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**First Catholic Church of England and Wales safeguarding structure to protect children from Clerical Sexual Abuse: A Commentary on Nolan (2001) till Cumberlege (2007)**

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### Abstract

The current commentary analyses the *Nolan Report* (2001) and the Annual Reports (2001-2007) of the Catholic Office for the Protection of Children and vulnerable Adults (COPCA) formed as a result of the *Nolan Report* (2001). The commentary determines how wilfully the Catholic Church of England and Wales responded to the Nolan recommendations. This paper explores the success of this first child-safeguarding model (2001 - 2007) in relation to the deficiencies and structural modifications suggested by the *Cumberlege Commission* (2007). In conclusion, the commentary identifies a range of shortcomings and difficulties in the establishment of a uniform and secure child protection mechanism within the Catholic Church of England and Wales.

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

First Catholic Church of England and Wales safeguarding structure to protect children from Clerical Sexual Abuse: A Commentary on Nolan (2001) till Cumberlege (2007)

During the latter part of the 20<sup>th</sup> century, allegations of child sexual abuse by Catholic priests made headlines in the global mainstream media, being first reported in the United States of America (USA) and Canada in the mid-to-late 1980s (Boer, 2019). In 1993, after consistently denying any knowledge, ecclesiastical authorities finally acknowledged the existence and extent of child sexual abuse in the Catholic Church in the United States (Wirenius, 2011). It was not until much later that similar cases were reported from other countries including Ireland, Australia, the United Kingdom, Austria, Belgium, France, Netherlands, Czech Republic, Croatia, Argentina, and Mexico. These reports gained widespread criticism and public attention, forcing the ecclesiastical administrative authorities to initiate appropriate responsive measures (Pilgrim, 2011).

In the UK, working parties established by the Catholic Bishops Conference of England and Wales produced two reports titled 'Child Abuse: Pastoral and Procedural Guidelines' (1994) and 'Healing the wound of child sexual abuse (1996). These two reports focused on developing a satisfactory response towards reported cases of child abuse (CCR, 2007). These guidelines and procedures were to be kept under review in light of ongoing child safety developments leading to increased knowledge regarding child abuse, with a particular emphasis on effectiveness of the procedures (Nolan Report, 2001).

However, emerging media reports held the Catholic Church of England and Wales responsible for not only failing to implement its child abuse guidelines enacted in 1994 but also for allowing abusive clergy to continue to work in the ministry and to not report cases to concerned authorities (Independent, 2000; Branigan & Bates, 2002). Calls for resignation of the Archbishop of Westminster for not reporting known child abusing clerics to authorities also increased in the year 2000 (Bontrone, 2000; Petre, 2002; Studd & Gledhill, 2002).

To respond appropriately towards reported clerical child sexual abuse (cCSA), the Archbishop of Westminster Cormac Murphy O'Connor requested Lord Nolan to lead a review for updating and examining the existing 1994 guidelines. The guidelines had primarily sought to enable appropriate responses to situations occurring as a result of abuse and did not address abuse prevention within the Catholic Church of England and Wales. The Nolan Commission Report (2001) titled 'A Program for Action' was released in September 2001. The report cited several reasons behind the failure to recognize the extent of abuse, scrutinize candidates for the priesthood, and appropriately convey suspicion and proof of alleged misconduct. Among these reasons include the very nature of paedophilia compounded by the desire to save the Church's reputation and a Christian instinct to forgive (CCR, 2007).

### **Infrastructure Building and Community Awareness**

The *Nolan Report* led to the establishment of an inbuilt institutional child safety management mechanism within the Catholic Church of England and Wales through the formation of child protection units and commissions at parish and dioceses levels respectively (Rashid & Barron, 2019). These units were tasked to conduct awareness programs, liaise with State's statutory agencies, monitor the implementation of the suggested measures, propose further guidelines, and provide advice to the Conference of Bishops and Religious (Nolan, 2001: 8/2.10.4).

