

2020

Clerical Child Sexual Abuse in the Catholic Church of England and Wales: A Commentary of child safeguarding (*Cumberlege Commission, 2007*)

Faisal Rashid

Ian Barron

**Clerical Child Sexual Abuse in the Catholic Church of England and Wales: A
Commentary of child safeguarding (*Cumberlege Commission, 2007*)**

Faisal Rashid

Federal Government, Karachi, Pakistan

Ian Barron

University of Massachusetts

Faisal Rashid is an academic researcher on clerical child sexual abuse and historical origins of Christianity and Islam; who has focused on the protection of children, families and communities. He currently works as a management/investigative professional with the Federal Government and is based in Karachi, Pakistan.

Dr. Ian Barron is a professor in the College of Education and the Director of the Center for International Education, University of Massachusetts, USA and the International Center for Child Trauma Prevention and Recovery, Ramallah, Occupied Palestine.

Acknowledgements

Liat Shapiro, University of Massachusetts for proof reading and review of the reference list

Contact details

Professor Ian Barron

University of Massachusetts

Montague House, Center for International Education, College of Education

Email: ibarron@umass.edu

Phone : +1-413-545-0465

Abstract

This commentary conducts a review of the child protection management mechanisms developed within the Catholic Church of England and Wales in light of the recommendations made by the *Cumberlege Commission (2007)*. The commentary examines the performance of these mechanisms in order to identify shortcomings and suggest improvements and specifically analyses the response of ecclesiastical administrative authorities to the principle of ‘paramountcy of child safety’ as guaranteed in the Children Act 1989/2004 and Human Rights Act 1998. The commentary concludes that despite the Cumberlege Commission, child protection mechanisms continue to be set within (i) a centuries old clerical mind-set, (ii) closed institutional hierarchical governance, (iii) a secretive clerical culture and (iv) the complicated organisational management structure of the Roman Catholic Church.

Keywords: *Clerical Child Sexual Abuse, Catholic Church, England and Wales, Child Safeguarding Models, Cumberlege Report, National Catholic Safeguarding Commission*

Clerical Child Sexual Abuse in the Catholic Church of England and Wales: A Commentary
of child safeguarding (*Cumberlege Commission, 2007*)

In 2007, the Cumberlege Commission was established to conduct a review of the performance of the Catholic Office for the protection of children and vulnerable adults (COPCA); the first child safeguarding management model developed by the Catholic Church of England and Wales. In light of recommendations previously made in 2001 by the Nolan Report, the Cumberlege Commission (2007) conducted a critical review of child safeguarding structures and subsequently published its report titled 'Safeguarding with Confidence.' The commission recommended disbanding COPCA and replacing the existing child safeguarding structure with two new agencies: the National Safeguarding Commission (NSC) later established as National Catholic Safeguarding Commission (NCSC) and the Catholic Safeguarding Advisory Service (CSAS).

NCSC/CSAS performance (2008 to present)

The National Catholic Safeguarding Commission's (NCSC) first annual report published in 2009 found that the most of the reported abuse cases had occurred during 1970's. The majority of abuse cases referred to statutory authorities had resulted in "no further action," citing reasons ranging from the death of the accused to unsubstantiated allegations (NCSC, 2008-09: 18). This factor, however, had not been not mentioned previously in the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) annual reports (2002-2007) and no reasons were provided for the low rate of prosecution and convictions in the agency's annual reports. Further, child safeguarding structures continued to be dependent on the individual resources of particular dioceses and the focus of clerical authorities appeared to revolve around protection of the rights of the accused instead of the victim (Rashid & Barron, 2018). Not surprisingly, but significantly for child safety, there was no mention in the annual reports of mandatory reporting of child abuse

cases to statutory authorities, as recommended by the *Cumberlege Commission (2007)*.

Safeguarding experts testifying before the Independent Inquiry into Child Sexual Abuse (IICSA) in England and Wales (established in 2014 in response to the Jimmy Saville scandal) identified that the safeguarding structures developed by the Catholic Church in England and Wales were without accountability. There were no mandatory and enforceable requirements for action suggesting an imperative for the establishment of a body to hold the Church accountable (Stein & Enright, 2018). Instead, the Church's focus appears to have stressed the provision of opportunity for repentance to the abuser through use of soft terminologies such as love, compassion, forgiveness, respect, integrity instead of developing mechanisms to ensure provision of justice to the victims and accountability of the abusing clerics (Rashid & Barron, 2018). This view is further enforced by the provision of a review before the NCSC on the fate of the abusing cleric, even before the case was presented to the concerned bishop for a decision.

The *Nolan report*, published in 2001 which highlighted the problem of clerical child sexual abuse in the Catholic Church of England and Wales, noted the role of a Christian instinct to forgive as one of the causes for not reporting abuse and silencing the victims. Franz (2002), Parkinson (2003), and Macaskill (2005) also emphasised the role of forgiveness in Christian doctrine, arguing that this mind-set was being applied as an institutional strategy by the clerical authorities to protect abusing clerics. Perversely, Scheper-Hughes and Devine (2003), and Gorrell (2006) argued that the response of clerical authorities towards CSA was unjust but highlighted the role of misunderstanding of human sexuality to have contributed in this regard. Isely and colleagues (2008) argued that the concept of forgiveness was used to shield abusing clerics and to facilitate their transfers to dioceses without disclosing their past (Sullivan, 2002). Death (2012) further highlighted that discursive constructs of forgiveness had in fact exacerbated institutional abuse within the

Catholic Church. In challenging the Church, Markham (2010) emphasized the importance of the role of the ecclesiastical authorities to provide appropriate support and rehabilitation for the victims. Benkert and Doyle (2009) also argued the doctrine of forgiveness was misused by clerical power to influence and silence the victims. Dale and Alpert (2007) labelled this as spiritual abuse of forgiveness amid organizational reputational concerns exercised through clerical authority, power, and religious influence. Minister and Clergy Sexual Abuse Survivors (MACSAS, 2006), from a survivor group perspective, also expressed concern regarding the emphasis of the clerical authorities on seeking forgiveness for the perpetrators of clerical child abuse from the victims, hence causing further harm.

