Christ to others in their pastoral, spiritual and sacramental ministry.

2.2.3.3 This is why Canon law is not generally used to investigate *'sexual misconduct'* and there is no Canon Law under which clergy sex offenders of adult women could be disciplined. Many of the cases reported in the Survey and to MACSAS through help line calls and emails invariably concern clergy who have abused many women and men, over decades and church authorities have done nothing to ensure that other women are not placed at risk. These are not the aberrant behaviours of otherwise celibate and chaste priests/religious perpetrated whilst they were *'under pressure'*.

2.2.3.4 **The Church of England** has a **Clergy Disciplinary Measures 2003** and its **Code of Conduct** (www.legislation.gov.uk/ukcm/2003/3/contents;www.churchofengland.org/media/51326/codeofpractice.pdf).

Under these measures Clergy can be disciplined for ‘*conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders*’. There is no recognition of offending against the victims in these cases and no recognition of the abuse of trust and authority involved. As will be seen below little is done even when clergy are known to have sexually abused, exploited and/or assaulted many women over many years. In the **Church in Wales** the book containing the Code of conduct for clergy is called “*Cure for Souls*”.

2.2.3.5 There is also the policy document ‘*Promoting a Safe Church*’ (2006) (www.churchofengland.org/clergy-office-holders/child-protection-safeguarding.aspx)

which provides guidance for working with adults who are vulnerable by reason of disability, physical illness, mental ill health, addiction to drugs or alcohol, failing faculties in old age; all of which come from the Vulnerable Groups Act 2006. However there is some recognition of vulnerability within a church setting: “*a permanent or temporary reduction in physical, mental or emotional capacity brought about by life events, for example bereavement or previous abuse or trauma.*” Unfortunately nothing else within the document refers to this seeming awareness of vulnerability in other circumstances.

2.2.3.6 The Methodist Church has a complaints and discipline system which allows a person to bring a complaint against a member of officer of the church, including ministers. The complaint process may lead to a charge being brought if the accused has:

- (i) Committed *a serious breach of the discipline of the Church*. . . (no information on what these might include though references to several acts and provisions).
- (ii)
- (iii) Has or *might have seriously impaired the mission, witness or integrity of the church* by his or her words, acts or omissions (including words, acts or omissions in situations of confidentiality or pastoral care).

Considerable detail has been given to MACSAS of where there may be a criminal offence committed against children or adults. However there is no reference to any recognition of the harm caused to women or men by a minister who betrays their trust and abuses his or her power and ministry to sexual abuse and exploit them, which is currently not deemed to be a criminal offence because of the failure of the legislation to extend the definition of 'breach of trust' to include clergy and ministers.

2.2.3.7 The Baptist Church also has Codes of Conduct for Clergy which refer to sexual abuse/exploitation and assault as '*misconduct incompatible or unbecoming ministry*'.

2.2.3.8 The sexual abuse and exploitation of adults is subsumed under the phrase '*sexual harassment*' by the Church in Wales and the Quakers; The Church of England and Baptists regard the offence as one of '*adultery*' and the Catholic Church as '*affairs*' or "*breach of Celibacy*".

2.2.3.9 The language used within these codes and procedures either does not mention or minimises and normalises the offending behaviours in these cases which in reality can include rape, serious sexual assault and violence and which always involves the abuse of a person in a vulnerable position in relation to the abuser who wields authority and control over the victim at all times.

2.2.3.10 **MACSAS contends that these Codes, procedures and guidance fail to reflect the breach of trust and the abuse of power central to the sexual abuse and exploitation of women and men by those in positions of spiritual, religious or therapeutic authority over them.**

2.2.4 How Cases of Adult Sexual Abuse are handled within Churches

2.2.4.0 This is what we have been told and what we know of the responses of Church authorities to allegations of adult sexual abuse from the Survey, from the many calls and emails to MACSAS and from cases where convictions or findings were secured or were otherwise publicised.

Past Cases

2.2.4.1 There have been a number of reported cases which illustrate the harm that is caused if you leave sexual predators in place in church communities:

- In one of the most notorious cases in the Church of England, **Rev Chris Brain** founder of the charismatic and youth focused '**Nine O' Clock Service**' in **Sheffield** was found to have abused more than **40 young women congregants**. The 'service' was started in 1987. By 1992 concerns were being expressed after he informed the crowds at a service on the main stage at **Greenbelt** that he intended "*to explore sexuality in the context of a worship service*". It was later recognised that neither the Church nor Greenbelt had the machinery to deal with Chris Brain when he '*overstepped the mark*'. Brain approached young girls for sex during one to one counselling sessions. In **1995** complaints were made and his ministry was removed. He was referred to as having '*fallen from grace*'.

Despite the obvious and prolific abuse of women when he was in a position of authority over them Brain was not charged with any criminal offence.

- In **2001** in the **Catholic Diocese of Nottingham**, **Robert Deadman (now deceased)** a Cistercian monk at **Mount St Bernard** in Leicestershire, was convicted on 11 counts of indecent assault against six women between 1983 and 1993 and was sentenced to six years in prison. The charges relating to two other women were not proved.

Previous and repeated complaints to his religious superiors and to other church authorities by at least one of his victims had been completely ignored and the harm caused to her disregarded. It was only when other victims came forward that a prosecution was pursued that led to his conviction.

There has been no official acknowledgment of the harm caused to Deadman's victims by either the Religious Order or Church authorities, and no support, counselling or redress was provided. Victims were compelled to go through civil litigation even to recoup therapy costs. Attempts by one victim to obtain some kind of restorative justice through meeting with the Bishop of Nottingham and the Abbot of Mount St Bernard have proved futile. It is as if they do not care about her suffering, or her need to recover from the trauma of the sexual abuse perpetrated by Deadman. They deny all responsibility and have washed their hands of it all.

- In **2002 Fr Anthony McCaffrey of the Archdiocese of Liverpool** and next most senior church leader to the Archbishop of Liverpool was convicted of indecently assaulting a 19 year old student hours after returning from church business at the Vatican.
- In **July 2001 the High Court** found that **Fr Terence Fitzpatrick, a Benedictine monk** and former parish priest of **St Osbury's in Coventry** had sexually abused a woman, during '**therapy**' after she had gone to him for counselling and spiritual guidance during which she told him of her past and the sexual abuse she had suffered by her father. **Fr Fitzpatrick** is still at **Douai Abbey in Reading** and is **parish priest for four parishes in the Diocese**. He was ordered to pay £70,000 damages for the abuse which took place between 1989 and 1991. The CPS had previously refused to prosecute. His religious order refused to pay the compensation as they said that they were a charitable trust and not allowed to use money to compensate victims of clergy sexual abuse.

What actions have been taken by Fitzpatrick's religious superiors and Diocesan authorities to ensure that this man does not again abuse his priestly/religious ministry to sexually abuse more women?

- **In March 2006 Fr Roddy MacNeil** was found to have had a ‘*string of affairs*’ with women including his first cousin, a married woman, who was expecting his child. He was removed from his post on the Isle of Barra in the Western Isles by the **Bishop of Argyll** and told to reflect on the future of his priestly ministry. It is not known if he is still a priest and if so where, and what actions have been taken to ensure he does not sexually exploit/abuse more women.
- **In January 2006 Fr Mark Paterson** a Carmelite friar was found guilty of sexually assaulting a vulnerable woman in his Aberdeen Chaplaincy between 2002 and 2004.
- In the most notorious case of adult sexual abuse by clergy in the UK so far reported, in **February 2007 Catholic Priest Fr Nugent of St Patrick’s Church in Glasgow** admitted in a criminal court that he had had sex with a 23 year old Polish student who was staying in the parish house. The Polish student was **raped and murdered** and her body buried underneath the church floor near the confessional, **by Peter Tobin**, the notorious serial killer whom Nugent had hired to work in the church as a handyman. At least four other men had sex with this young woman whilst she stayed in the parish house. During the trial another women within the parish gave evidence that Nugent and Tobin had sexually abused, exploited and harassed her. Nugent was an acknowledged alcoholic.

Tobin was sentenced to life in prison for the rape and murder of the student. Nugent was convicted for contempt of court for failing to answer questions properly during Tobin’s trial at which he was the key witness. He was sentenced to 100 hrs community service and put on probation for a year. He was removed from the parish but remained a priest and died in January 2010. Remarkably at the time of the trial the **Archbishop of Glasgow, Mario Conti** sympathised that Nugent would forever be tarnished with the murder rather than for his ‘*compassionate ministry throughout his priesthood*’. However any sensible person who read the evidence given at Tobin’s trial was surprised that Nugent was not charged along with Tobin for aiding and abetting his offences.

- **Bishop Roddrick Wright**, who became **Bishop of Argyll and the Isles** in 1990 resigned in 1996 and ‘*ran off*’ with a woman whom he had been counselling following her treatment for cancer. He left a letter of apology for those left behind, however it also came to light in 1996 that Wright had had an ‘*affair*’ with another woman in 1980 whom he was counselling following the breakdown of her marriage. The woman was made pregnant by Wright and gave birth to his son in 1981. Clearly he left behind all responsibility for his son when he ran off.
- **In 2001 Rev Frank Goodall, a Redemptorist** was found guilty of one count of sexual misconduct with a nun in Africa whilst she was on retreat in 1985. In 1993 the nun told her religious Superior who dismissed her complaint and told her that she had allowed herself to be raped. The Tribunal in the UK where he had returned to, was comprised of Redemptorists and others working for the Redemptorists. Because the abuse continued over a period of time the other acts of sexual misconduct were deemed ‘*consensual*’. It seems from this case that a one off offence could be considered abusive/assault/rape but not subsequent occasions. Goodall received no sanction and was still working at Hawkstone Hall at the time of his death. The victims Canon Lawyer was later jailed for child sexual abuse.
- Last but not least to be mentioned is the case of the **Dean of Truro Cathedral the Very Reverend Dr Christopher Hardwick**, who ‘*took a break from his duties*’ in **2010** following revelations that he had begun a sexual relationship with a woman who had come to him for pastoral/spiritual counselling following the breakdown of her marriage. In the numerous statements made by church officials that followed it is clear that at first he was suspended from duties whilst investigations were undertaken to see if had caused the breakdown of the woman’s marriage. When it was decided he had not, he was allowed to resume his ministry as Dean of Truro Cathedral because he had committed no disciplinary offence. There was no acknowledgement of the vulnerability of the woman who came to him for pastoral/spiritual counselling at a time of personal crisis in much the same way a person sees a therapist or counsellor. There was also no acknowledgement of the sheer power imbalance between the Dean of the Cathedral and a female congregant.

Despite what was a clear abuse of power and ministry the church deemed such conduct absolutely fine!

With these attitudes expressed by the Archbishop of Canterbury in the above case the churches in the UK are a long way from creating an environment where it is safe for women to be free from sexual abuse and exploitations at times of vulnerability and need.

2.2.4.2 Church officials and apologists argue that priests and vicars are like all other people and 'affairs' are normal. What they fails to recognise when they say this, is that these men and some women are ordained ministers working in a position of religious, spiritual and moral authority who have used that authority and power to have sex with people who came to them for spiritual/pastoral support and counselling. This is not 'normal' and their behaviour cannot be described as an 'affair' due to the imbalance of power and the vulnerability of the victim. In any other counselling, therapeutic or medical profession the perpetrator would be arrested, struck off his professional register, placed on the sex offenders register, and may serve time in prison.

