

MACSAS Submissions for NCSC/CSAS Joint Presentation

See also MACSAS Report – “The Stones Cry Out” (2011)

1. What are we talking about?

Are these talks about developing a pastoral response to all victims of child abuse in the Catholic Church, or are they about developing procedures for responding to the victims of abuse perpetrated within the Catholic Church by clergy and religious, or are they about both?

MACSAS is concerned that the Catholic Church is seeking to develop a ministry for pastoral responses to all victims of child abuse – a response that does not require taking responsibility for the abuse of both adults and children perpetrated within the church, nor a commitment to working directly with the victims, funding open –ended counselling, providing a support person, determining all allegations and complaints made and providing redress for the harm caused. Victims of abuse perpetrated by church officers (clergy and religious) require more than a pastoral response within their parishes and signposting out to survivor organisations. Many are not even in their parishes.

The MACSAS position is that the procedures for responding to victims of sexual abuse within the Catholic Church should not be separate from the Procedures for responding to allegations of sexual abuse. The only way to ensure effective safeguarding within the church and of ensuring that allegations are effectively responding to and proper determinations are made, is to have at the heart of those procedures the awareness of the harm caused to victims and their needs.

The Towards Healing Procedures in Australia do that (One in Four have the latest version given last week) and should be the basis of discussion of how and what is required in the England and Wales.

We cannot support a policy and procedures to be developed which separate the response to victims of sexual abuse from the procedures for responding to allegations of abuse as would be suitable say for developing a ministry for working with people abused in childhood generally. We also want to include within the procedures and programmes developed provision for those sexually abused by clergy and religious as adults.

However MACSAS wholeheartedly support the development of services for all victims of child abuse within the Catholic Church. However this must not be done at the expense of the victims of abuse perpetrated by clergy and religious.

Members of MACSAS have been calling for the development of pastoral and spiritual support and liturgical response within all the Churches since the late 1980s when CSSA was formed.

2. Statistics and Facts on Child Sexual Abuse in the UK and within the Catholic Church in England and Wales

In order to determine what provision is required to support victims of abuse or sexual abuse or whatever kind of abuse we are talking about, again unclear, we need to have some idea of numbers.

WIDER POPULATION

In 1997 the Office of National Statistics gave the child population of the UK as 12 million.

(i) The NSPCC Study 2000 (Cawson et al)

2869 young adults aged 18 to 24 were surveyed to find out the prevalence and nature of Maltreatment of Children in the UK. Looking specifically at child sexual abuse the survey found:

- 4% of those survey were sexually abused by a relative
- 8% were sexually abused someone known to them but not a relative
- 4% were abused by a stranger, or someone not previously known to them
- In total 16% reported being sexually abused before the age of 16
- 72% of those abused did not tell anyone of the abuse at the time, 27% told someone later and around one third had not told anyone by early adulthood
- Only 4% of all cases reported to the police result in a criminal conviction

(ii) NSPCC – ChildLine Calls 2005/2006

- In the twenty years ChildLine had been running between 1986 and 2006 175,000 children had phoned reporting sexual abuse
- In 2005/2006 9,279 children called to report sexual abuse which was 6% of all calls to ChildLine
- 73% of callers were girls
- 43% of these callers had told someone else, 57% had told no one else.
- Only 12% of the 43% who told someone told police.
- Boys were less likely to tell than girls.

(iii) NSPCC – ChildLine Calls 2008/2009

- In total 16,094 children called to talk about child sexual abuse (10% of all calls)
- 46% had told no-one else
- 14% phoned ChildLine within a week of the abuse occurring
- Boys are increasingly reporting sexual abuse.

- Of the 75% who gave their age 21% were aged 5-11; 53% aged 12-15; and 26% aged 16-18
- A Lancet Study by Gilbert et al (2008) quoted in the NSPCC report estimated that 5-10% of girls and 5% of boys had experienced penetrative sexual abuse and that up to three times that number had experienced other forms of sexual abuse.

(iv) NSPCC Study 2011

The NSPCC carried out another Survey this time of 18 - 24 year olds and also of 11-17 year olds. The survey took place in 2009. This is what they found:

- One in nine 18-24 year olds reported being sexually abused before the age of 16
- One in twenty 11-17 year olds reported being sexually abused (clearly there is time for some off these to be abused, given the demographics of when abuse occurs)

(v) The NSPCC obtained information from police forces on reported cases of child sexual abuse in 2009/2010 throughout England and Wales under the Freedom of information Act (May 2011).