While identifying the response of the clerical authorities towards CSA as a major problem, Death (2012) identified that the Church viewed cCSA as a sin rather than a crime. Death argued that this in turn discouraged victims against pursuing criminal charges against the clergymen. Bades (2007) also highlighted institutional denial of abuse as indicator of a greater concern for moral panic. Gavrielides (2013) and McKay (2014) both outlined notable examples by religious institutions to promote understanding with the victims of cCSA through the acceptance of institutional guilt and taking responsibility for compensation.

In the current author's opinion, the role a diocese's trustees should play in promoting and strengthening child safeguarding mechanisms in the Catholic Church of England and Wales continues to be debated. In addition, an agreement regarding the minimal standards of clergy trainings and enforcement mechanism has yet to be agreed upon. Furthermore, no such performance has been commented upon in subsequent annual reports regarding the role of trustees, indicating a convenient and silent way of dispensing the issue. For example, as witnessed in the case of the dioceses of Portsmouth, in which the dioceses lodged an appeal in a child abuse case and its response ran counter to what had been agreed upon in the earlier developed safeguarding guidelines 'Towards Healing' by the NCSC (2011-12), the NCSC

was helpless to address the situation and could do nothing except express regret. This effectively exposed the minimal, conciliatory and advisory role played by NCSC, contrary to what was envisioned in the *Cumberlege Commission*.

The introduction of the Disclosure and Disbarring Service (DBS) checks which effectively maintained the bureaucratic structure of the system, while reducing its utility and support (NCSC, 2013-14: 20/21/31) led to a drop in performance, and therefore cannot be treated as a welcome measure. The NCSC also claimed that all 22 dioceses of England and Wales had a fully operative e-bulk system for conduction of online electronic DBS checks, (NCSC, 2015-16: 22), but no details have been provided in the subsequent annual reports regarding the checks conducted by individual dioceses. Whether this e-bulk strategy introduced by the NCSC yielded any improvements is not clear, as only general references to the scheme are made in annual reports of NCSC the commission (NCSC, 2015; 2015-16; 2016-17). These annual reports of the NCSC only mention the number of DBS checks conducted without commenting on any significant increase in utility and performance when compared to the previous VBS scheme (NCSC, 2011-12; 2012-13; 2013-14; 2015; 2015-16; 2016-17). The lack of seriousness and interest of the respective clerical authorities towards child safeguarding could be judged from the fact that till 2016, the websites of different dioceses exhibited inconsistencies in safeguarding policies, despite proclamations made by the NCSC regarding framing the of joint protocols, standardization and establishment of uniform safeguarding policies as under the One Church approach (NCSC; 2013-14, 2015, 2015-16). The reported achievements had included the ‘Care Pathway’ approach and documentation such as ‘Towards Healing’ envisioned and adapted by the Catholics Bishops Conference of England and Wales in November 2011 (NCSC, 2013-14:6) and ‘Towards a Culture of Safeguarding’ in January 2012 (Parry, 2012), respectively. Earlier these approaches had been hailed as significant achievements for standardisation of safeguarding

practices within the Catholic Church of England and Wales (NCSC, 2013-14). Despite communication of these achievements regarding uniformity and standardisation of safeguarding policies, safeguarding information displayed on the websites of different dioceses had significant inconsistencies over the years (NCSC, 2015:12). Again, the 2016-17 annual report does not mention whether the problem had been solved or not?

Although in response to the Vatican's request for guidelines on clerical child sexual abuse, the 'Conference of Bishops and Religious' of England and Wales did recommend inclusion of a safeguarding module in seminary curriculum; but there is no mention anywhere ~~regarding~~ about the main recommendation of the *Cumberlege report* to request *recognitio* from the Holy See (the Pope) for specific territorial canonical recognition formalizing compulsory reporting of reported abuse cases to the statutory authorities in England and Wales. More recently, Davies and colleagues (2014) argued that mandatory reporting legislation required appropriate interference of the State in order to safeguard the interests of children and Tapsell (2014), around the same time, argued that the 'pontifical secret' actually prohibited the bishops from reporting child abuse cases to Police and statutory authorities. Scorer (2014) also highlighted tensions between the procedures and approach of the secular legal system and the canon law on issues of child protection, to emphasize the importance of implementing the former viz-a-viz the latter, which had failed to produce the desired results. Earlier, the John Jay Report (2004) had concluded that Canon Law was an ineffective tool to handle clerical child sexual abuse cases with Tapsell (2014) commenting that Canon Law set the bar at too high a level to convict a priest for sexual abuse of children since conviction could not be achieved without the consent of the accused himself. Doyle (2015) argued Canon Law was therefore a hindrance to justice for the victims of clerical child sexual abuse and was in fact operating as a parallel legal system that facilitated the perpetrators of child abuse.

Other weaknesses in procedure included the ‘Conference of Bishops and Religious in England and Wales’ failing to consider the establishment of a fully paid safeguarding structure (CCR, 2007:20). Further, documents hailed as ‘significant achievements’ during previous years were not mentioned in subsequent annual reports, but rather replaced by cosmetic documents or new policy frameworks. For example, the 2015 NCSC annual report fails to mention the ‘Care Pathway’ or developments related to the safeguarding policies as prescribed earlier in the ‘Towards Healing’ and ‘Towards a Culture of Safeguarding’ documents (Parry, 2012). Instead, the annual report (2015) mentions formulation of a new National Safeguarding Communication Strategy to address the issue of inconsistencies on safeguarding information displayed on websites of the dioceses. Further, the 2015 annual report acknowledged problems in the Church reaching out to survivors to provide pastoral support and psychological assistance; a goal which had found priority on NCSC’s agenda since 2010 but still remains unachieved. In this regard, the 2015 annual report mentioned the establishment of a Survivors Advisory Panel (SAP) to engage with abuse survivors and victims. The report held that the performance of SAP was to be judged after a 3-year period; however, no concrete achievements were mentioned until the 2016-17 annual report.