2.2.4.3 In a case that best illustrates the continuum of abuse from children to adults in 2002 **Fr John Gerry Flahive** from the **Archdiocese of Birmingham** was convicted of child sexual abuse offences against girls which took place from the 1970s and throughout the 1980s. At the trial he denied the charged but admitted that he enjoyed sexual relations with adult women. In fact in 1998 there were a series of complaints made against him from women he had sexually abused whilst he was a parish priest, and he was moved to another parish within the Archdiocese. This man remains a priest within the Catholic Church in the Archdiocese of Birmingham.

2.2.4.4 MACSAS has campaigned for 15 years for the recognition of the sexual abuse of women and men within Church Communities. Many who are sexually abuse/exploited and assaulted by clergy and religious have been abused in childhood and often come to their Churches to find safety and a place to rebuild trust and relationships. All those who seek pastoral and/or spiritual support and guidance are

vulnerable and are placing their trust in the cleric or religious not to betray that trust and not to harm them. Time and again we have heard of appalling incidences of abuse and exploitation by priests and religious, some set out above and within our Survey and many more told to us by those who call our helpline or write to MACSAS.

From MACSAS Survey

2.2.4.5 The MACSAS Survey highlighted the inadequacy of responses to reported cases of clergy perpetrated adult sexual abuse. It is as if Church authorities have no understanding of the betrayal of trust and abuse of power that is central to the sexual abuse of congregants and those who seek spiritual/pastoral support and guidance from their church ministers.

2.2.4.6 Church leaders seem blind to the nature of the abuse perpetrated and the often appalling behaviour of the cleric involved. Even when dozens of women have been sexually abused by a priest, when he has been assessed as a sexual predator and an ongoing danger to women, church leaders seem incapable of taking appropriate actions to ensure these men do not continue to abuse women and men.

2.2.4.7 Some church leaders seem to rely on the criminal justice system insisting that all sexual relations with an adult are '*affairs*' or '*normal*' unless the person can satisfy the legal definition of rape or sexual assault (Birmingham). Even then with only a 6% conviction rate for all reported rape cases, Church leaders seem content to take no action if the priest has not been convicted (Edinburgh).

2.2.4.8 No regard is given to the multiple allegations made over decades and the repeated requests of victims for something to be done to protect other women. In one of the most appalling cases reported in the Survey. Church leaders did everything in their power to ensure that a sexual predator could continue in ministry regardless of the re-traumatisation this caused his victims who had reported multiple sexual assaults and abuse.

- The reported case of adult sexually abuse in the **Church in Wales** concerned a vicar who had multiple allegations for sexual assault and misconduct against him dating back many years. Despite attempts to have him removed from ministry through the Disciplinary Tribunal, the Diocesan Bishop allowed him to plead guilty in a closed hearing to lesser offences of *'harassment'* without discussing this with his victims. As no parish would accept him within the Diocese the abuser was given a supporting reference to move to England where he is currently the priest in charge of a parish.

It is clear that the Church authorities, including the then Archbishop of Wales Rowan Williams, were aware of his prolific sexual abuse and assault of women for a considerable period of time, yet they did nothing to protect women from this man. He remains a high risk to women and should never have been allowed to plea bargain his way out of trouble and should have had his license removed permanently when the charges were brought in the Disciplinary Tribunal. The harm caused to his victims is incalculable (see Section (3) below).

- In the **Catholic Archdiocese of Birmingham** a priest had sexually abused many women over more than 20 years. It took a year for someone to respond to the respondent's allegation and a further two years to three years to find out what actions were taken. At all times the victim had to repeatedly contact Church authorities to get any response at all. The priest was eventually sent for treatment to **St Luke's Institute in America** where he was assessed to pose an ongoing risk to women and permanently banned from public ministry. However he is still a priest listed in the Catholic Directory in the Archdiocese of Birmingham. The victim was recently informed that the priest is talking about returning to public ministry.

Why didn't Church Authorities take action against this sexual predator when the first allegations and reports were made decades before? If they had the respondent in our Survey would not have been harmed. Why, given the number of reports made against this priest, did Church authorities take more than a year to respond to the victim's complaint?

Why wasn't the victim kept informed of the progress of the complaint and told of the outcome of any investigations?

2.2.4.9 Serious concerns are seen in all the adult cases of sexual abuse/exploitation or assault within our Survey reported to Church Authorities. In all but two cases the Church authorities took no actions against the alleged abusers even when they accepted the truth of the allegation. Even in the cases where actions were taken it was clear that the Church Authorities had known for some time that these clergy posed a risk of serious harm to women and men and had allowed them to continue in ministry and to continue abusing more women and men.

2.2.4.10 Whilst the MACSAS Survey provides ample evidence of the wholly inadequate response of Church authorities to clergy perpetrated sexual abuse of adults, there is one case reported to MACSAS by a woman with terminal cancer that illustrates the very serious concerns we have about current safeguarding processes within the Catholic Church.

CASE STUDY

- This case concerns a woman diagnosed with terminal cancer who lives in the **Catholic Diocese of Nottingham**. The sexual abuse took place between 2005 and 2008. Her name has been changed to protect her identity

Sarah was under instruction to become a Catholic when she was diagnosed with terminal cancer at the end of 2005, after years successfully battling breast cancer. One of the priests at the local Catholic Church she attended worked with the sick and was known for his ministry with those with terminal illnesses.

In or about May or June 2005 concerns were raised following a period of ill health and new scans were taken. Deeply concerned Sarah asked to see the priest at the end of a church service the day before the results of tests were due. He invited her in to the 'little

room' in the parish house where people are taken for spiritual/pastoral counselling and guidance. At the end of the first meeting the priest led Sarah out of the parish house to the hallway where she thought he was about to give her a supportive hug. Instead he kissed her on the mouth sticking his tongue in her mouth. She froze in panic and shock. She reported that he was highly excited and told her that he wanted to have sex now. Sarah did not know what to say or do and did not respond. The priest then recovered and said he was only joking and looked 'shattered'.

Confused about what had happened Sarah did not have time to deal with the priest's conduct; she was more concerned about the results of scans she was having and her ill health. On the day she got the results the priest phoned to ask how she was. Then at 10pm he phoned her again and said that he wanted to come round to make sure she was okay. Sarah reported that she could hear that he had been drinking but he said he had been to the hospital where he was hospital chaplain. She remembers that the priest arrived after 11pm. When he arrived she asked him why he came round so late. He said he did this all the time with parishioners. The priest told her about his 'weakness for women', that he had left the Church before because of this. He asked Sarah to say something sexual. Sarah did not know what to do; she had let him in, she was confused. She was flustered and shocked at what he said. The priest tried to persuade Sarah to say sexual things to him and she was deeply disgusted. The priest again changed track and talked about 'normal things', this went on for a while. He then sexually abused her and again asked her to say something sexual. Sarah refused and after a short while he left. Sarah reported that she felt disgusted and dirty about what had happened. The next day the priest phoned to apologise for his behaviour and said it was the drink. He said that he hoped that he hadn't frightened her and knew that what he had done was wrong.

The priest came round again and the sexual abuse continued. It became more lascivious and more violent/forceful. Sarah described the priest as a Jekyll and Hyde character changing from minute to minute. She was deeply confused and did not know how to stop what was happening. When she tried to discuss her concerns about his behaviour, the priest would treat it like a game which turned him on.

Sarah stopped attending the local Church but could not stop the priest phoning and coming round to her house which was close to the Church. She felt very ill and cut off from the church she wanted to be received into. In December 2005 further scans had found tumours in her lungs and she was diagnosed with terminal cancer. Sarah needed somewhere to go to for spiritual and pastoral support and help and she went to Mount St Bernard's monastery.

Sarah began treatment for cancer. In February 2006 she was received into the Catholic Church at St Barnabas Cathedral in Nottingham. Sarah felt guilty about what had happened with the priest. She managed to keep him away and he stayed away for some while.

About March 2006 whilst Sarah was having radiotherapy treatment and was physically, emotionally and psychologically weakened, the priest came round again and when challenged about his behaviour he pleaded that he loved her. The sexual abuse/exploitation started again. Her need for someone to support her emotionally and spiritually was abused by the priest for his own sexual gratification.

At all times Sarah felt that this was all so wrong and wanted it to stop. She told him specifically not to come round again but he persisted. At times she felt suicidal about what was happening. In or about September 2006 Sarah told a friend at the Cathedral who said that he always thought there was something mentally wrong with the priest, and was not surprised at his conduct. He said that he did not think Sarah was the only woman.

Sarah explained that she wanted to stop the priest coming round. He said he would report the matter. He went to see the Dean in Nottingham and was passed to another priest responsible for safeguarding. He explained the situation and the conduct of the priest. The safeguarding officer is reported to have expressed no surprise at the report made. Some while later the friend phoned Sarah and said he had received a response. Authorities had spoken to the priest who expressed great remorse and regret over his behaviour and they

could assure Sarah that the priest would not be *'bothering'* her again. For a number of months the priest did not phone her or come round to her house.

Sarah remained cut off from her Church as she could not attend the local church. She was also concerned that other priests might also abuse her if they knew how vulnerable she was. When Sarah felt able she went to a monastic community. Then one day in March 2007 the priest drove past Sarah in the main street and that afternoon he came to see her again. As if nothing had happened before the abuse resumed.

Sarah wrote to Bishop Malcolm McMahon of Nottingham in the summer of 2007 and asked that the priest be moved as she couldn't get out of the 'relationship'. She explained that she was terminally ill and that she was unable to stop him. She told him about the previous report and the assurances she had been given. She explained that because she was so ill she needed to be able to attend her local Church. Sarah wrote in faith believing that something would be done. The Bishop responded by letter informing her that "***they did not move priests anymore because we found that it doesn't work.***" He also explained that the Diocese usually moved priests in the autumn. The Bishop offered counselling for Sarah either on her own or with the priest. He warned that if she made the matter public she would not get a good welcome at the parish church she wanted to go to, and she would be harmed and not the Church. There was no further substantive response. Sarah felt that she had been "*put down and sneered at*" by the Bishop who had made it clear that he had the power and not her.

The abuse continued on and off for the next year. The priest made no mention of any discussion with the Bishop or diocesan authorities. Sarah reported that she thought the priest was having a 'relationship' with at least one other woman by the way he behaved, the phone calls he received and his disappearances for weeks at a time.

Suddenly in the winter of 2008/2009 the priest was gone from the parish. In January 2009 a woman whom Sarah met at the monastic community, phoned and told her that the priest had left the priesthood to spend more time *looking after the dying*. Over further

discussions Sarah was told that it was believed he had gone back to the woman he had had an affair with a number of years before. She was told that in 1991 the priest had left the priesthood for another woman, however 7 years later he had returned. Now he was gone again and this time permanently and it was thought he was with the woman or another woman and other rumours suggested that she had his child.

Sarah heard nothing further from Church authorities: she was not informed about what happened, or whether the priest had been moved as a consequence of her report. Sarah has been left feeling angry at the way she was treated and at the careless disregard shown to her by Church authorities when she raised the matter with them. At all times the priest, the Dean, the safeguarding officer and the Bishop knew that Sarah was suffering from a terminal illness. It also appears that at all times Diocesan authorities knew of this priest's sexual predatory nature.