- An estimated 64 children are sexually abused very day in England and Wales
- More than 23,000 sexual offences against children under the age of 18, including rape incest and gross indecency were reported to police in 2009/10, an 8% increase on 2008/09
- 16,864 sexual crimes against children under the age of 16 were recorded in England and Wales in the year 2009/2010
- 31% of all sexual crimes recorded in England and Wales in 2009/10 were sexual crimes against children under 16
- NSPCC stated that the increase in reported cases of child sexual abuse was a real concern
- More than 1000 reported cases involved children below the age of four; one in four were between 5 and 11 and over half were aged between 12 and 15
- 88% of the victims were girls, making them 6 times more likely to be sexually abused than boys
- In May 2011 John Brown of the NSPCC made a public statement that “Most child sexual abuse goes undetected, unreported and unprosecuted” (www.bbc.co.uk/news/education-13542007)

The Equality & Human Rights Commission website: Violence and Harassment

A report called How Fair is Britain found on the website clearly states that over 95% of cases of child sexual abuse go unreported to the police in the UK.

Sex Offenders Register

Donald Finlater of the Lucy Faithfull Foundation stated in February 2011 that the approximately 34,000 offenders on the sex offenders register represents only an estimated 10% of all sex offenders. Most are not caught, and if they caught most escape prosecution (www.bbc.co.uk/news/mobile/magazine-12478584).

There is little or no evidence that the prevalence of Child sexual abuse in the UK is diminishing despite the twenty five years of focus on this issue and the safeguarding procedures and legislation now in place.

CATHOLIC CHURCH in England and Wales

There has been no study done on the prevalence of child sexual abuse within the Catholic Church in England and Wales.

However there is information available from a range of sources that could assist in estimating a number of victims abused within the Catholic Church. From the information below a figure in the **Thousands** would be a good estimate.

- (i) **From the MACSAS Report 2011** (download at www.macsas.org.uk)
 - The MACSAS Survey identified **25 Catholic priests and religious** not previously convicted of any sexual offences against children **and 10 other priests were not named**, so it is not known if they had previous convictions. It is not known how many more victims these perpetrators had.
 - **Convictions known about in the UK** (see MACSAS Survey)
 - (i) **Four priest convicted between 1990 and 1993:** multiple abusers
 - (ii) Clonan (Archdiocese of Birmingham) fled the country – prolific abuser with many victims, total unknown
 - (iii) **Between 1993 – 2009:** A further **37 priests convicted for 330 sexual offences against children**. Many had multiple victims (eg the are currently 14 victims bringing civil cases for the abuse perpetrated by William Green)

- (iv) **In 2010** James Robinson convicted for 21 offences against children; and in 2010 the Diocese of Salford named Monsignor Duggan and a multiple child sex offender (6 victims are taking claims against Duggan currently)
- (v) In addition we know for instance that Gallanagh (2005) only pleaded to sexual offences against two boys, another 11 charges against five other boys were left on file. The number of victims is more than that given in the court records

(ii) From Solicitors working on civil cases

- In one children's home 158 victims of child sexual abuse are claiming compensation from the catholic church (St William's Children Home, Middlesbrough)
- Jordans solicitors currently has **178 claims from victims** of sexual abuse by priests and religious in the Catholic church
- Pannone solicitors has currently **25 claims** brought by victims of clergy and religious in the Catholic church

(iii) Institutions investigated or reported to date

- **De La Salle Brothers – St William's Children Home** (three abusers convicted, 158 victims bringing civil claims)
- **Ampleforth – Benedictine School (Prep School closed down by Charities commission – four convictions)**
- **Stoneyhurst – Benedictine School** (Up to eight offenders identified, only one successful conviction)
- **Douai Abbey – Benedictine Community** (two offenders so far identified)
- **Worth Abbey – Benedictine School**
- **Ealing Abbey – Benedictine School (Fr David Pearce ex HT, abused continued over four decades)**
- **Buckfast Abbey – Benedictine School** (Abbott convicted)
- **St Mary's College – Christian Brother, Liverpool**
- **Priory Park – Christian Brother, Hexham & Newcastle**
- **Fr Hudson Children's Home, Birmingham** (Eric Taylor, prolific child sex offender)
- **St John's School for the Deaf, Leeds** (9 claimants in civil cases against Gallanhar)
- **Tingwell Hall, School for those with Learning Difficulties – Brothers of Charity, Liverpool**