NCSC was for the first time able to provide statistics concerning abuse of vulnerable adults in 2010; however, these numbers then remained un-~~were not~~ reported until 2015. The next time NCSC mentioned these statistics was in a report released in July 2015 that indicated the number of abuse complaints related to vulnerable adults for last two years without elaborating any further details. It was commendable that the number of laicisations carried out since 2001 was provided from 2010 onwards thus evidencing action on part of the Catholic Church at organisational level for what could be argued as disciplinary action for professional misconduct. However, the reports did not provide any further details except the numbers. The number of these laicisations was also much lower than the reported cases of

abuse. The reason for this was never made explicit.

Gilligan (2015) expressed reservations regarding the accuracy of the figures provided by the clerical authorities without any substantive details such as names and dates, and while referring to the 2014 NCSC report, held the ecclesiastical authorities responsible for not initiating the process of laicisation in majority of the cases, where the priests had been convicted for 12 months or more in prison (as per recommendations 77 and 78, *Nolan Report; 2001*). An investigation undertaken by Channel 4 TV (2010) revealed that more than half of the Catholic priests sentenced for more than a year for their indulgence in CSA in England and Wales continued to remain in service of the Church. Gilligan expressed serious reservations regarding public declarations by the Catholic Church of England and Wales related to action taken against abusive priests, claiming that such proclamations were a mismatch between “policy rhetoric” and “reality of practice” (2012, 427). Gilligan further pointed out that the procedures adapted by CSAS in 2010 were not in line with recommendations 77 and 78 of the Nolan Report considering that the Catholic Church of England and Wales had not yet defrocked the majority of majority of the priests sentenced for more than a year (Terry, 2015). Scorer (2014) identified the continuing problems as a failure of the ecclesiastical authorities of the Catholic Church of England and Wales to defrock abusive priests and to pay just and fair compensation to the survivors. The 2004 John Jay report counted failure to take action against abusing clerics as one of the reasons to have perpetuated cCSA. Research and inquiries in other countries including Australia, the USA and Ireland also confirmed similar reluctance exhibited by the clerical authorities as those of the Catholic Church of England and Wales to take appropriate action against fellow clergymen amid reports of non-cooperation in investigating such cases (Montana et al, 2012; Farrell, 2009; Fogler et al., 2008; Howard, 2008).

Furness and Gilligan (2010) expressed serious reservations regarding the capability of

religious organizations to deal with the issue of child sex abuse, specifically referring to the position of authority enjoyed by the perpetrators within such organizations. Lueger-Schuster and colleagues (2014), Pilgrim (2012), Terry (2008), and Doyle et al (2006) highlighted similarities in the Catholic Church's responses towards CSA on a global scale. Hildalgo (2007) claimed that the religious influence and stature enjoyed by clergy affected their ability to believe the stories of the victims and pointed out how societal structures were bent in favour of the perpetrating clerics to provide protection.

Moreover, the annual reports of the NCSC do not provide any further details such as reasons and procedures regarding the process, perusal and outcomes of statutory authorities' actions or the process of withdrawal from ministry and consideration with further perusal for 'laicisation'-beyond a simple indication of the numbers. The 2016-17 annual report also made no mention of the number of total laicisations since 2001.

The 10 years statistical review (2003-12) commissioned by the NCSC and reported in the agency's 6th annual report (2013-14), pointed out various deficiencies regarding the most important core of the safeguarding practices; the reported cases. In light of the deficiencies pointed out by this review, CSAS could be commended for conducting progress on 425 allegations out of 598 of reported abuses throughout England and Wales. However, no justifications were given for not pursuing the remaining 173 allegations related to the religious orders.

The 2013 audits of all dioceses across England and Wales revealed inadequate notification of the rehabilitation of the offenders' act as required by the DBS code of practice within recruitment documentation, inconsistencies in planning, content and delivery of trainings, as well as monitoring of its uptake and impact. The 2013 audit also indicated a procedural lack of compliance regarding reporting timescales, undertaking of internal enquiries after completion of statutory enquiries instead of the mandated commissioning of

an independent preliminary enquiry and inconsistent use of ‘covenants of care’ (NCSC, 2013-14), which by no means could be credited as a commendable performance.

The sixth annual report of NCSC released in July 2014, failed to mention specific sexual abuse cases in 2013. Additionally, no follow up was provided in cases of vulnerable adults since 2010. Moreover, there was no investigation regarding the sharp increase in reported cases in 2013 as compared to the prior five years. The goal of placing at least one safeguarding officer or representative at parish level throughout England and Wales has not yet been achieved as 87 parishes (4%) still remain without a safeguarding officer (NCSC, 2016-17: 39). No reasons for this have ever been provided for, despite the reported facts about the ratio of those parishes with at least one safeguarding representative, which has consistently fluctuated between 94% to 96% during the last decade.

It is also noted that during preparation of the annual reports by NCSC, important information related to reported abuse cases was only mentioned in statistical tables and graphic presentations, with no further explanation being provided. Moreover, statistical figures provided on progress of cases by statutory authorities were updated on a regular basis for the next year’s report, and most often identical figures and similar pages were included in the next year’s report, without any further progress being noted. This is indicative of the ‘decorative’ strategy designed to produce an annual report rather than to follow through in an attempt to acquire substantial data and monitor progress.