2.2.4.11 This case is so shocking that the Chair of MACSAS referred to it in an email to the Director of CSAS in 2011; brief mention was made to the appalling response of the Bishop of Nottingham when a woman with a terminal illness wrote to him asking for a priest who was abusing her to be removed. The CSAS Director responded that he had asked the Bishop about this case and had been told that it was ‘a *mutual consensual relationship*’ and that anyway the priest had now left the priesthood. A further communication from MACAS set out skeleton details of the case and asked how this could possibly be considered as a mutual consensual relationship. The one line response from the Director of CSAS raised very real concerns about the Catholic Church's ability to protect vulnerable people who may be abused by sexual predators within the Church: ***“Having looked into this case I am satisfied that there has been no allegation of sexual abuse made to the Diocese, nor to my knowledge to the police.”***

2.2.4.12 This response reflects no understanding of the issues raised; no awareness of the abuse of a vulnerable adult that was reported to the Dean and to the Bishop; and certainly no intention of engaging in a dialogue to ensure that such cases are dealt with appropriately within Dioceses.

2.2.4.13 The Catholic Church seems to be content to allow terminally ill women and others to be sexually abused and exploited by priests who are supposed to be ministering to them at a time of great need and vulnerability. Unless the victim names what is happening as ‘*abuse*’ the Catholic Safeguarding Adviser seems content to consider that nothing inappropriate happened despite the facts of the case and the complaints made by the victim. The Catholic Church is nowhere in developing an environment where women and men can be safe from the sexual predations of clergy and religious.

2.2.4.14 The Director of CSAS was asked to provide details of the procedures and protocols followed in coming to his decision. There has been no response from the Director. He was also asked to forward his response and associated emails to the new Chair of NCSC, Baroness Patricia Scotland appointed in March 2011, again there has been no response to that request.

2.2.4.15 These shocking and incomprehensible responses from Church authorities and safeguarding advisers continue across the country and within other Churches. The compelling conclusion from all we know is that Church Institutions simply do not care. In all cases the abuser is excused and the victim blamed even when the behaviour of the priest is recognised to be wrong. “*He’s only human*” is the plaintive plea, or “*he was under stress*”; and that “*the woman seduced him*”. Rather than excusing the conduct of the abusers Church authorities should recognise the abuse of power and authority involved, the devastating impact the abuse has on victims and should put in place measures to ensure that such behaviour is less common and when it does occur is dealt with appropriately.

SUMMARY – Recognition of Clergy and Religious Abuse of Adults

2.2.4.16 The response to the sexual abuse of women and men within Church communities reflects the response to sexual violence in the wider society. The failure of the criminal justice system to prosecute and convict sex offenders has been recognised in Home Office studies. Of all cases of rape reported in the UK only 25% of suspects are charged, 12% of cases reach court and only 6% of reported cases result in a conviction (Kelly et al Home Office Study 2005).

2.2.4.17 It is not good enough for Church leaders to hide behind the failures within society at large and to plead that clergy and religious are no worse than others. Nor is it reasonable to continue to refer to the sexual abuse, exploitation and assault women and men by clergy and religious within the context of a pastoral/spiritual relationship as *mutual* and/or *consensual affairs*. The position of spiritual, religious or therapeutic authority that clergy and religious exercise over those who come to them for guidance and support renders any sexual relations exploitative and abusive. It is clear that the abuser has power over the victim and is abusing that power to gratify his/her own sexual needs.

2.2.4.18 In none of the reported cases in our Survey or in those given above did the victim initiate or have any control over the sexual activity that took place. At all times the priest, minister or religious controlled what happened, when it happened and where it happened.

2.2.4.19 In many cases the priest, minister or religious was sexually involved with a number of women either at the same time or over many decades in the past. Some of the victims reported being sexually assaulted, others referred to systematic abused that went on for some time before they could get out, report what had happened and get the abuser to stop. In all the reported cases it was the victim who disclosed the abuse and asked for actions to be taken.

2.2.4.20 These cases do not sound like *mutual or consensual* relationships; they describe highly abusive and manipulative individuals abusing their position of power and authority over women and men for sexual gratification and control. They describe victims struggling to get free of the abuse and of being severely harmed by what has happened to them. And they describe a complete failure by Church authorities to recognise the clear abuse of trust and authority that has happened; to acknowledge the serious harm caused to the victims; or to take any actions to remove the abuser from positions of authority where he can continue to cause harm to others.

2.2.4.21 **MACSAS contends that the law needs to be changed to specifically recognise the widespread abuse of women and men by clergy and religious in spiritual/pastoral settings within Church communities as criminal offences.**

2.2.4.22 **Churches need to have disciplinary procedures and measures in place that recognise the betrayal of trust and the abuse of power and authority that is involved in the sexual abuse of adults by clergy and religious, and provide appropriate sanctions against the abusers and appropriate redress and support for their victims**

(3) RESPONSE TO THE VICTIMS OF SEXUAL ABUSE

2.3.0.0 The MACSAS Survey findings show that little if any support, assistance or redress was offered to those who reported allegations of child or adult sexual abuse. This was true even when the abuser was convicted or otherwise determined to have sexually abused the victim.

2.3.0.1 **Figure 1(k)** in Part 1 of this report listing the responses of Church Authorities to those who report abuse is deeply disturbing. It is as if the Bishops and church authorities in the UK have no understanding of the profound harm and damage caused to children and adults who are sexually abused by clergy and religious within Christian communities. It is as if they do not care or are careless as to the impact of abuse and their responses on the victims. Far from making victims *the first priority* Church Authorities across denominations in the UK have made them the last priority and the least important aspect of their safeguarding policies and procedures.

2.3.0.2 No Church in the UK has a policy for providing redress, support and services to those sexually abused by clergy and religious either as children or adults. The stated policy of both the Catholic Church and Church of England remains that all discussion in response to victims must go through lawyers and hence we have hundreds of civil claims in the courts in the England, Wales, Scotland and Ireland. This prolongs the distress caused to victims. One striking example of this is the civil case progressing through the Courts of England which is now set for the Supreme Court as the Church struggles to avoid liability in a claim for damages brought by 158 victims in the **St Williams Children's Home case** involving the Diocese of Middlesbrough. The Catholic Church does not care about the impact prolonged litigation is having on the victims, and seeks at all times to protect its assets from the those seeking redress whose lives were destroyed within its parishes and Institutions.

2.3.0.3 Paradoxically this '*policy*' has led to hundreds of court cases now being pursued against the Catholic Church across the UK by victims of clergy and religious perpetrated sexual abuse. By refusing to engage in a process of restorative justice that involved listening to

victims, acknowledging the wrong that was done to them, and responding to their suffering and need for support to enable recovery, the Church has brought about the very downfall it had hoped to fend off by denial.

2.3.0.4 We are then a long way from the Church envisioned by Archbishop Diarmuid Martin in his address to the **Marquette University International Conference on the Clergy Sexual Abuse Scandal** in America on 4th April 2011 quoted at the start of Part 2 of this report

(http://www.dublindiocese.ie/index.php?option=com_content&task=view&id=2367&itemid=1166).

2.3.1 Research into the harm caused by clergy perpetrated sexual abuse

2.3.1.0 Over the past thirty years there has been a developing understanding of the devastating impact of sexual abuse on victims; this understanding now influences the response to victims within the health and mental health services, social and welfare services and therapeutic services. There has been research into psychological harm, developmental harm and physical harm. There is also now a growing body of research and understanding on the harm caused by clergy perpetrated sexual abuse (CPSA) of children and adults.

(The following research summary (2.3.1.1 – 2.3.1.14) has been taken from an essay written by Anne Lawrence, Chair of MACSAS for a module on the MA in Psychology of Religion at Heythrop College in 2010).

2.3.1.1 Research into the devastating impact of CPSA on victims fits into the wider body of research on the effects of childhood and adult sexual abuse (Flynn 2003; Isely et al 2009; Herman 1992/2001). However there appear to be additional dimensions to the harm caused, associated with spiritual trauma, some have called this harm soul murder and refer to priest abusers as '*slayers of the soul*' (e.g. Potchatek 2007).

2.3.1.2 A recent study in the USA (Isely et al 2009) considered the context within which CPSA of children took place. The parents of the victims were active church participants who instilled unquestioning trust of the priest in their children and in many cases were friends with the priest. This compounded the difficulties the victims faced when the abuse happened. The victims/survivors reported acute disturbance in psychosocial functioning in the immediate aftermath of the abuse and an intense fear that others would find out what had happened. They had difficulties remembering and yet were troubled with intrusive memories. They suffered from low self esteem and low self worth. Boys questioned their sexual identity. Personal shame, destructive anger and rage, and a deep pervasive guilt for the abuse were common features for survivors/victims and they experienced feelings of chronic inner turmoil. Many of the victims in the study were boys and the developmental challenges associated with adolescence often proved overwhelming. (Isely et al 2009)

2.3.1.3 The long term effects reported included intrusive memories and flashbacks. Symptoms of mood disturbance, low self esteem, poor sleep, suicidal ideation, anger and detachment from others increased in adulthood. Guilt, confusion and anger remained. Some victims/survivors felt frightened about remembering and/or confronting the abuser. Some described symptoms of dissociation. Most of the victims required extensive therapy, sometimes lasting years and many presented with features of post traumatic stress disorder (PTSD) (Isely et al 2009; see also Herman 1992/2001).

2.3.1.4 Other researchers have described clergy perpetrated sexual abuse as causing irreparable psychological and spiritual harm to victims. Victims have been found to experience physical, psychological and spiritual pain and damage to their sense of trust and personal well-being. They experience anxiety, depression, alienation and fear of relationships and intimacy and a whole gambit of problems in daily life (Jones and Docecki 2009).

2.3.1.5 In a paper on the spiritual harm caused by CPSA Pargament, Murray-Swank & Mahoney (2009) contend that the most basic function of religion is spiritual and directed at the sacred, and they identified three important dynamic and interrelated processes: (i) the

discovery of the sacred, (ii) maintaining a relationship with the sacred once found, and (iii) the transformation of what is sacred as result of trauma. CPSA has a profound and damaging impact on these processes. CPSA of a child has devastating consequences for the normal development of spirituality. How can victims of CPSA experience spiritual emotions or draw on their spirituality in their lives? Sacred objects become reminders of terrible trauma. CPSA makes it much harder to turn towards religion to overcome this trauma or find meaning (Pargament, Murray-Swank & Mahoney 2009).

2.3.1.6 CPSA shatters the victim's relationship and trust in the Church and severely impacts on the ability of the victim to maintain a connection with the sacred. CPSA desecrates the soul; violates the sacred relationship between the clergy and the victim; violates the ritual and symbolism of the sacred; and creates profound confusion and doubt about God's love for the victim. CPSA causes spiritual chaos and throws victims into a profound struggle to regain their spiritual identity and re-engage in the sacred. This struggle can take many years. Many victims leave the church, either temporarily or permanently, some may find a spiritual connection within a different religion and some may never recover (Pargament, Murray-Swank & Mahoney 2009).

2.3.1.7 Derek Farrell (UK, 2003) identified a number of distinctive elements of post traumatic stress disorder (PTSD) among men and women abused by clergy as children or as adults. He argued that the current definition of PTSD in DSM IV cannot accommodate the additional issues that he identified for survivors of CPSA: including theological conflicts; spiritual identity; and the re-traumatisation caused by the responses of the Church. This finding of psychological harm caused by the response of the Churches is reflected in the MACSAS Survey.

2.3.1.8 Kennedy (2009) also identified the double traumatisation associated with CPSA: the abuse itself and the response of the church. As we saw above of the 63 women who took part in the study 41 reported the abuse to church officials. In half of the cases the church protected the cleric, and in over a quarter of the cases the Church blamed the woman. Though not stated it is clear that the Church Authorities did not recognize the profound

harm caused to the women by the abuse or by their response. Kennedy concluded that “when women reported their experiences using official structures and avenues open to them the response was at best mixed and at worse damaging” (Kennedy 2009 pp 170-204).