There were multiple victims in these institutions and others not named either in our Survey

(iv) **Reported cases since 2000 from the Catholic Church Commission and COPCA/NCSC reports**

- The Nolan Commission stated that between **1995 and 1999** 21 priest had been convicted (should be in those included above), **6** had received a caution and a further **75 priests** had been reported but no conviction or caution.
- From COPCA/NSCS Annual reports from 2002 to 2009 we know to the best of our calculations that in that period there were **548 allegations** of child abuse made, of which 435 were sexual abuse allegations (79% of all allegations). There were **686 victims** of which 535 are reported to have been sexually abused (78% of all victims).
- From the COPCA reports we know that only 5% of those accused of child abuse were convicted and a further 2% were cautioned
- From the annual reports we know that **157 cases of child abuse were reported have occurred in the period 2004 and 2009** (i.e. were current or near current cases). This figure must be placed in the context of what is known in wider society that as much as 95% of child sexual abuse goes unreported to police and few report the abuse when it happens (14% NSPCC).
- Again from the figures presented in the Annual reports out of the **548 alleged offenders** reported **375 were clergy or religious** (68% of all reported offenders). It should be remembered clergy and religious make up only approximately 0.1% of the Catholic population in England and Wales

(v) **The Catholic Church knows how many victims have come forward reporting cases of child sexual abuse in Dioceses and in Religious orders.**

- The Catholic Church knows how many victims have reported cases of child abuse and child sexual abuse that has taken place in the past fifty years. Most of the victims are still alive.
- The Catholic Church could easily carry out a survey of all dioceses and religious orders in England and Wales and ascertain how many reported cases there are on file. This would give us some kind of estimate, albeit an underestimate of the number of victims, that could then be doubled at least.
- We could also find out how many children have been confirmed in the past 50 years into the Catholic Church and estimate a number from the percentage of children estimated to be abused in childhood in the wider population to give a picture of need within the Church generally.

(vi) **The US as a comparator**

The John Jay Study (2004)

The prevalence of child abuse among clergy in the USA between 1950 and 2002 was investigated by the John Jay Criminal Studies Unit at New York City University. **The study was commissioned by the US Conference of Bishops which meant Bishops and Religious leaders could be ordered to take part in the study**

- The report estimated that 4% of clergy had abused children (the figures looked at ranged from 3% to 6%)
- The number of victims was almost three times higher than the number of offenders.
- **This report has been heavily criticised because the study relied entirely upon reports from Diocesan Bishops and the heads of religious orders. It is therefore believed to underestimate the number of victims abused and the number of abusers**
- As to the number of victims per abuser: 56% were reported to have only one victim; 27% had been 2 and 3 victims; 14% had between 4 and 9 victims and 3.4% had more than 10 victims and were in fact responsible for abusing almost a third of all victims (2,960 victims by 149 priests)
- Only 6% of the accused were convicted of an offence.
- However 80% of the 5682 reported cases that were investigated within the church were substantiated.
- Only 1.5% of reported cases were found to be false

The John Jay Study (2011)

A follow up study looked at the context and causes of clergy perpetrated child sexual abuse in the US between 1950 and 2010. **An estimate of the % of Catholic children abused is given there but the figure is wholly unreliable due to the delay in reporting cases of child sexual abuse that has been noted in every study of child sexual abuse across three continents.**

(vii) Ireland

It should be remembered that the Irish Government commissioned a series of inquiries into the Abuse of Children in Residential Institutions and Schools in Ireland and into Clergy perpetrated sexual abuse of children within The Archdiocese of Dublin and the Diocese of Cloyne.