Subsequent annual reports continued to fail to mention details regarding on-going investigations, related progress, the average time being consumed to reach a final outcome of a case after reporting to statutory agencies, convictions and sentences awarded, reasons for recommending no further action, failed prosecutions and reasons for failure, compensation for victims, settlement mechanisms, analysis of reported abuse cases and such other details. Even after the 10-year review (2003-12), (NCSC, 2013-14) the recommendations made to

detail statistical data such as age and sex of the victims were all, but conveniently ignored. The pattern of reporting requisite details on sentences, conviction, and no further action on reported abuse cases was omitted. Hence the latest reports of NCSC from 2014-15 onwards, simply contain the number of cases reported without providing any further details concerning the outcome of statutory investigations about convictions as reported in earlier annual reports. Cahill and Wilkinson (2017) criticised the annual reports of the NCSC for not adopting a standard reporting format where detailed information would be regularly provided.

It is deplorable that before the conduction of-the 10-year review (2003-12) review in 2013, the commission did not object to the agency's failure to update progress on previously reported cases? Was it not an interest of the commission to ensure justice or /and compensation to the victims? The approach of the commission was instead to cosmetically decorate annual reports with data, statistics, diagrams and graphical presentations, and boast of achievements such as designing pamphlets and booklets to promote a culture of safeguarding within clerical ranks and their subsequent rubber stamping of approvals from the Conferences of Bishops and Religious (CCR; 2007:33/3.17). This trend has unfortunately continued till today.

Gilligan (2012) recommended independent external scrutiny of decision-making processes within the Catholic Church of England and Wales. Stein & Enright (2018) concluded that safeguarding must be supervised by an independent non-Church body along with mandatory reporting, as recommended by both the *Nolan report* and the *Cumberlege Commission*. McLoone-Richards (2012), Deetman and colleagues (2011), McAlinden (2006), Bruni and Burkett (2002), and Hall (2000) all criticized the institutional culture, organizational structure, and secrecy policy adapted by the ecclesiastical authorities of the Catholic Church to manage and cover up cases of cCSA. Cameron and colleagues (2015), Wirenius (2011), and Perillo et al (2008) also held the ecclesiastical authorities responsible

for denial and cover up of cCSA to save the reputation of the Church in the society and McLellan (2015), Hogan (2011) and Isely (1997) criticized the Church for ‘attacking’ rather than helping the victims.

It should be noted that eventually, the NCSC formulated safeguarding structures for the religious congregations in 2013. Earlier, the CSAS review (2010-11) brought to light the problems faced by safeguarding authorities in England and Wales to persuade the clerical authorities about the principle of ‘paramountcy of child safety,’ citing difficulties to establish appropriate rapport with communication channels and non-fulfilment of national standards regarding proper implementation of safeguarding policies, recruitment, inductions and trainings. It is pertinent to mention here that the principle of child paramountcy is well enshrined in the Children Act 1989 and Family Law Act 1996 in England and Wales.

Stein and Enright (2018) used testimonies of safeguarding experts to illustrate that the priorities of the clerical authorities were to protect the institution from scandal. Fawley-O’Dea (2004), Gorrell (2006), and Keenan (2012) criticized the role of the hierarchical organizational structure of the Catholic Church in facilitating abuse and its management. Dale and Alport (2007) opined that Church’s responses towards cCSA largely revolved around silencing and blaming the victim, secrecy, and denial. Balboni (2011) held that even if the abuse was reported shortly after its occurrence, the clerical authorities used all types of techniques to force the victims into silence instead of taking any action against the abusing cleric.

Furthermore, the 2012-13 annual report of the NCSC stated that the safeguarding authorities in England and Wales appear to have been compelled to undertake a ‘down to knees’ approach, pleading to the ecclesiastical authorities to understand the Gospel teachings and the message related to the safeguarding and protection of children, while citing out moral concepts of love, compassion, justice and accountability. This could be seen as no more than

a helpless and desperate effort with good intentions to request the clerical authorities, to learn to change. The (2013-14) annual report also admitted reluctance and delay by clerics regarding safeguarding initiatives including trainings and other events, demonstrating the interest exhibited by the clergy regarding safeguarding of children and the importance accorded by the clergy towards the principle of ‘paramountcy of child safety.’ The 2015 and 2015-16 annual reports held that fluctuations in the reported percentages of CSA cases required further investigations without elaborating what kind of investigations were required and who would be conducting these and whether or not any proposal to do so was on the cards? Thus in spite of all the steps taken, there have been high fluctuations in reported numbers and statistical figures, the reasons for which have still not been deliberated upon and no mechanisms have been developed to investigate these.

Furthermore, the earlier portrayed ‘National Minimum Standards’ (2010-11) including quarterly briefings by safeguarding commissions to the trustees and meetings with the bishops, found no mention in the annual reports of the NCSC, thereafter. Despite the enactment of safeguarding structures since 2001, around 4% of parishes continue to remain without a safeguarding officer, the safeguarding structural mechanism continues to be heavily dependent administratively and financially on Church funding, and operate on volunteer basis. The main recommendation of the *Cumberlege Commission* to secure canonical recognition *recognitio* from the Holy See (the pope) for mandatory reporting of abuse cases to statutory authorities finds no mention anywhere in the priorities of the safeguarding agencies or the Catholic Church of England and Wales. The pattern adapted since 2014-15 in the annual reports of NCSC explicitly outlines the three major priority areas as (i) developing appropriate response to survivors; (ii) promoting the One Church policy as demonstrated in the inconsistencies observed in websites of all dioceses regarding safeguarding, and (iii) monitoring safeguarding in practice.