2.3.1.9 Turning to the mental health impact of CPSA Kennedy (2009) found that the women felt shame, confusion, guilt and fear as well as rejection, contamination, sadness and anger (pg 206) Almost half of the women reported symptoms of traumatic stress: depression, anxiety and nightmares, flashbacks, insomnia, self injury, panic-attacks and suicidal feelings. Some received psychiatric care and counselling (see also Flynn 2003 and 2009). Many still described themselves as Christian but only about half attended church regularly. All had engaged in a spiritual struggle and many had to rebuild their belief systems (pg 211-213). These findings fit with the psychological impact and spiritual consequence of CPSA identified by Pargament, Murray-Swank & Mahoney (2009) and Isely et al (2009).

2.3.1.10 Frawley-O’Dea (2002) a psychotherapist working in the field of child sexual abuse, presented a paper to the Conference of Bishops in the USA in which she contended that the violation of a child by a priest is incest: “*the sexual and relational transgression perpetrated by the father of the child’s extended family: a man whom the child is taught from birth to trust above everyone else in his life, to trust second only to God*”. Others have also argued that CPSA of adults is like incest because of the relationship between the clergy, as spiritual and moral father to his congregation, the children of God (Maris & McDonough, 1995 pg 362).

2.3.1.11 As with all cases of child sexual abuse secrecy is used by the perpetrator to silence the child, through threats, bribes and emotional blackmail, including the withdrawal of the abuser’s love (Frawley-O’Dea 2002; Isely et al 2009). Reflecting the cultural context within which CPSA occurs, Frawley-O’Dea contended that “[m]any abused children maintain silence because they accurately perceive that there is no one in their environment who will help them if they do disclose.” (see also Isely et al 2009). Similar

dynamics of secrecy have also been described by women abused by clergy both in respect of the abuser compelling secrecy and the response of Church authorities (Kennedy 2009; see also Flynn 2003 & 2009). Clearly this secrecy silences the victim, stops her communicating what has happened, leaves her vulnerable to further abuse by the perpetrator and delays the process of recovery.

2.3.1.12 Frawley-O’Dea (2002) described Dissociation as an attempt by the victim to cope with the psychological shock and sense of betrayal in sexual trauma, *“the self splits entering an entirely different state of consciousness while being abused, the victim preserves a functional and safe self who is removed from the trauma and is therefore able to learn, grow, play and work”*. The down side of dissociation is that *“[it] condemns the state of self who experienced the abuse to a trapped existence in the inner world of the survivor, a place dominated by terror, by impotent seething rage, and grief for which there are literally no words. Because trauma impels the brain to process events quickly and in a state of hyper arousal, verbalising pathways are bypassed. Sexual violations are encoded by the child and retrieved by the survivor as non-verbal often highly disorganised feelings, somatic states, anxieties, recurring nightmares, flashbacks and sometimes dangerous behaviours”*. In later life the adult experiences unexpected regressions triggered by seemingly inoffensive stimuli: the survivor thinks, feels, experiences her body and behaves as the victim once was (see also Herman 1992/2001).

2.3.1.13 The child’s ability cognitively to contain, process and put into words the enormity of the relational betrayal and physical assault with which s/he is faced is overwhelmed, language and understanding are inadequate and the child’s assumptive world is shattered (Janoff-Bulman 1992). Very severe damage is also caused to the victim’s ability to process what s/he feels and experiences as the sexual trauma overwhelms the autonomic nervous system, and the child’s relationships with others, herself and the world is shattered by the betrayal of trust. This *double assault* affects the child’s ability to modulate his emotions appropriately and s/he either becomes over emotional/ hyper aroused or cuts off, in what is called psychic numbing. Often the victim is not able to accurately assess or modulate his responses to potential threats and dangers. Because of

the damage caused many victims require psychotropic medication and some require it for life (Frawley-O’Dea 2002).

2.3.1.14 Survivors a child sexual abuse can present with a range of self harming behaviours which performs a myriad of functions including punishing the self for the abuse, mastering victimisation, self medication and unconsciously seeking states of hyper-arousal that triggers the release of brain opioids, providing a temporary sense of calm. There is no limit to the harm victims can inflict upon themselves, up to and including death (Frawley-O’Dea 2002; see also Kennedy 2009; Herman 1992/2001).

2.3.1.15 Those who work in safeguarding and child protection within Churches should be aware of the harm caused to those who suffer clergy and religious perpetrated sexual abuse. Many clergy and religious psychologists and psychiatrists within Churches work in this area and have researched and studied the impact of clergy perpetrated sexual abuse on victims. This is not a mystery, some dark knowledge only held by a few. The impact on victims is not idiosyncratic to each, but rather common to many. Churches should be engaged in understanding this and developing ways of responding to victims, but all the evidence is that they do not care.

2.3.1.16 We know from the MACSAS survey and past cases that many victims who report sexual abuse cases to Church authorities are re-traumatised by the response they receive. Those who responded to our Survey told time and again for being re-traumatised, of the treatment and response they received when they reported the abuse being worse than the abuse had been; they spoke of a careless disregard to their suffering and a total disregard for the impact of inadequate or re-traumatising responses had on them. Many were quite simply ignored, even when they repeatedly asked for some response and explained the distress they were suffering.

2.3.2 Church responses reported by victims in a previous MASCAS Study 2006

2.3.2.0 MACSAS carried out an earlier survey of responses to victims of clergy perpetrated child abuse within the Catholic Church for presentation to the Cumberlege Commission in 2006

(*'Betrayed or Supported'* (Kennedy 2006) found at www.macsas.org.uk/resources). The same story is told time and again.

2.3.2.1 Sixteen people responded to the Survey from eight Dioceses. Most of the abuse happened before 2001. 3 reported their abuse before 1994; 3 reported between 1994 and 2001; 5 reported after Nolan and 5 did not give this information.

2.3.2.2 The victims reported the abuse to a range of people from the Bishop, the Child Protection officer through to the social worker, police, and the Vatican. The MACSAS Survey findings show a similar range of people reported to. This clearly evidences that victims do not know to whom to report. Whilst there may be a notice on the wall of the parish church with the child protection officer's details on, this is often not the case and many victims of clergy/religious abuse no longer go to church. Victims go to those they think will assist them, normally those in positions of authority, from the Bishop upwards.

2.3.2.3 9 out of 13 in the 2006 survey said that the police were not contacted by those they reported the abuse to and 2 said that they didn't know. Of those that reported after the Nolan commission 3 said that the case was not reported to the police and 2 said that it was. Clearly police are not being informed in all cases as we have found in the MACSAS survey.

2.3.2.4 When victims attended a meeting (in 10 cases) 6 said they attended alone and 2 took a friend. No support person was provided by the Church. Victims felt scared, ashamed and re-traumatised by the experience. 8 reported that they were offered no help from the Church throughout the investigation process, 2 said they didn't want it and 2 were provided with some information. Again this reflects the findings of the MACSAS Survey.

2.3.2.5 Counselling was provided to only 2 victims at the time they reported and 1, five years later. As in the MACSAS Survey it was irrelevant to the response of the Church when the report was made, before or after Nolan; at all times it was inadequate. The therapy provided consisted of 6 – 12 sessions only.

2.3.2.6 The response of the Church to victims was as bad post Nolan as pre Nolan even when there was a court case and a conviction. Victims reported feeling worthless and let down. 4 victims reported that they did not even know if there had been a conviction and in 4 other cases there had been convictions.

2.3.2.7 Only one of the respondents in 2006 felt they had been kept informed about the progress of the case, 9 felt they had been kept deliberately in the dark, three others didn't know. Only two said the church understood the needs of survivors. This is so depressingly similar to the MACSAS Survey findings.

2.3.2.8 Even more concerning was that only 2 felt that the Church had cooperated fully with the police and none with their solicitors.

2.3.2.9 Of the 16 cases 3 received some form of compensation pre Nolan ranging from £5000 to £15000 though six had said they had to take legal action to get any compensation. It did not matter whether the abuser had been convicted or not. 2 respondents received compensation post Nolan, one from the criminal injuries compensation scheme and one in settlement of a claim.

2.3.2.10 The respondents to the 2006 Survey felt a mixture of anger, sadness, shame, and depression. Many still suffered as a result of the abuse they experienced.

2.3.2.11 Finally when asked their views about the Catholic Church's handling of abuse cases, no one thought COPCA was doing a good job, most hadn't even heard of it; they continued to believe the church covered up abuse in the past (15) and is still covering up abuse (13); and they rejected forcefully the idea that the Church had the best interests of the victim in mind (one said 'utter rubbish'). 11 thought the church put the needs of the abuser and the Institution above that of the victim; 12 believed the church had lied about abuse in the past and 9 believed the church was still lying (four others did not know).

2.3.2.12 Victims reported feeling re-traumatised and further abused by the church when they reported the case.

2.3.2.13 The findings from both the 2010 and the 2006 Surveys provide a consistent picture of little or no support and assistance being offered to victims who report child sexual abuse. The processes engaged in re-traumatise the victim. These are not aberrant results, they reflect the reality of the experiences of hundred of victims seeking resolution and justice after decades of suffering, when they report their abuse. These are the repeated experiences of those who contact MASCAS seeking support and someone to listen to them.

2.3.3 Response initiatives within the Churches in the UK

2.3.3.0 A number of attempts have been made by those within Churches in the UK to develop an awareness of the needs of victims of child sexual abuse within Church communities. However these are not specifically focused on responding to victims of clergy perpetrated sexual abuse.

Time for Action 2001

2.3.3.1 **Churches Together in Britain and Ireland (CTBI)**, an ecumenical organisation set up and funded by Christian churches produced ‘**Time for Action**’ in 2001, a report on the needs of victims of child sexual abuse within Church communities. A working party considered a range of evidence and submissions over three years. The report recognised the sexual abuse of children by clergy and religious within Churches, and it made a number of recommendations for supporting and working with victims of childhood sexual abuse. It recommended that all churches respond to the report and put in place policies that recognised the prevalence of child sexual abuse and the many people who have been the victims who are present in church communities.

2.3.3.2 Margaret Kennedy of MACSAS was on the working party and it was the book she wrote: “**The Courage to Tell**” (1998) with stories and images by Christian survivors of childhood sexual abuse and advice on how to support victims, that led to the working party being formed.

2.3.3.3 There seemed to be no response to **Time for Action** in any of the Churches in the first half of the 2000s and it appeared as if this good report had fallen on stony ground.

Methodist Church

2.3.3.4 The Methodist Church produced '**Tracing Rainbows**' in 2008 as a direct response to the **Time for Action** report, and it too set out accounts of the experience of those abused in childhood and of their spiritual and pastoral needs. Considerations are given to liturgy and the use of language within church communities and to ways of making churches *safer places* where victims/survivors can come and feel that their experiences will be heard and understood and that their pastoral and spiritual needs can be met.

2.3.3.5 Tracing Rainbows does not provide specific procedures for responding to and supporting victims of sexual abuse perpetrated by ministers and others in positions of responsibility within the Methodist Church. It sets out a pastoral, liturgical and theological response to all those abused in childhood including victims of clergy perpetrated sexual abuse. MACSAS considers it a welcome addition to the Church thinking and responses.