The Ryan Report (Nov 2009) www.childabusecommission.ie

- The unique situation in Ireland was that all children institutions, care homes, industrial school and state school were run by Catholic religious orders in the republic of Ireland until the 1990s.
- Over 100,000 children passed through these residential institutions and schools between 1950 and 2002
- Over 15,000 victims of child abuse came forward when the Residential Institutions Redress Board was set up to compensate victims in 2002 (www.rirb.ie) Applications are still being received as the law was changed to extend the deadline for claiming and adverts for claiming are found here in the UK in Irish papers and papers for the Irish Diaspora who came to England from the 1950s onwards.
- Over 1.5 billion Euros has so far been paid out to the victims.
- It is estimated that over 30% of victims of child abuse perpetrated by the catholic church came to England (see Sally Mulready's submissions)

The Murphy Report (November 2009)

The Cloyne report (expected Summer 2011)

These reports looked at clergy perpetrated sexual abuse within the Dioceses. In the Murphy report the prevalence of abuse was not considered, however one priest is estimated to have had over 1000 victims in the Archdiocese of Dublin.

It is not known how many children in Ireland were abused by clergy and religious. **From the Institutions and from one diocese, Dublin there are now almost 20,000 victims identified**

***Faoiseamh* (Towards Healing)**

Provides support and funding for victims of abuse in Ireland and is funded by the Catholic Church, religious orders and the Irish Government. Compensation as well as funding for counselling, and residential therapeutic support for victims provided. Also provision for offenders and training programmes are provided. All organisations working with victims of abuse can access funding through his central fund.

3. Previous commitments by Catholic Church to Respond to Victims and Details of support and services previously identified through inquires, commissions and working parties

- **1992 Bishop Budd** stated that *“Justice must be done to all parties”*
- **1993 Bishop Budd** promised *“more help for victims”*
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- The **1994 Pastoral Guidelines** produced by Bishop Budd, in consultation with member who later formed MACSAS were not followed
- **2001 Nolan Commission Recommendations** were accepted by Bishops Conference and included the need to support victims of clergy abuse.

The recommendations included

“71. A ‘support person’ should be available to those who have, or may have, suffered abuse . . . to assist them in making a complaint, to facilitate them in gaining access to information and other more specialist help, and to represent their concerns on an ongoing basis.

72. Support may continue to be needed long after the allegations has been dealt with. The Church should do whatever it can to support and foster the development of support services to meet the needs, including the spiritual needs, of survivors and their families. The National Unit should compile a database of such services.”

Whilst inadequate in detail even this limited level of support has not been provided for victims some ten years after the report was published.

- **2001 Time for Action**, an ecumenical response to child sexual abuse produced by CTBI after a two year working party consultation process. **Many recommendations** were made for supporting victims of again accepted by the Bishops Conference:

The recommendations included:

- That member churches of CTBI make available appropriate and acceptable pastoral care for those who have experienced sexual abuse*
- That member churches of CTBI consider providing appropriate funding for survivor organisations*

- (iii) ***That the members of churches of CTBI develop policies and procedures relating to allegations of sexual abuse and that these policies and procedures be widely publicised***
- (iv) *That churches nationally and regionally identify and make available to ministers and others lists of support groups, agencies and other resources appropriate to the needs of those who have experienced sexual abuse*
- (v) ***That the members of churches of CTBI look again at their complaints and discipline procedures to ensure they are just and that there are appropriate and accessible mechanisms for complaints of sexual abuse to be made, heard and dealt with.***
- (vi) *That member churches in their ministerial training programmes provide adequate education concerning appropriate professionalism, the dangers of misuse of power and the importance of maintaining boundaries in pastoral relationships*
- (vii) ***That within the member churches of CTBI training programmes for ministers, incorporate mandatory study and discussion on the causation of sexual abuse, along with appropriate training on child protection matters and pastoral training in how to deal with incidents of sexual abuse and how to respond to the needs of survivors***
- (viii) *That within the member churches of CTBI training in human sexuality, relationships and human development be provided in theological colleges and seminaries on courses and in continuing ministerial education.*
- (ix) ***That within member churches of CTBI provisions for the equivalence of 'supervision' for those working in pastoral care be a requirement for the continuation of ministry***
- (x) *That within the member churches of CTBI increased 'pastoral care' be provided for those involved in ministerial programmes.*
- (xi) ***[other stuff about theological reflection and updating understanding of human sexuality]***
- (xii) *That clear codes of professional ethics and structures for accountability be developed by member churches and applied to and by those placed in positions of pastoral care and leadership*
- (xiii) ***That within the member churches of CTBI strong action be taken to end the culture of silence and secrecy that surrounds many aspects of ministry and church life and to encourage transparency in procedures***