In 2016-17, the Church argued that it had been decided to establish a telephone line for pastoral support for survivors (NCSC, 2016-17), which demonstrates the seriousness of the people involved and the speed of work since 2001. Leading up to this, the concerned agencies, however, were not able to formulate appropriate regulatory mechanisms to reach out to survivors or abuse victims to provide significant pastoral support and care and were only able to decide after 16 years to agree to establish a helpline in this regard drawing from unexplained experiences of the project 'Hurt by Abuse' launched at the dioceses of Hallam. The NCSC report 2014-15 also failed to explain how it had derived the conclusion to achieve resolution of abuse cases without litigation as claimed.

A consistent flaw noted in successive annual reports of NCSC is the number of steps taken for safeguarding without elaborating upon the details. The same was witnessed again when the 2015-16 annual report mentioned the audit of 6 dioceses without giving any further details. The online Safeguarding Resource Area as referred in the 2014-15 report to have replaced the Parish Pack is quoted as 'e-learning' without any intimation or further mention in the next two annual reports. The NCSC continues to repeatedly boast about orienting of leaflets, posters and newsletters, conduction of training programs, while ignoring the primary aspects and recommendations of the commissions (*Nolan/Cumberlege*) under which the agency had been envisioned to be born and hence came into existence. Scorer (2014) held that paramountcy of the institution remained a priority for the clerical authorities instead of the protection of children. Stein & Enright (2018) claimed that the evidence produced in the hearings of the Independent inquiry into child sexual abuse (IICSA) in England and Wales strongly pointed to a policy of 'Church First' in cases of child abuse.

It is clear, after 17 years of establishing these consistently operative and developed safeguarding structures, the concerned agencies were unable to establish, demonstrate, and maintain the best practice in this area as admitted by the outgoing chair of NCSC in the

agency's 2015 annual report (NCSC, 2015: 4). This itself is a big question mark on the performance, effectiveness and utility of these safeguarding structures and draws our attention back to major recommendations of the *Nolan and Cumberlege reports* for establishing a financially and administratively independent and paid safeguarding structure under lay personnel (CCR, 2007: 20); instead of a volunteer run program exclusively under the effective control of the clergy. These recommendations have been conveniently ignored. Furthermore, the Catholic Church of England and Wales and Conference of the Bishops and the Religious, are determined to jealously guard the independence of the organizational Church from the external influence of any non-clerical entity or/and secular law and to exercise complete control over all administrative mechanisms of cases pertaining to cCSA. Scorer (2014) contended that the Church continued to resist compensation to victims and failed to defrock convicted priests as the measures recommended by the *Nolan and Cumberlege Commissions* continued to enjoy the status of mere recommendations rather than obligatory legal norms (CCR, 2007).

Findings by the survivors group in UK 'Stop Church Child Abuse' concluded that the Church allowed convicted child sex offenders to be ordained in its service and the Bishops continue to protect fellow clergymen (SCCA, 2018). The findings criticized the safeguarding procedures adapted by the Church that facilitated the bishops to hide child abuse allegations from statutory authorities and hindered implementation of secular law upon priests. Gilligan (2017) highlighted the importance of restorative justice for the survivors of cCSA.

It can thus be concluded that the main recommendations of the *Cumberlege Commission* have not been implemented and there is little hope of this happening in the future. SCCA (2015) explicitly demanded for a complaint redressal mechanism independent of the Church along with mandatory reporting. Scorer (2014) concluded that although some of the concerns regarding cCSA had been addressed by the Catholic Church of England and Wales,

the majority of the underlying dynamics which perpetrated and facilitated child abuse within the Church had continued to persist. Failure to protect children amid organizational reputational concerns and controlling of finances to avoid due compensation to the survivors has been a consistent and dominating aspect of the response of the clerical authorities in cases of cCSA (Winship et al, 2011; Garland & Argueta, 2010; Cobb, 2010; Terry & Ackermen, 2008; Kline et al , 2008; Plante & Daniels, 2004). Earlier Dallavale (1996) had explicitly identified the role clerics had in forcing victims into silence. Benkert and Doyle (2009) argued the phenomenon as religious duress which enabled the Church to protect and sustain in service the perpetrators of cCSA as men of God. Doyle (2009) criticized the traditional religious influence enjoyed by the clerics, as a major cause for facilitating sexual abuse of children. Gilligan (2017) argued an adequate response from the concerned religious organization as tantamount to recovery, for some victims.

It is clear that the primary focus of the safeguarding agencies established by the Catholic Church of England and Wales continues to revolve around preserving the organizational independence and reputation of the Church, administrative authority of the bishop and rights of the accused clerics; a similar and consistent pattern of response from the ecclesiastical authorities of the organizational Catholic Church all over the world (UNCRC, 2014; Middleton et al., 2014; Doyle et al., 2006; and Doyle & Rubino, 2003).

The UNCRC (2014) also criticized the ecclesiastical authorities for linking compensation for the victims to confidentiality regarding their abuse. The hierarchical structure of the Catholic Church, governance and clericalism along with an inappropriate use of canon law have been identified as primary factors that facilitated abuse and allowed for effective blocking of an appropriate response in such cases through inadequate application of the individual power and autonomy vested in respective bishops. (IICSA, 2017; UNCRC, 2014; Garrett, 2013; Gilligan, 2012; Barth, 2010; and Doyle et al., 2006). Bohm and

colleagues (2014) pointed out privacy and being alone with children, inadequate supervision of those in position of trust, failure to report or take appropriate action against perpetrators, insufficient reporting procedures, and a lack of safeguarding policies as primary organizational factors to facilitate sexual abuse of children. The priest's unique status in the society as a spiritual community leader also effects a child's ability to disclose abuse.