Church of England

2.3.3.6 A working party was convened by the National Safeguarding Adviser to the Church of England in 2008 to develop a policy for responding to victims of childhood sexual abuse. The draft policy produced at the end of 2010 entitled "**Responding Well to victims of child sexual abuse**" does include reference to child sexual abuse perpetrated within the Church however it was at all times made clear to survivors who were part of the working party that it was not a policy for victims of clergy abuse. Indeed the final policy would not be an appropriate model for responding to victims abused by clergy within the Church of England. The policy has yet to be finalised or published, however it has been approved by the General Synod and we understand it is to be published in the summer of 2011.

2.3.3.7 MACSAS views the draft policy entitled “*Responding Well*” as a welcome addition to the Church of England Policies. However it was a great shame that the opportunity was missed during the nearly three years the working party was together to develop a policy and procedures for responding to and supporting those sexually abused by clergy and others in positions of responsibility within the Church of England. At all times when discussion strayed into the area of clergy perpetrated sexual abuse the working party was told that the policy was not for those abused by clergy and other church officials. At all times MACSAS informed the working party that the policies being drafted would not be suitable for responding specifically to victims of clergy perpetrated sexual abuse without focused consideration being given to the specific nature of the abuse and the dynamics within the Church of England that had enabled the abuse to continue often for years after allegations were first reported and also enabled authorities to completely disregard the pain and suffering of those abused. As well as the specific needs of the victims now which would require specific kinds of support, there would of course need to be procedures for investigating and determining allegations where criminal convictions are not secured and then for providing some form of restorative justice to include an acknowledgement of the harm caused, an apology of some kind and financial redress/compensation for the damage and losses caused to the victim by the abuse.

Catholic Church

2.3.3.8 Both the **Nolan Commission (2001)** and the **Cumberlege Commission (2007)** recommended that the Catholic Church in England and Wales put in place procedures for encouraging victims to tell of their abuse and for listening to what is being told to the Church, to provide a support person to be with the victim throughout the investigation process and to provide services in recognition of the pain, harm and distress caused to victims. No such procedures or support structures have been put in place.

2.3.3.9 A draft policy was written by a working party after two years work but this was rejected by the Conference of Bishops and an alternative document “*Healing the Wound*” (2006) was produced which failed to reflect the model of support proposed by the working party

(The Tablet 18th March 2006). There is no evidence that this policy was ever put into effect and it no longer appears on the Safeguarding website.

2.3.3.10 Reflecting on the findings of the MACSAS Survey, the 2006 Survey and the research set out above, it is hard to comprehend from what or where the NCSC can gather any evidence to support the self congratulatory statements set down within the 2009/10 Annual report found at www.catholicsafeguarding.org.uk. The report is so detached from the reality of the victims of sexual abuse perpetrated by clergy and religious as to be breathtaking.

2.3.3.11 The only official engagement with survivors of clergy perpetrated sexual abuse since 2006 has been in **two ‘exploratory meetings’** which have taken place between survivor support organisations and the Catholic Church since July 2010. These have been chaired by the Director of CSAS and include two or three members of the NCSC.

2.3.3.12 It is now believed that the first meeting was scheduled to enable the Catholic Church to issue a media statement that the NCSC had met with the Survivors in 2009/2010, when they launched the NCSC annual report. Bill Kilgallon, Chair of NCSC stated in the press that *‘the needs of victims would be the Church’s first priority’* (27th July 2010). That’s the first time victims of sexual abuse within the Church had ever heard of it. The meeting with survivor organisations took place in the afternoon. At the meeting Bill Kilgallon mentioned that NCSC had launched the annual report that morning to the press and when asked if he had told the press he would be meeting survivors that afternoon he responded “yes”. Survivors who attended the meeting felt that they had been exploited for PR purposes; they had not even been provided with a copy of the annual report.

2.3.3.13 Two MACSAS representatives attended that meeting. For two hours survivor group organisers spoke of the impact of clergy and religious sexual abuse on victims who contacted their organisations, of the re-

traumatisation they experienced when they reported the abuse to Church authorities and of the wholesale disregard by Church authorities of the harm caused to the victims, their needs, or the support they may require. Neither the Chair of NCSC nor the Director of CSAS made any comment whatsoever in response to what was said, and when asked to comment they said they had nothing to say.

2.3.3.14 At no time were the Survivor organisations told of the purpose of these meetings, the aims and objectives, the remit, the scope or the powers that the group had to determine what if any support the Church should provide to victims of clergy and religious abuse within the Catholic Church.

2.3.3.15 The notes of that meeting failed to reflect anything that was said at the meeting and made up a series of decisions said to have been made by those who attended; none of which were in fact made at the meeting. The Director of CSAS drafted the notes.

2.3.3.16 In **September 2010 Pope Benedict XVI** made a state visit to the UK during which he was compelled to respond to the growing criticism of the manner in which victims of clergy /religious perpetrated child sexual abuse had been responded to when they reported their abuse to church officials. Pope Benedict stated that from now on the victims of child sexual abuse would be the Churches *first priority*. He exhorted Church leaders to work with survivor organisations to support the victims of child sexual abuse and he said that the Church would provide spiritual, material and financial support for those abused within the Catholic Church (see press statements September 16th – 19th 2010).

2.3.3.17 Before the **second meeting** between survivor organisations and NCSC/CSAS was held on 1st February 2011, a side meeting was held with two organisations, one supporting all victims of child sexual abuse and the other an umbrella organisation which provides training on child sexual abuse matters generally. It is not known what was discussed at that meeting as no notes have been shared with the other organisations invited to attend these '*exploratory discussions*'.

2.3.3.18 At the second meeting which again lasted two hours the Chair of MACSAS expressed dismay at the manipulative actions of the Chair of the exploratory group, the inaccuracy of the notes of the last meeting, the using of the first meeting by the Chair of NCSC, Bill Kilgallon, to portray the Catholic Church as responding to survivors, and the sub meeting held without any consultation with other survivor organisations. No reference to these comments or to the animated discussion, concerns and anger expressed by other organisations that attended the second meeting was made in the notes of this meeting. MACSAS requested the notes be amended to reflect the discussion and comments made about the inappropriate and abusive way these exploratory meetings were being conducted. The Director of CSAS refused to amend the notes.

2.3.3.19 So far there has been no reflection given to the views of victims of sexual abuse perpetrated by clergy and religious within the Catholic Church and its institutions in the official notes of these exploratory meetings. The Director of CSAS has reiterated on several occasions that the Catholic Church intends to have procedures for responding to and supporting *all victims of child sexual abuse and not just those abused by clergy and religious.*

2.3.3.20 It is clear from this highly abusive and manipulative process that the Catholic Church has no intention of developing procedures to enable victims of sexual abuse perpetrated within the Catholic Church and its Institutions to be listened to by those in authority, or to provide a support person for victims during the investigation process and ongoing and even long-term support and counselling for those harmed by clergy and religious within the Catholic church. There is absolutely no sign of any intention of providing restorative justice for those so abused. So much for making the victims the Church's **first priority.**

2.3.3.21 Meanwhile victims continue to be compelled to seek redress through the civil courts even where there have been criminal convictions. Two solicitors firms in the North of England are dealing with over 200 cases acting for victims seeking redress and

compensation for the harm caused to them by clergy and religious who abused them as children within the Catholic Church and its institutions.

2.3.3.22 **MACSAS contends that the current ‘exploratory discussions’ have been convened to portray the Catholic Church as responding to victims of child sexual abuse whilst it continues to refuse to engage with those victims so grievously abused and hurt by clergy and religious and for whom they are directly responsible and liable to provide support and redress.**

2.3.5 Responses to Victims in Other Countries

2.3.4.0 Most frustrating for survivor support organisations battling with Churches to get them to respond appropriately to victims is that there are examples of procedures and programmes available to consider. Whilst none of these are without flaws, they contain procedures that can be replicated immediately to respond to victims and other aspects need to be developed in partnership with victims over time.

2.3.4.1 In **Australia** the Catholic Church set up procedures and structures for responding to victims of abuse within the Church called “**Towards Healing**”. It provides procedures and structures for reporting allegations of abuse and also for receiving support, assistance and redress for the abuse experienced and to meet the ongoing needs the victim might have. Set up in 1996 ‘**Towards Healing**’ was updated in 2007 in response to feedback during consultation with victims, church authorities, the accused and those in roles for responding to complaints, over a four year period. Models of best practise were incorporated into the procedures (www.catholic.org.au/professional-standards).

2.3.4.2 Leaflets detailing the scheme and how to make contact are to be found in every Church in Australia. And the leaflet explicitly acknowledged the abuse of adults as well as children. The leaflet states

“The bishops and leaders of Religious Institutions of the Catholic Church in [name of state] acknowledge with deep regret that a number of people have abused children, adolescents and adults who have been in their pastoral care.

Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority, and a professional misconduct.

Any form of sexual behaviour with a minor or adolescent is always sexual abuse.

It is both immoral and criminal. Clergy, members of religious orders and others who work in the name of the Church are in a special position of trust and authority in relation to those who are in their pastoral case. For example: parishioners, people seeking advice, the sick, people with disabilities, students in schools . . .”

2.3.4.3 The Catholic Church in Australia did not suddenly become aware of the need to respond appropriately to victims of clergy abuse. Coming to that awareness was costly and painful and required a series of inquiries across States in Australia, together with a number of studies which identified the failings within the Catholic Church and the need for procedures that provide support, assistance and redress for the harm caused to victims. The survivor support organisation for victims of sexual abuse in churches, ‘Broken Rites’ campaigned throughout the 1990s and 2000s for Churches to respond to the victims of clergy perpetrated sexual abuse.

2.3.4.4 Central to the response of the Catholic Church are the principles of ***“truth, humility, healing for the victims, assistance to other persons affected, an effective response to those who are accused, and effective response to those who are guilty of abuse and prevention of abuse”***. Where there is no criminal conviction procedures are provided to determine the credibility of the allegation made and to provide an acknowledgement of harm caused, an apology for the abuse suffered and to provide redress so as to provide resolution for the victim. A review process is also provided if either the victim or the accused is not satisfied with the way the case was handled.

2.3.4.5 Two respondents in the MACSAS Survey received support, financial assistance and/or redress from the Towards Healing procedures in Australia.

2.3.4.6 The Anglican Church in Australia has also carried out a number of studies; the Australia Study 2009 referred to extensively in this report and *'The Report of the Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania with a particular reference to Paedophilia'* (Kohl & Crowley, March 1998). As a result the Anglican Church in Australia has developed better ways of responding to the victims of abuse perpetrated within the Anglican Church; a Code of Clergy Ethics and other Codes of Good Practice for those working within the Church have also been developed. The Tasmania Inquiry also considered sexual harassment of women and made recommendations. However it did not recognise the sexual abuse and exploitation of women for what it was.

2.3.4.7 In **Ireland** the Catholic Church set up *'Faoiseamh'*, an independent organisation to distribute a central fund for victims of clergy and religious abuse perpetrated within the Catholic Church and its Institutions. **One in Four** and other survivor organisations in Ireland receive considerable funding from this fund to support all victims of sexual abuse. The fund also provides retreat facilities for victims, and funds for therapy and counselling, and also funds training for those working with both victims and abusers **Faoiseamh** has recently been renamed "Towards Healing" as part of the "Towards Healing and Renewal" programmes taking place in the Catholic Church in Ireland (www.catholicbishops.ie/2011/03/19/healing-renewal-2/).