- The working party that produced this excellent report heard evidence from professionals and organisations across the Country and sat for two years. Little if any of the recommendations have been put into effect. We do not need to reinvent the wheel we just need to do what we have already identified as needs doing.
- **2006 ‘Healing the Wound’** was produced following two years work by a working party set up by COPCA, and tasked with developing procedures for responding to victims of clergy abuse. The central recommendations of the working party were not accepted by the Bishops, the resulting document “Healing the Wound” lasted a few months before being withdrawn a totally inappropriate response to victims fixated as it was insurance concerns and limiting the church from liability.
 - A working party also met to consider those abused as adults by clergy and religious but after two years of hard work again the entire report was rejected by the bishops Conference.
 - **2007 Cumberlege Commission Recommendations** – accepted by the Bishop’s Conference

The recommendations included

“41. Bishops and congregational leaders and those acting on their behalf should apply the civil standard of proof in the investigation and determination of any matter relating to the abuse of children and vulnerable adults.

52. Those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the church. Bishops, Congregational leaders, priests and religious must take a lead in ensuring that the church is a safe place for vulnerable people and in showing pastoral concern for all who have suffered abuse. This duty is particularly pressing when the abuse has taken place within the family of the Church.

53. The Church should encourage those who have been abused by someone working in the name of the Church to come forward and to disclose the abuse.

56. The national policy for responding to allegations of abuse should indicate the timescale within which action should normally be taken, and to whom the matter should be referred if a satisfactory response is not received.

57. Particular attention should be given to the role of the ‘support person’ recommended by the Nolan report.

58. The person receiving support may request that the ‘support person’ should not be a member of the clergy of the diocese or of the congregation in question, and wherever possible the diocese of congregation should respect that request.

59. The CSAS should ensure the co-ordination of support for victims where the alleged abuse covers several dioceses and religious congregations.

61. The Church should not ask victims to sign a ‘confidentiality agreement’ if the purpose is to inhibit other victims coming forward or to conceal abuse when this has been established in a court of law.

64. An allegation made against a person who is dead or not capable of responding to the allegation should be listened to by the Church and responded to as far as possible. This should be done even though it will often be difficult to establish the truth; the statutory authorities may not be willing to investigate the matter; and even though it may be impossible to sustain claims for compensation.

Modest as these recommendation are and falling far short of the CTBI Time for Action recommendations, these still have not been put into effect.

- Pope Benedict statements September 2010 – State Visit to the UK

- (i) He spoke of working with survivor organisations to support victims of abuse
- (ii) Responding the lives of victims of child sexual abuse within the Catholic church, spiritually, pastorally and materially

Over the past 20 years numerous working parties such as the one now meeting with NCSC have met to consider these issues of child protection and responding to victims of abuse within the Catholic Church.

The Catholic church and the agencies set up to deal with child abuse and other abuse allegations have failed to deliver any effective response to victims, which provide for the determination of all allegations on the balance of probability, provide redress to those where abuse and harm has been proved or to provide and support or provision for those harmed by abuse within the Catholic church.

The Bishops Conference accepted all the recommendations set out above, including those from CTBI in Time for Action.

They are a good start point for considering the policy and procedures for responding to victims of abuse.

4. Nature of the Provision Required – 2011 NCSC/CSAS deliberations

It should be made very clear the *Pathways of Care* model put forward by Adrian Child has no one's backing. Even Fay Maxted has now disowned it even though we were told at the last meeting that that was the model proposed by TST and NAPAC in discussion with NCSC/CSAS when they met in January 2011.