(Garrett, 2013; McLoone-Richards, 2012). Lippert and colleagues (2009) stressed the need of effective professional training to remove barriers regarding disclosure of abuse. Radford et al (2016) counted failure to implement child protection policies and inadequate response to allegations of abuse requiring redressal, and insisted upon the need to enhance commitment towards the cause of safeguarding within Churches and faith-based organizations.

It can thus be argued that so far the clerical authorities have successfully resisted efforts to bring about structural changes within the institution and have refrained from assigning any authority to the laity to handle matters which they purview to fall within the specific domain of the administrative authority of the concerned Bishop. The IICSA research report (2017) indicated inconsistencies in developing best practices in the area of child safeguarding in the Catholic Church of England and Wales and concluded that the religious stature and clout enjoyed by the clergy had contributed towards facilitating child abuse and prohibiting disclosure. Crisp (2017) cited Beckman (2001), arguing that the Churches had regularly failed to be just communities of equal and responsible citizens in spite of their claim to be transmitters of justification and forgiveness. Gilligan rightly concluded that "freedom to choose and practice a religion should not include freedom to abuse children" (2017: 216). Davies and colleagues (2014) stressed the responsibility of the nation state while referring to the United Nations Convention on the Rights of the Child (UNCRC) to remind the state of her responsibilities towards protecting children; being a signatory. Bottoms et al (1995) held that it was ultimately the responsibility of the society to devise means to protect children

from religion-related abuse.

Conclusions

Child Safeguarding structures continue to be a voluntary based Church dependent management mechanism. One that is administratively dominated and financially controlled by the ecclesiastical authorities to effectively ensure the independence of the organizational Church, authority of the concerned bishop, and to ensure protection of the rights of abusing clerics, without much concern for provision of justice and compensation to the victims. No victim compensation mechanisms have been debated or proposed, besides boasting off about pastoral support without any concerns for secular justice for the victims and to bring to book the culprits who have engaged in the worst sexual abuse of children exploiting their religious clout and authority in the name of God.

The centuries' old mentality of the clergy being a privileged class, high above the laity and the secular law has continued to prevail. However, there can be no denying that ultimately, it is the responsibility of the nation state to ensure safety of children from abuse and provide protection to her citizens. Such an approach requires strong intervention from the nation state to establish the writ of the secular law over the privileged clerical class and make the ecclesiastical authorities realize that modern nation state systems and democratic principles do not provide for immunity for a select group of persons in the garb of religion to commit unabated sexual atrocities against innocent children. The nation state needs to play its role in this regard, sending an explicit message to the clerical class that their religious clout will not hinder the course of justice to the victims and anyone engaged in sexual abuse of children will be brought before the secular justice system and tried under criminal law, whether the ecclesiastical authorities obtain the *recognitio* as recommended by the *Cumberlege Commission* (2007) from the Vatican or not.

Why the Catholic Church of England and Wales has failed to implement the

recommendations approved by the Conference of Bishops and Religious and why convicted priests continue to enjoy clerical perks and privileges instead of being defrocked are questions that need to be asked from those claiming to have implemented best practice in child safeguarding within the Catholic Church of England and Wales.

Declaration of interest statement

The authors have no conflict of interest.

References

- Balboni, J. (2011). *Sexual abuse litigation: survivors seeking justice*. Boulder: Lynne Rienner Publishers.
- Bandes, S. (2007). The lessons of capturing the Friedmans: Moral panic, institutional denial and due process. *Law, Culture and the Humanities*, 3, 293-319.
- Barth, T. (2010). Crisis management in the Catholic Church: Lessons for public administration. *Public Administration Review*, 780-791.
- Benkert, M. and Doyle, T. (2009). Clericalism, Religious duress and its psychological impact on victims of clergy sexual abuse. *Pastoral Psychology*, 58(3), 223-238.
- Bohm, B., Zollner, H., Fegert, J., and Liebhardt, H. (2014). Child sexual abuse in the context of the Roman Catholic Church: a review of literature from 1981-2013. *Journal of Child Sexual Abuse*, 23(6), 635-656.
- Bottoms, B., Shaver, P., Goodman, G. and Qin, J. (1995). In the name of God: a profile of religion-related child abuse. *Journal of Social Issues*, 51(2), 85-111.
- Bruni, F. and Burkett, E. (2002). *A Gospel of Shame: Children, Sexual Abuse and the Catholic Church*. New York: First Perennial.

- Cahill, D. And Wilkinson, P. (2017). *Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and Public Inquiry Reports*. Centre for Global Research, School of Global, Urban and Social Studies. Melbourne: RMIT University.
- Cameron, G., Mendez Sayer, E., Thomson, L. and Wilson, S. (2015). *Child sexual exploitation: A study of international comparisons*. Nottingham: Desk Review for the Department of Education
- Channel 4. (2010). *Paedophile priests remain in Catholic Church*.
<http://www.channel4.com/news/articles/uk/catholic+church+abuse+paedophile+priests+remain+in+catholic+church/3767477.html>
- CCR. (2007). *Cumberlege Commission Report*. <http://www.cumberlegecommission.org.uk>
- Cobb, M. (2010). A strange distinction: charitable immunity and clergy sexual abuse in *Pitcher v Roman Catholic Bishop of Portland*. *Maine Law Review*, 62, 703-716.
- Crisp, R. B. (2017). *Australia: It's complicated*. *The Routledge Handbook of Religion, Spirituality and Social Work*. London: Routledge.
- CSAS. (2019). *Catholic Safeguarding Advisory Service. Procedures Manual*.
<https://www.csas.uk.net/procedures-manual/>
- Dallavale, N. (1996). *Power and gender and religion*. *ITSI Sun* 2(1), 1-2.
- Dale, K. and Alpert, J. (2007). Hiding behind the cloth: Child sexual abuse and the Catholic Church. *Journal of Child Sexual Abuse*, 16(3), 59-74.
- Davies, E., Mathews, B. and Read, J. (2014). Mandatory reporting? Issues to consider when developing legislation and policy to improve discovery of child abuse. *Student Law Review*, 2(1), 9-28.