2.3.4.8 One of the respondents to the MACSAS Survey has received some funding for counselling through this scheme.

2.3.4.9 Once again the Catholic Church in Ireland did not just think this up in a vacuum. **Faoiseamh** was set up following an unrelenting and seemingly endless series of revelations of the child sexual abuse perpetrated by clergy and religious within the Catholic Church and its Institutions in Ireland. The survivor organisation One in Four, set

up by a victim of clergy perpetrated child sexual in Dublin campaigned for years to bring the Church to account. As growing numbers of victims spoke out, and as autobiographies and documentaries were produced, the Irish Government was compelled to respond.

2.3.4.10 In **2000 The Commission of Inquiry into Child Abuse** was set up by the Irish Government, to investigate the widespread and systemic abuse of children that took place in children's care homes, schools and institutions in Ireland all of which were run by the Catholic Church and religious orders. The report heard from thousands of victims was published in **May 2009** and is referred to as the **Ryan Report**. It is a damning indictment on the Catholic Church (www.childabusecommission.ie).

2.3.4.11 In parallel with the Ryan Inquiry the **Residential Institutions Redress Board** was set up by the Irish Government in **2002**. All those abused within Institutions, schools and children's homes run by religious orders and the Catholic Church were invited to claim for compensation through the Board. Newspapers, Irish press overseas, the Big Issue etc carried adverts all over the world: the UK, America, Canada, Australia and elsewhere. A fund was provided contributed to by all the religious orders, the Catholic Church and the Irish Government. To date over 13000 victims of abuse have received compensation and over 1000 more cases are being processed. More than 1 Billion Euros has so far been awarded in compensation and the Irish Government has ordered the Catholic Church and religious orders to provide further funding in recognition of their responsibility and liability for the harm caused (www.rirb.ie).

2.3.4.12 In **2004 a Commission of Investigation** begun into how reported cases of child sexual abuse perpetrated by diocesan priests in the **Archdiocese Dublin** were handled between 1975 and 2004. That Commission led by Judge Yvonne Murphy reported in **November 2010** and is known as the **Murphy Report** (www.dacoi.ie). The commission concluded that Church authorities covered up child sexual abuse by priests, silenced victims and moved priest around dioceses, parishes and countries in order to protect the reputation of the church and its assets. At no time did the church have any regard for the protection of children. Many hundreds more were abused within the Archdiocese after

allegations had been reported to the Church. (See also Archbishop Diarmuid Martin's Conference Address in the USA on 4th April 2011 at http://www.dublindiocese.ie/index.php?option=com_content&task=view&id=2367&itemid=1166).

2.3.4.13 Whilst this may all seem shocking, what in fact it provided for Irish victims of clergy and religious sexual abuse was a means by which victims could tell what happened to them and be listened to, it brought some resolution to the suffering and trauma they had experienced. The Ryan report in particular which did not seek to judge but rather to gather evidence was found to be deeply cathartic as it acknowledged the suffering of the victims and the responsibility of the Catholic church and religious orders for the abuse that had taken place.

2.3.4.14 As a result of the Dublin Inquiry Archbishop Martin has begun a process of transformation within the Catholic Church in Dublin; it is early days but as can be seen from the quote at the start of Part 2 there is at last an acknowledgment of the nature of the changes that must take place within the Catholic Church if the victims of abuse perpetrated within the Church are to receive justice and be restored in their lives. He at least understands the need for a paradigm shift, a turning away from the protection of the Institution and towards responding to the needs of those most hurt and most vulnerable.

2.3.4.15 In the meantime the series of initiatives only 70 miles off the coast of Wales could be put in place here. But without the inquiries, without the painful process of acknowledging the extent of the abuse that took place, the nature of the harm caused and the Institutional dynamics that allowed the abuse to continue for decades, no such procedures and structures for responding to victims will be developed here as the Churches in the UK cannot yet see the need for them.

Summary – Acknowledging the Abuse, Responding to the Victims

2.3.5.0 The Churches in the UK are unable to respond appropriately to the needs of victims until they acknowledge the extent of the sexual abuse perpetrated by those placed in positions of religious, spiritual and moral authority over children and adults within parish congregations, school and children's homes and within other pastoral, spiritual or therapeutic ministries.

2.3.5.1 Until the Churches are compelled to face the reality of what has happened, the suffering caused to the victims and the dynamics that allowed the abuse to continue for decades Church leaders will continue to minimise the abuse, deny the harm caused and ignore the victims. Australia, America and Ireland have shown that this is true.

2.3.5.2 MACSAS contends that only a Commission of Inquiry into Child Sexual Abuse and the Sexual Abuse of Adults within Church communities in England and Wales (and similar commissions in Northern Ireland and Scotland) which focuses on the extent to the abuse, how reported cases were handled by Church authorities, and how victims were responded to will provide the Catharsis necessary to bring about changes that ensure children and adults are safe within Church communities. Only then will Churches be able to develop restorative communities where the needs of the most vulnerable and hurt are placed above the vested interests of the Institutions.



Part 3

RECOMMENDATIONS

RECOMMENDATIONS

This report has not been written simply to criticise the Churches but rather to tell what is happening and to trigger a dialogue in which Church leaders and the wider society look firmly at what is going wrong in the national Churches in the UK. Only when the extent of the problem is acknowledged will fundamental changes within Church Institutions be possible to ensure that both children and adults are protected from abuse by clergy, religious and other church officials. MACSAS has a number of recommendations which could assist in bring about those changes.

Call for an Independent Inquiry

For 20 years the leaders within the Catholic Church and the Church of England/Wales have repeatedly stated that they will respond appropriately to reports of child sexual abuse, and numerous safeguarding/child protection procedures have been put in place. Despite these assurances and procedures there have been repeated court cases where clergy and religious have been convicted of multiple child sexual offences often dating back and continuing for decades and involving a number of children. And repeatedly the prosecution has revealed that Church authorities covered up past reports of child abuse and allowed clergy and religious to remain in ministry despite allegations and in some cases past convictions for child sexual offences. In many reported cases further child abuse took place. The James Robinson case in 2010 involving the Catholic Archdiocese of Birmingham and the Cotton & Pritchard case in 2008 and subsequent CofE Diocese of Chichester Inquiry (2011) are the latest examples.

All the evidence points to the conclusion that the cover up, denial and/or minimisation of child sexual abuse within Churches was widespread, and seemed to be most prevalent within a number of Dioceses and Church Institutions in England and Wales, and may still be going on as victims of abuse perpetrated over the past six decades continue to report cases to Church authorities years after the abuse took place and they first reported: in cases where prosecutions are successful files continue to reveal what was already known by Church authorities, in other cases as seen in the MACSAS Survey reports continue to be ignored.

Until there is an inquiry which uncovers what was known about child sexual abuse by Church authorities and what actions were taken when reports were made, these injustices will continue for decades to come. Justice requires that the truth is told; that victims are allowed to tell what happened to them and be listened to, and that the harm caused to them is acknowledged. Church leaders must accept responsibility for allowing sexual offenders/abusers to continue in ministry and to continue abusing those they were placed in authority over. Only when the truth is known, when responsibility is accepted in its right order and we are left with the incomprehensible truth of what happened, will transformation be possible. To date neither the Catholic Church in England & Wales nor the Church of England and Wales has allowed such an inquiry to take place.

Recommendation 1

That the Government set up an Independent Commission of Inquiry into the handling of child sexual abuse perpetrated by clergy, religious and other church officials within the Catholic Church in England & Wales and the Church of England/Wales.

Such an inquiry should have powers to compel the disclosure of all files of clergy, religious and other church officials containing reports of child sexual abuse. It should receive evidence, both oral and written from victims of child sexual abuse perpetrated by clergy and religious within parish communities and church institutions.

The Inquiry should investigate how cases were handled by Church and religious authorities and should cover the period from 1945 to 2010. It should establish the extent of the abuse and the mechanisms employed by Church authorities to cover up, deny and/or minimise the abuse.

The Inquiry should also examine the impact the abuse and the response of Church and religious authorities had on the victims.

A Change in Sexual Offences Legislation

Clergy and religious are the only group of ‘professionals’ who provide guidance and counselling to people at times of need for whom it is not a criminal offence to engage in sexual relations with ‘clients’. Whilst there is a category of ‘*others*’ within the legislation the police and CPS are reluctant to prosecute these cases unless there are multiple victims and compelling evidence of an existing sexual offence being perpetrated such as rape or assault.

In America at least 18 states have sexual offences legislation that provides specifically for the criminalisation of sexual relations between pastors and ‘clients’ within a spiritual/pastoral setting.

Recommendation 2

That the Sexual Offences legislation be amended to extend the definition of ‘breach of trust’ to include clergy and religious roles. This would make it a criminal offence for clergy, religious and other church officials to engage in sexual activity/relations with adults who come to them for spiritual/pastoral counselling and support or when they are engaged in other ministerial roles. This should include congregants within the parish community, those who seek specific guidance and counselling at times of personal crisis and illness, and those who are on spiritual retreat within religious communities.

Amendments to Safeguarding/Child Protection Procedures within Churches

The findings of the MACSAS Survey have revealed that despite the safeguarding procedures currently in place reports of child sexual abuse are inconsistently responded to. Reports have been disregarded, ignored or forgotten about; victims have been kept in the dark, and have received no response to their reports, and in most cases there was no determination of the allegations made. Clergy and religious reported to Church and statutory authorities by the respondents in the Survey are still in ministry, in some cases despite repeated allegations being made and/or convictions for child sexual offences; and this in 2010.

The analysis of the current safeguarding procedures in place has identified a number of areas where the procedures are too vague and the discretion of the decision makers too wide for the procedures to be consistently effective. Whilst Lord Nolan and Baroness Cumberlege received the assurances of Catholic Church and religious authorities in good faith, the Institutional dynamics that instinctively protect the Institution of the Church were not acknowledged. As a result the well intentioned discretion given within the recommendations made have become a stumbling block undermining the effectiveness of safeguarding procedures within the Catholic Church. The same applies to the procedures within the Church of England.

The following recommendations are to ensure that procedures are consistently and effectively applied so that the welfare of children remains paramount throughout the decision making process. It is also hoped that the recommendations reflect the concept of justice for the victims, so far absent from any procedures.

In the recommendations below a **Credible Allegation** is one where the victim provides enough details to identify the alleged abuser, the location/parish or situation where the abuse took place, and roughly when it took place in terms of year or years. For an allegation to be credible does not require any determination of guilt.

Recommendation 3

All Diocesan and Religious order Safeguarding advisers/commissioners should be professionals within the field of child protection/safeguarding. They should also be independent of the Church/religious order; they should neither be a cleric or member of a religious order, nor related to a cleric or a member of a religious order.

At all times those tasked with the protection of children need to be independent of those they may have to investigate and make decisions upon when allegations of child sexual abuse are reported. Conflicts of interest and personal feelings which may influence decision making can only be minimised by employing safeguarding officers who are not friends or colleagues of the clergy or other diocesan authorities, did not go through training college with them, and did not marry them.

Those who sexually abuse children are highly manipulative and can be wholly persuasive to their friends, colleagues and loved ones.

Recommendation 4

Diocesan and Religious order Authorities and Safeguarding advisers/commissioners should take effective actions in response to all credible allegations of child sexual abuse to ensure that the alleged abusers do not pose any further risk to children.

Too often, even when internal investigations, risk assessments and discussions within Dioceses and religious orders have taken place no effective actions are taken against the alleged offender; time and again this lack of action has resulted in the alleged offender, sometimes with multiple allegations against him, being allowed to remain in ministry where he either continues to abuse children or poses a continuing risk to children.