We need to set out what each organisation currently offers to victims: One in Four, MACSAS, LISOS, IWS, Lantern Project, NAPAC, Survivor Trust

What MACSAS does:

- MACSAS provides support to victims of clergy and religious perpetrated sexual abuse across all denominations: supports through emails, letters, and helpline calls
- MACSAS also organises conferences, seminars and AGM seminars for victims, professionals and church officials and takes part in conferences organised by other organisations and churches both here and in other countries
- MACSAS is committed to taking part in and all working parties focused on developing safeguard policies and procedures and responses to victims within Churches: Bishop Budd working party (1994); Time for Action (1999-2001); Nolan Commission (2001); COPCA working parties (2004-2006); Cumberlege Commission (2006); CoE Working party on Responding to victims of child sexual abuse (2008-2010); current NCSC meetings
- MACSAS has conducted research into child and adult sexual abuse within Christian churches and provide reports for Commissions. For example:
 - (i) The MACSAS SURVEY REPORT – May 2011
 - (ii) Dr Kennedy PhD (2009): The Well from which we drink is poisoned – The Sexual Exploitation of Adult Women by Clergy.
 - (iii) MACSAS Survey on Responses to Victims of clergy perpetrated child sexual abuse in the Catholic Church - 2006
 - (iv) Written submissions and presentation to Cumberlege Commission – 2006
 - (v) Written submissions and presentation to the Nolan Commission – 2001
- MACSAS campaigns for better awareness of abuse within Churches in the UK, both child sexual abuse and the sexual abuse of adults and for appropriate responses to abuse perpetrated with churches and for responding to those abused.

WHAT MACSAS would like to see provided

- In summary we want procedures in place that integrate the response to allegations of abuse with the response to the victims of abuse (The Australian model of Towards healing is an example)
- MACSAS would like to see that model taken as a start point for development of pastoral responses with the Catholic Church in England and Ireland. The central elements of which are
 - (i) **Procedures by which all allegations and complaints of sexual abuse within the Catholic Church can be determined, which includes those cases not resulting in convictions (the majority), and those cases where the abuser is dead. The standard of proof is the balance of probability**
 - (ii) Support offered to all victims of abuse (whether abused as adults or as children). That support to include a ‘support person’ who is there to assist the victims through all investigation processes and procedures, and also to help the victim to access services provided by the Church.
 - (iii) **The provision of funding for counselling or other services that may be required, including outreach support through ‘drop in’ centres for victims alienated from the church who would not ever seek support from church officials.**
 - (iv) Provision of funded outreach ‘drop in’ centres located in major cities which can provide a range of services including counselling, financial and other support and advise for victims in need (see Sally Mulready submissions).
 - (v) **A central fund for compensation of victims abused within the Church, which can be accessed following determination of allegations made**
- This model would do away with the need for victims who have already gone through the criminal justice process or whose cases have not resulted in a conviction (the majority) to go to the civil courts to obtain redress. It would be less expensive.
- Also MACSAS would like to see the Church develop its ministry towards all victims of child abuse through
 - (i) Providing a central fund for survivor organisations that support victims currently whether abused within the Churches (such as MASCAS) or not. Most organisation support all victims of child abuse (NAPAC and One in Four, Lantern Project) including those abused within churches.
 - (ii) Develop a pastoral response within Churches for those abused in childhood who come seeking support and help to recover from abuse.

- (iii) Develop liturgies etc for victims of abuse and develop an understanding of the theological implication of such abuse for victims
 - (iv) Develop pastoral training for clergy, religious and pastoral workers who can work with those who come to churches and report abuse and seek support.
 - (v) Develop seminary, formation and continuing development training for all clergy and religious which includes an understanding of the causes of abuse, the dynamics of abuse within the church institution as well as wider society
 - (vi) The development of a Professional Code of Ethics for clergy and those in pastoral and spiritual ministries within the Church (see Time for Action recommendations; see also the Australian Catholic Church Code of Ethics).
- The Irish model of Towards Healing is for all victims of child abuse and all those abused in the church whether as children or as adults. That programme has provide funding for counselling for up to two years, residential centres for survivors to go to, outreach ‘drop in’ centres for victims not only in Ireland but also in England for those victims who emigrated away. It is now developing its pastoral responses within churches and its training of clergy and religious.

Elements: Outreach support and drop in Centres
 Counselling services
 Funding for survivor organisations
 Advisory and advocacy support during investigative stages
 A determination of all complaints and cases raised where possible
 Financial support and redress to victims
 Pastoral and liturgical responses within parishes and religious communities
 Developing training and professional code of ethics

MACSAS

17th June 2011