Death, J. (2012). *Lessons on sin and forgiveness: a crisis in the Roman Catholic Church*.

Atta, Abe (Ed.) *Catholics and Catholicism in Contemporary Australia: Challenges and Achievements*. Melbourne: David Lovell Publishing.

Deetman W, Draijer N, Kalbfleisch P, Merckelback H, Monteiro M and de Vries G. (2011).

Sexual Abuse of Minors in the Roman Catholic Church.

http://www.onderzoekrkc.nl/fileadmin/commissiedeetman/data/downloads/eindrapport/20121505/76660_CD_Voorwoord___Hoofdstukken__Engels_.pdf

Doyle, T. (2015). *Book Review. Book offers insight into canon law's role in sexual abuse crisis*. 22nd April. USA: National Catholic Reporter Publishing Co.

<https://www.ncronline.org/books/2017/08/book-offers-insight-canon-laws-role-sexual-abuse-crisis>

Doyle, T. (2006). Clericalism: Enabler of clergy sexual abuse. *Pastoral Psychology*. 54(1), 189-213.

Doyle, T., Sipe A. and Wall P. (2006). *Sex, Priests and Secret Codes: The Catholic Church's 2000-year Paper Trail of Sexual Abuse*. Los Angeles, California: Volt Press.

Doyle, T. and Rubino, S. (2003). Catholic Clergy Sexual Abuse meets the civil law. *Fordham Urban Law Journal*, 31(2), 549-616.

Farrell, D. (2009). Sexual abuse perpetrated by Roman Catholic priests and religious. *Mental Health, Religion & Culture*. 12(1), 39-5.

Fawley-O'Dea, M. (2004). The history and consequences of the sexual abuse crisis in the Catholic Church. *Studies in Gender and Sexuality*, 5, 11-30.

Franz, T. (2002). Power, patriarchy and sexual abuse in churches of Christian denomination.

Traumatology, 8(1), 4- 17.

Fogler, J., Shipherd, J., Clarke, S., Jensen, J., and Rowe, E. (2008). The Impact of Clergy-

Perpetrated Sexual Abuse: The Role of Gender, Development, and Posttraumatic Stress. *Journal of Child Sexual Abuse*, 17(3-4), 329-358.

Furness, S. Gilligan, P. (2010). *Religion, Belief and Social Work: Making a Difference*.

Bristol: Policy Press.

Garfield, E. (1987). *Reviewing review literature.Part1, Definitions and uses of reviews*, 5-8.

<https://www.garfield.library.upenn.edu/essays/v10p113y1987.pdf>

Garland, D. and Argueta, C. (2010). How clergy sexual misconduct happens: a qualitative

study of first-hand accounts. *Social Work and Christianity*, 37(1), 1-27.

Garrett, P. (2013). A ‘catastrophic, inept, self-serving’ Church? Re-examining three

reports on child abuse in the Republic of Ireland. *Journal of progressive human services*, 24(1), 43-65.

Gavrielides, S. (2013). Clergy Child Sexual Abuse and the Restorative Justice Dialogue.

Journal of Church and State, 55(4), 617-639.

Gilligan, P. (2012). Clerical Abuse and Laicisation: Rhetoric and Reality in the Catholic

Church in England and Wales. *Child Abuse Review*, 21, 427–439.

Gilligan, P. (2015). *Rhetoric, review and recognito: Exploring the failure of the Catholic Church in England and Wales to satisfy survivors of sexual abuse by it's clergy*.

<https://www.slideshare.net/BaspcanPage/p7-fp43-4-philip-gilligan-rhetoric-review-and-recognitio>

- Gilligan, P. (2017). *Responding to child abuse. The Routledge Handbook of Religion, Spirituality and Social Work*. Crisp, R. Beth (ed). Routledge. p. 210-219.
- Gorrell, P. (2006). The Roman Catholic paedophilia crisis and the call to erotic conversion. *Theology and Sexuality, 12*, 251-262.
- Hall, M. (2000). The liability of public authorities for the abuse of children in institutional care: Common law developments in Canada and the United Kingdom. *International Journal of Law, Policy and the Family, 14*(3), 281-301.
- Hidalgo, M. (2007). *Sexual Abuse and the Culture of Catholicism: How Priests and Nuns Became Perpetrators*. New York: Harworth Maltreatment and Trauma Press.
- Hogan, L. (2011). Clerical and religious child abuse: Ireland and beyond. *Theological Studies, 72*, 170-186.
- Howard, N. (2012). The Ryan Report (2009). A practitioner's perspective on implications for residential child care. *Irish Journal of Applied Social Studies, 12*(1), 38-48.
- IICSA Research Team. (2017). *Independent Inquiry into child sexual abuse, England and Wales*. November 2017.
- <https://www.iicsa.org.uk/keydocuments/3361/view/IICSA%20REA%20Child%20sexual%20abuse%20in%20the%20Anglican%20and%20Catholic%20Churches%20Nov%202017.pdf>
- John Jay Report. (2004). *The Nature and Scope of the problem of Sexual Abuse of Minors by Priests and Deacons*. New York: John Jay College of Criminal Justice.
- Keenan, M. (2012). *Child Sexual Abuse and the Catholic Church: Gender, Power, and Organizational Culture*, Oxford: Oxford University Press.