Allegations made by an adult years after the abuse took place, referred to as '*historic case*', should be handled in the same way as for current or more recent cases. Most cases of child sexual abuse are reported when the victim is an adult, and often decades after the abuse took place. However this makes the abuse no less real, the harm caused no less devastating, and the alleged abusers no less dangerous, unless he is dead.

The use of the term "*historic cases*" minimises not only the seriousness of the allegations made but also responsibility and accountability. These cases are not 'historic' to the victims and are not historic under criminal law, which recognises child sexual abuse as a crime whenever it occurred.

Recommendation 5

The victim of alleged sexual abuse should be informed of the procedures that will be engaged with when they report the abuse, and should be kept informed of all steps taken throughout the investigation and decision making process. A support person should be provided for the victim who is not otherwise involved in the investigation of the case or the decision making process.

There can be no excuse for ignoring the victims when allegations are reported regardless of their age at the time of reporting. It is truly shocking to see in the MACSAS Survey that most of the victims were not kept informed of what was happening when they reported child sexual abuse allegations. Such careless disregard by Church authorities reinforces the perception that cases are being ignored and that the Church is covering up allegations. The time has passed when *'leave it to us'* is a good enough response; dozens of cases have shown that leaving it to church authorities merely meant that the abuser continued to abuse. Ensuring that victims are kept informed throughout the process increases the likelihood of effective actions being taken, as the victims have at the forefront of their concerns that such abuse does not happen to others.

Recommendation 6

Diocesan and religious order Authorities and Safeguarding advisers/commissioners should neither rely upon the procedures and outcomes of criminal justice system nor the criminal standard of proof therein, to determine the nature and extent of the actions to be taken against alleged child sexual offender.

The standard of proof required to secure a criminal conviction is **'proof beyond all reasonable doubt'**; however the standard required to child protection matters is **'proof on the balance of probabilities'**. Currently only 3-4% of reported child sexual abuse cases result in a criminal conviction; this does not reflect the extent of child abuse within society, and the decision taken by the CPS not to prosecute or the return of a 'not guilty' verdict does not mean that child sexual abuse has not taken place nor that the alleged abuser poses no risk to children.

In determining actions to be taken against alleged offenders in child protection cases proof on the **balance of probabilities** must be used to decide the risk posed to children if they remain in ministry based on all the information available at the time; that is whether on the balance of probabilities the alleged abuser poses an ongoing risk to children if he is allowed to remain in ministry.

Child sexual abuse has a devastating impact on children. Often they are unable to tell what happened to them until years after the abuse took place. One child abused can impact on the lives of others for generations. Doubt about guilt must be balanced against ensuring that such devastation is not inflicted on another child.

Recommendation 7

Those accused of child sexual abuse should be suspended from ministry immediately an allegation is made and should remain suspended until all processes and risk assessments are concluded and decisions have been made about what actions should be taken. There should be no exceptions to this.

Too often those accused of abusing children have been allowed to continue in ministry often up to the date of a court hearing which may be many months or even years after an allegation has been made. In order to ensure that children are not placed at risk the accused should not be allowed to continue in ministry until a determination has been made as to the credibility of the allegation and the risk to children posed by the person accused.

Recommendation 8

Diocesan / Religious order Authorities should disclose all information related to any and all allegations of child abuse to the Safeguarding Adviser/Commissioner. They in turn should present the whole information held on any alleged offender to statutory authorities including the police when investigations are undertaken. Diocesan / Religious order Authorities and safeguarding advisers/commissioners should not wait for a request to be made before disclosing any relevant information held to agencies investigating child abuse allegations

From the many reported criminal and civil cases it has been seen that Church and religious Authorities have time and again failed to disclose reports, allegations of and/or past convictions for child sexual abuse held on file when new allegations are reported and/or when police

investigate cases. This reckless behaviour places more children at risk of abuse. There can be no good reason why the paramountcy of children's welfare should be ousted to protect an alleged abuser or the reputation of the Church.

Recommendation 9

A risk assessment should be mandatory for all those accused where allegations have been made. The assessment should be undertaken by independent professionals trained and experienced in the assessment of child sexual offenders. The risk assessment process should be separate from any other statutory processes and focused on the protection of children, not the protection of the accused or the Church's reputation.

Too often risk assessments are either not done, or are carried out by people with little training in the assessment of child sex offenders. As seen in Part 2 of this report only in a small percentage of cases are the alleged abusers sent for a professional risk assessment to such institutions as the **Lucy Faithful Foundation**. Child sex offenders are notoriously persuasive when denying or minimising their offending behaviour and they are highly manipulative of those they perceive to have power over them.

Although most alleged abusers are neither prosecuted nor convicted, that has very little to do with the guilt of the accused but rather to do with the lack of independent corroborating evidence. As seen in the John Jay Study a prosecution is more likely to be secured where multiple victims have come forward than where only one victim has reported.

Given this reality it is difficult to understand why those accused of child sexual offences are not sent for professional risk assessments. Currently it seems as if some filtering process is being used which is underestimating the risk posed by those accused of child sexual abuse when they are not convicted. This is easily fixed by making Independent professional risk assessments mandatory.

Recommendation 10

Where a priest, religious or other church official has revealed child abuse offences in the course of formal confession, the Confessor should inform the penitent that he will report the disclosure to Church/Religious order authorities and safeguarding officers notwithstanding the seal of the confessional.

In all other professions working with children, where a person discloses that they have committed a criminal offence against a child there is a duty to report such disclosure to child protection/safeguarding officers and/or to the police. The same standard should apply to clergy and others within the Church.

MACSAS recommends that all Diocesan and Religious Order authorities inform congregations, clergy and others in positions of trust within the Church that the Seal of the Confessional will not apply to disclosures of criminal offences perpetrated against children.

This is not about forgiveness and there is no place for secrecy in repentance. Crimes against children and harm to children were condemned by Jesus Christ in the strongest terms. Therefore to not safeguard children under the pretext of the seal of the confessional is contrary to the teaching of Christ set down within the Gospels

Recommendation 11

All credible allegations of child sexual abuse should be reported to the Independent Safeguarding Authority (ISA) in accordance with the Safeguarding Vulnerable Groups Act 2006.

All employers should inform the ISA of employees and volunteers who may have harmed or may pose a risk of harm to children or vulnerable adults; this applies to clergy and religious within Churches. Where a credible allegation has been made or multiple allegations have been made the accused should be reported to the ISA when there is no criminal conviction.

Recommendation 12

Where a priest/religious or other church official has been convicted of a sexual offence against children, has otherwise been deemed to have committed such offences, and/or has been deemed to pose an ongoing risk to children, s/he should not be allowed to continue in ministry, s/he should be permanently removed from ministry, and steps should be taken to have him/her laicised or Dismissed from the religious community. S/he should not be allowed to minister in a seemingly child free environments, or be granted permission to officiate (PTOs).

When victims see their abuser continuing to minister at religious services, wearing robes and acting like moral leaders they find it deeply offensive and disturbing. Some are re-traumatised when they see the person they thought they had put in prison or whom church authorities had assured them would be dealt with, back in ministry.

One of the ways child abusers access children is through positions power and status. The clerical state endows power and authority on clergy. If a teacher, social worker or doctor is found to have abused children s/he is struck off from the professional register. The same should apply to clergy, religious and others in church ministry.

The theology within Churches which makes ordination non reversible needs to be amended to recognise that where Church authorities find that ordained clergy and religious have sexually abused children using their ministry to do so, their ordination can be deemed invalid. A person who is sexually abusing children before ordination should never have been ordained in the first place and yet we see time and again in the MACSAS report that they have been. Clergy who have continued to abuse children for decades using their ordained ministry to do so are clearly not ordained by God to commit such heinous acts and yet in all cases the perpetrators have used their ministry to enable the abuse to take place. This is not about theology but about sexual predators gaining access to children through ordination.

Whilst forgiveness may be possible for these people, this does not mean that the offender should remain in ministry nor that s/he should continue to have power and authority over children through his or her clerical status.

Recommendation 13

Diocesan/Religious order authorities and safeguarding officers should keep written records of all allegations of child abuse made against a member of the clergy, religious or other church official, whether credible or not, and record all actions taken, from interviews through statutory proceedings and risk assessments made to decisions taken following each allegation reported. All such files should be checked when an allegation is made.

Even where an allegation is deemed not credible a record should be kept on file with a full record of the decision making process. This will ensure that decision making processes are not short-circuited avoiding proper investigation and consideration of all matters. It will also ensure that multiple 'not credible' allegations against the same person can be identified and the risk posed reassessed.

Sometimes an allegation is not credible because the victim cannot remember due to his age at the time of the abuse and/or the trauma caused, and not because nothing happened.

Recommendation 14

A safeguarding coordinator in all parishes/religious communities should be informed of all clergy, religious and other church workers working within the parish/religious community who have recorded allegations of child abuse on file and the outcome of any investigation and risk assessment.

As the body responsible for the welfare of children within a parish or religious community, they must have sufficient information to determine the risk posed to children by any priest, religious or church worker within the community. Before a member of the clergy/religious is moved to

another parish, community or diocese his file should be given to the Diocesan/ religious order authorities and the coordinator safeguarding coordinator should be informed of all allegations on file and outcomes of any investigations and risk assessments before a determination is made whether to accept him or her as a minister.

Recommendation 15

The National Safeguarding Adviser within each Church should collate a record of all allegations and reports of child abuse made within all Dioceses and religious communities. The record should include the outcome of any investigations, the actions taken by statutory authorities and actions taken by diocesan /religious order authorities in respect of each allegation made. A summary of this record should be published annually and made public to ensure transparency of safeguarding processes to reassure congregations and victims that all allegations have been heard and acted upon.

Currently the Church of England has no procedures for collating reported cases from Diocese and religious communities. The National Safeguarding adviser does not receive information on reported cases and is not informed of actions taken. How can that person advise Church Authorities if s/he is not informed of what is happening. The Diocese of Chichester inquiry clearly makes this imperative as independent advise could have been given far sooner had such procedures been in place.

Whilst the Catholic Church does collate information nationally it is very difficult to see what actions are taken when cases are reported. The record of Church actions are vague and incomplete. From the current statistical information it appears as if very little effective action is taken to remove alleged offenders from ministry if this is true it is deeply concerning and if not all members of the Catholic Church should be told what is happening so that they can be assured that their children are safe within their parishes and Church institutions.

Procedures for responding to cases of Adult Sexual Abuse

Currently no Church in the UK has specific procedures that recognise the betrayal of trust and the abuse of power and authority that is involved when clergy, religious and other church officials engage in sexual activity with congregants and those who seek pastoral/spiritual guidance and counselling. This is shocking. The prevalence of clergy and religious perpetrated sexual abuse has been identified in numerous studies across four continents: America, Europe, Africa and Australia. The harm caused to victims has been documented in numerous studies in the UK and USA.

The MACSAS Survey identified that many of the priests and ministers who were reported to have abused adults, had multiple allegations against them dating back over decades. These were clearly sexual predators using their ministry to abuse women and men. Despite what Church authorities knew of these abusers little if any effective action was taken against them to ensure other women and men were not placed at further risk of harm.

In the 21st century it is time not only for the law to recognise this sexual abuse as criminal but for Churches to recognise that those who perpetrate such abuse are not fit for ministry.

Recommendation 16

All Churches should put in place national procedures for responding to allegations of adult sexual abuse, exploitation and/or harassment perpetrated by clergy, religious and other church officials.

Such procedures should recognise the betrayal of trust and abuse of power involved when a minister engages in sexual activity with a member of the congregation and with those who come to him or her for spiritual and/or pastoral counselling and support.

The procedures should set out the stages of investigation and decision making that will be involved, and provide a support person for the victim/s of abuse.

The procedures should be developed in consultation with organisations that support those abused by clergy and religious, such as MACSAS.

Had Churches listened to victims of clergy perpetrated child sexual abuse and organisations that support them in the 1990s and 2000s the safeguarding procedures in place would not be as flawed as they are now. Similarly when drawing up procedures for responding to adult sexual abuse cases Churches need to listen to the experiences of victims who have tried to report these cases in the past. They know what is required to protect others and why, as they have been so grievously harmed not only by the sexual abuse but by the failure of Church authorities to respond appropriately or at all.

Recommendation 17

When determining the actions to be taken against those accused of adult sexual abuse Codes of Conduct for clergy and religious should be revised to specifically provide for cases of adult sexual abuse, exploitation and harassment which acknowledges the harm caused to the victims and the need for appropriate actions to be taken in order to protect others from further abuse and harm.

It is offensive to victims to find that where any Disciplinary procedures are engaged with the offence is described as “*misconduct unbecoming ministry*” or some such phrase; as if it is the ministry that is offended against and not the victim/s. While the language of the Codes continue to deny the nature and seriousness of the abuse perpetrated and the harm caused to the victims, the sanctions imposed will not be sufficient to protect others (see for instance the case in North Wales, reported in the Survey).

As the harm caused to those sexually abused by clergy and religious is of the same order as for victims of child sexual abuse, the sanctions for such offences should start from removal from ministry and laicisation, deposition from Holy Orders or dismissal from the religious order.

Recommendation 18

The implementation of Safeguarding procedures within Dioceses should be monitored at all times and reviewed regularly by an Independent Safeguarding Authority outside of the control of Church of England, such as Social Services, to ensure that decision making is consistent and effective in all cases.

Cases within the Dioceses of Sheffield and Chelmsford reported to the MACSAS Survey and the Cotton and Pritchard case in the Diocese of Chichester evidence the need for independent scrutiny of the decision making process and the actions taken by Diocesan authorities when allegations of abuse, police investigations and/or other criminal proceedings have taken place. This will ensure that alleged offenders do not remain in ministry where they may continue to pose a risk to children even when upwards of 14 allegations of child sexual abuse have been made against them and they have confessed to their Bishop.

Such independent scrutiny would ensure that the welfare of children remains paramount even through the tangled web of allegations, investigations and inconclusive outcomes.

Responding to those who report allegations of sexual abuse

The title of the MACSAS report is “**The Stones Cry Out**” and is a direct reference to the ongoing failure of Church authorities to respond to the victims of sexual abuse perpetrated within Churches. The MACSAS Survey found that little if any support or redress was offered to victims. There was no acknowledgement of the harm caused to them, no apology for the abuse that took place and no determination of the allegations made which would have allowed for some process of restitution or restorative justice. This is disgraceful from those who purport to represent Christ in their sacramental and pastoral ministry.

Church leaders defend their inactions by claiming that abuse within the Churches is no worse than abuse in the wider society and question why they should take responsibility for or provide

any redress to victims. Such a defensive response is wholly at odds with what is known about the Institutional dynamics that have allowed abuse to continue within Churches for decades, both of children and or adults. It is also at odds with the teaching of Christ. If the mission of the Christian Churches is about relational transformation; transforming the relationship of people to God, the self and to the world through the resurrection of Christ, then the Churches are singularly tasked with engaging with the victims of relational trauma such as child and adult sexual abuse. It is the betrayal of that task, as much as the betrayal of trust and abuse of power involved in the sexual abuse of children and adults by clergy and religious, that is so destructive to the Churches.

Whilst Diarmuid Martin, Archbishop of Dublin and Primate of Ireland has spoken of the need for the Churches to become '*restorative communities*' he was also aware of the need for a radical change within the Institution; a paradigm shift away from the protection of the Institution and its clergy and towards ministering to the needs of the most vulnerable, the abused and the disempowered. That is a long term project, in the meantime procedures and programmes can put in place for responding to victims of sexual abuse perpetrated within the Churches

Recommendation 19

All Churches should have in place national procedures for responding to those who report allegations of child and adult sexual abuse by clergy, religious and other church officials.

These procedures should include assistance and support for all who report allegations. The person providing support should not be involved in the investigation of the case. The assistance should include counselling funded for as long as required by the victim.

When developing these procedures regard should be had to the procedures within the '**Towards Healing**' processes in place in Australia and Ireland, set up by the Catholic Church.

Victims of clergy and religious perpetrated sexual abuse and organisations that support victims should be involved in developing the procedures.

Recommendation 20

All reported cases of child and adult sexual abuse should be investigated to determine whether the allegation is substantiated. This may happen through the criminal justice process, however over 90% of reported cases of child sexual abuse do not result in a conviction, and the criminal justice system does not yet recognise adult sexual abuse and exploitation by clergy and religious as criminal due to confusion over whether clergy are ‘professional’ which itself is based on an unacceptable argument by Church authorities that they are not.

A panel should be convened to determine whether the allegation is substantiated on the balance of probability having regard to all information available.

Where a risk assessment or other process has determined that the allegation/s of abuse are substantiated the victim/s should not have to prove their case through further investigations. Victims should receive an acknowledgement of the harm caused to them by the abuse and an apology from the Diocesan Bishop and should be offered a process for determining the redress to be provided in acknowledgement for the harm caused and their future needs.

Church insurers have compelled Church authorities to remain silent and not to enter into any discussion about the truth of allegations or liability with the victims. Victims are therefore left with no option but to turn to the civil courts to have their allegations substantiated and to receive an apology and acknowledgement of harm caused that so many seek after years of guilt, shame and suffering (see for instance the Cotton & Pritchard case study above). The civil litigation process which victims are forced to engage with even after criminal convictions have been secured re-traumatizes the victims who are left angered by the indifference and carelessness to their suffering exhibited by Church authorities.

The St William’s Children’s Home case currently heading for the Supreme Court despite the conviction of a number of child sex offenders is the most disturbing of these cases and involved

158 victims. The Catholic Diocese of Middlesbrough is fighting desperately to avoid liability for the harm caused to the victims. The victims want an acknowledgment of the harm caused to them.

In the John Jay Study 2004 and the Australian Study 2009 the majority of reported cases were substantiated by Church authorities even where convictions were not secured; through the accused admitting or not denying the offences alleged, by corroborating evidence such as other allegations being made, and/or by the facts of the particular case. It is therefore possible to reach a determination on the allegations made in many cases.

The '**Towards Healing**' Procedures in Australia and Ireland should be considered as examples for national procedures for responding to victims of child sexual abuse. Victims of clergy and religious perpetrated abuse and organisations supporting them should be involved in developing these procedures to better respond to the needs of victims.

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Appendices

1. Survey form

MACSAS SURVEY 2010

INFORMATION SHEET

MACSAS (Minister and Clergy Sexual Abuse Survivors) is an organisation run by and for people who have been sexually abused or exploited by a minister or clergy person either as a child or as an adult within Christian Churches in the UK.

MACSAS is seeking to establish the prevalence of sexual abuse by ministers, clergy and religious within Christian Churches in the UK and the effectiveness of current policies and procedures used within Churches to prevent sexual abuse and exploitation, deal with allegations raised and provide redress for victims. MACSAS is particularly concerned to find out whether victims have been able to report incidents of clergy or minister sexual abuse or exploitation to church authorities and whether they have been offered support, compensation or other forms of restorative justice within their church communities.

The Church of England carried out a past cases review of all reports of child abuse by clergy in all Dioceses in England & Wales in 2008 – 2009 and a report of its findings is due to go before the House of Bishops in February 2010. Four Roman Catholic dioceses within England and Wales have also carried out past case reviews as of January 2010. The full findings of these reviews are not to be made public for fear of adverse reaction. There has been no recognition by Church authority, to date of the prevalence and harm caused by the clergy sexual exploitation and abuse of adults.

MACSAS intends to publish the findings of the 2010 survey, highlighting how allegations of Clergy and Minister sexual abuse/exploitation have been handled by church authorities and the support and redress offered to victims.

The MACSAS Survey 2010 will be conducted throughout 2010 and findings will be published in 2011.

CONFIDENTIALITY

MACSAS will ensure the confidentiality of those who complete this survey. Only MACSAS committee members will be able to view the completed forms and all are survivors of clergy and minister sexual abuse. If you wish tell us the name of the alleged abuser MACSAS can build up a picture of multiple allegations against the minister.

If you would like to receive further details and information from MACSAS or become a member of MACSAS please send your contact details with the completed form or contact us in any of the following ways:

MACSAS CONTACT details: PO Box 46933, London E8 1XA www.macsas.org.uk
Email: macsas1@hotmail.com Helpline: 08088 01 03 40 (Tues 1 – 5pm; Weds 6 -9pm)

MACSAS SURVEY 2010

To complete the Survey please download this form and either print off or save to your computer. When you have completed the form please return to:

MACSAS, PO Box 46933, London E8 1XA

Or email your completed form to macsas1@hotmail.com clearly stating MACSAS SURVEY 2010 in the subject box

PART A: To be completed by anyone who has ever been the victim of sexual abuse or exploitation by one or more of the following:

- (i) A priest, vicar or church minister
 - (ii) Any other person with a ministerial role within a church community
1. At the time the alleged abuse started were you a child (under the age of 18) or an adult (over the age of 18)? _____
 2. What is your gender? male _____ female _____
 3. When did the alleged abuse take place? (Please specify the year/s) _____
 4. Who was your alleged abuser?
 - (i) Priest/vicar/minister _____
 - (ii) Other (please state) _____

(You may wish to give the name of the alleged abuser – see Information Sheet)
 5. Please provide the following information about you alleged abuser
 - (i) Gender (male or female) _____
 - (ii) Church denomination _____
 - (iii) Diocese/circuit/geographical area _____
 6. How did you meet the alleged abuser?
 - (i) I was a member of the church congregation _____
 - (ii) I was a member of a children or young person's group _____
 - (iii) I was a choir member/altar server _____
 - (iv) I was a co-worker _____
 - (v) I went to him/her for pastoral/spiritual support _____
 - (vi) Other (please specify) _____

7. How long did the alleged abuse last?

- (i) One-off incident _____
- (ii) Up to a month _____
- (iii) Up to one year _____
- (iv) Between 1 and 2 years _____
- (v) Between 2 and 5 years _____
- (vi) More than 5 years (please state how long) _____

8. Did you report the alleged abuse to anyone within your church?

- (i) Never reported _____
- (ii) A minister/member of the clergy _____
- (iii) Another church worker _____
- (iv) A church leader, such as a Bishop (please specify) _____
- (v) Other (please specify) _____

9. When did you report the alleged abuse?

- (i) Whilst the abuse was still going on? _____
- (ii) Within a year of the abuse ending? _____
- (iii) Between 1 and 2 years of the abuse ending? _____
- (iv) Between 2 and 5 years of the abuse ending? _____
- (v) More than 5 years after the abuse ended? (please specify) _____

(Please complete Part B to give further details)

10. Did you report the alleged abuse to any other agency?

- (i) The police _____
- (ii) Social services _____
- (iii) Other (please specify) _____

If so please give further details including:

- (i) When you reported the alleged abuse (year) _____
- (ii) Details of the outcome _____

(Please continue on a separate sheet if necessary)