- Kline, P., McMackin, R. and Lezotte, E. (2008). The impact of the clergy abuse scandal on parish communities. *Journal of Child Sexual Abuse*, 17(3-4), 290-300.
- Lippert, T., Cross, T., Jones, L. and Walsh, W. (2009). Telling interviewers about sexual abuse: predictors of child disclosure at forensic interviews. *Child Maltreatment*, 14(1), 100-113.
- Lueger-Schuster, B., Kantor, V., Weindl, D., Knefel, M., Moy, Y, Butollo, A., Jaqsch, R. and Glück, T. (2014). Institutional abuse of children in the Austrian Catholic Church: Types of abuse and impact on adult survivors' current mental health. *Child Abuse & Neglect*, 38(1), 52-64.
- Macaskill, A. (2005). Defining forgiveness: Christian clergy and general population perspectives. *Journal of Personality*, 73(5), 1237-1266.
- MACSAS (Minister and Clergy Sexual Abuse Survivor). Time to hear. (2006). Submission to Cumberlege Commission. <http://www.macsas.org.uk/PDFs/resources/timetohear.pdf>
- Markham, L. (2010). A vision of a Catholic Church which supports and care for those who have been harmed. <http://www.hallam-diocese.com/milanesa/uploads/Vision-of-a-Catholic-church.pdf>
- McAlinden A. (2006). 'Setting 'em up': Personal, familial and institutional grooming in the sexual abuse of children. *Social & Legal Studies* 15(3), 339-362.
- McKay, R. (2014). *Redress Schemes: Submission to the Royal commission into institutional responses to child sexual abuse*. Sydney: Centre for peace and conflict studies.
- McLellan Commission. (2015). *A review of the current safeguarding policies, procedures and practice within the Catholic Church in Scotland*. Scotland: APS Group.

- McLoone-Richards, C. (2012). Say nothing! How pathology within Catholicism created and sustained the institutional abuse of children in 20th century Ireland. *Child Abuse Review*, 21(6), 394-404.
- Middleton W., Stavropoulos P., Dorahy, J., Krüger C., Lewis-Fernández R., Martínez-Taboas A., Sar V. and Brand B. (2014). Child Abuse and the dynamics of silence. *Australian and New Zealand Journal of Psychiatry*, 48(6), 581-583.
- Montana, S., Thompson, G., Ellsworth, P., Lagan, H., Helmus, L., and Rhoades, C. (2012). Predicting relapse for catholic clergy sex offenders: The Use of the Static-99. *Sexual Abuse: A Journal of Research and Treatment*, 24(6), 575-590.
- NCSC. (2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17). Annual Reports. <http://www.catholicsafeguarding.org.uk/documents.htm>
- Nolan Report. (2001). <http://www.catholicsafeguarding.org.uk/documents.htm>
- Parry, Carol. (2012). Towards a Culture of Safeguarding. <http://www.catholicsafeguarding.org.uk/documents.htm>
- Parkinson, P. (2003). *Child Abuse and the Churches: Understanding the Issues*, 2nd edn. Sydney: Aquila Press.
- Pilgrim, D. (2012). Child abuse in Irish Catholic Settings: A non-reductionist account. *Child Abuse Review*, 21(6), 405-413 .
- Perillo, A., Mercado C. and Terry K. (2008). Repeat offending, victim gender, and extent of victim relationship in Catholic Church sexual abusers: Implications for risk assessment. *Criminal Justice and Behavior*, 35(5), 600-614.

- Plante, T. and Daniels, C. (2004). The Sexual Abuse Crisis in the Roman Catholic Church: What Psychologists and Counselors Should Know? *Pastoral Psychology*, 52(5), 381- 393.
- Radford L., Foster Richardson H., Barter C. and Stanley, N. (2016). Rapid Evidence Assessment. What can be learnt from other jurisdictions about preventing and responding to child sexual abuse. Lancashire: University of Central Lancashire.
- Rashid, F. and Barron, I. (2018). Critique of the Vatican's role in recent child protection practice: A brief report. *Journal of child sexual abuse*, 27(2), 141-153.
- Scheper-Hughes, N., and Devine, J. (2003). Priestly celibacy and child sexual abuse. *Sexualities*, 6(1), 15-40.
- Scorer, R. (2014). *The English Catholic Church and the Sex Abuse Crises*. (2014). UK: Biteback Books
- Stop Church Child Abuse. (2018). *Our Findings*. <http://stopchurchchildabuse.co.uk/>
- Stop Church Child Abuse. (2015). <http://stopchurchchildabuse.co.uk/>
- Stein, S. and Enright, D. (2018). *The Roman Catholic Church will not reform itself-reform must be imposed*. Howe & Co. 6th March. <http://www.howe.co.uk/news/category/iicsa>
- Sullivan, A. (2002). *They still don't get it*. TIME, 4th March (2002).
- Tapsell, K. (2014). *Potiphar's Wife: The Vatican's Secret and Child Sexual Abuse*. Adelaide: ATF Press.
- Terry, K. (2015). Child sexual abuse within the Catholic Church: A review of global perspectives. *International Journal of Comparative and Applied Criminal Justice*, 39(2), 139-154.

- Terry, K. and Ackerman, A. (2008). Child Sexual Abuse in the Catholic Church: How Situational Crime Prevention Strategies Can Help Create Safe Environments. *Criminal Justice and Behavior*. 35(5), 643-657.
- Terry, K. (2008). Stained glass: The nature and scope of child sexual abuse in the Catholic Church. *Criminal Justice and Behaviour* 35(5), 549-569.
- UNCRC. (2014). United Nations Convention on the Rights of the Child. *Concluding observations on the second periodic report of the Holy See*. CRC/C/VAT/CO/2 (25 February 2014).
- Winship, J., Straker, G. and Robinson, T. (2011). A qualitative study of denial in Catholic Clergy sexual abusers. *Sexual Abuse in Australia and New Zealand*, 3(1), 23-33.
- Wirenus J. (2011). Command and coercion: Clerical immunity, scandal and the sex abuse crisis in the Roman Catholic Church. *Journal of Law and Religion* 27(2), 423-494.