The *Nolan Report* recommended the appointment of child protection officers, representatives, and coordinators for children and vulnerable adults in every diocese (2001:8/2.10.3, 26/3.5.4). It also recommended establishing a child protection management team comprising of suitably qualified childcare professionals at the diocesan level. The report called upon the Bishops and administrative authorities of the Church to coordinate a single set of policies and procedures (2001:3/2.5.1) to ensure the protection of children from abuse

and provide requisite training to those responsible for implementing child protection policies (2001:7/2.9.15). The report recommended the establishment of an organisational structure within parishes supported by each parish's respective child protection coordinators as well as teams to ensure effective working of the safety procedures and guidelines. The report made mandatory, that the child protection coordinator prepare and submit an annual report as well as regular reports to each parish's Bishop. Copies of the annual report were to be sent to the soon-to-be-formed National Child Protection Unit (2001: 4/2.5.4).

As a result of the *Nolan Report* and its formal acceptance by the Conference of Bishops and the Religious (Bishops' Conference of England and Wales, 2001), the agency of the 'Catholic Office for the Protection of Children and Vulnerable Adults' (COPCA) was formed in order to carry out the prescribed tasks and to act as the registered body for the Disclosure and Barring Service (DBS), formerly the Criminal Records Bureau (CRB), for the Church.

### **Improving Recruitment Procedures**

The *Nolan Report* recommended that anybody entering into a job related to work with children must provide references and agree to a criminal record check (2001: 6/2.9.8). The report also called upon the Church to maintain a single national database for all applicants aspiring to enter the priesthood (2001:7/2.9.12). Sullivan and Beech (2002) criticized the lack of research on perpetrators of institutional child abuse, which resulted in the adoption of inadequate safety measures designed to detect potential abusers at the time of recruitment. Lakeland (2006) also highlighted the flawed procedures for the recruitment of priests and bishops and Smith, Rengifo, and Vollman (2008) specifically criticized the screening procedures for entry into the church hierarchy, accusing the clerical authorities of admitting people with paedophilic tendencies. These authors also argued that the implementation of

appropriate screening procedures by the ecclesiastical authorities could have prevented abuse cases.

### **Role of Canon Law**

The *Nolan Report* acknowledged the decisive nature of Canon Law in the organisational structure of the Church's governance, noting the relationship between the priests and their respective bishops (Holems, 2002). The report indicated that the majority of the recommendations were compatible with the Canon Law, and thus clerical authorities were expected to deal responsively with only a few cases of incompatibility (Nolan, 2001: 3/2.3.1). White and Terry (2008), however, commented on the ineffectiveness of Canon Law to deal with the abuse crises, explaining that the Canon Law's purpose is to promote a renewal of Christian living, not to provide justice as the criminal justice system does.

### **Creating a Safe Environment**

The *Nolan Report* stressed the importance of implementing effective policies to prevent child abuse and protect children, e.g. 'Safe From Harm' (2001: 5/2.9.1). The *Nolan Report* also expected the organizational Church to work in close liaison with the secular authorities, presenting another set of guidelines 'Working Together' wherein the principle of 'Paramountcy of Child Safety' was placed as its central working theme. The Nolan report called for minimizing situational circumstances, which could facilitate abuse of children (2001:5/2.9.2).

McAlinden (2006) stressed the importance of child education and community awareness to create a safe environment for the protection of children. The closed institutional environment prevailing in child-related and care organizations was highlighted by Waterhouse (2000), who argued that the church was no different in this regard. Moules (2006) argued more widely, that child abuse could occur in any environment. Wortley and Smallbone (2006) with the aim of creating safe environments for children emphasized the

importance of specific situational crime prevention techniques. Within the Church setting, the Nolan report recommended that in case of a 'disclosure' or 'concern,' recourse should be made directly with the statutory authorities (Nolan, 2001: 9/2.10.10, 29/3.5.14). The need for adequate record-keeping and sufficient support for victims and survivors by a Church National Child Protection Unit was emphasised (Nolan, 2001: 10/2.10.17).

### **Laicisation & COPCA**

The Nolan report recommended that those who received a caution or were convicted of child abuse must not be allowed to retain a position of power and status in the Church (Nolan, 2001: 10/2.10.18, 33/3.5.28). Laicisation, that is. dismissal from the clerical state, was recommended for any priest who received a sentence of 12 months or more on account of abusing children (Nolan, 2001:11/2.10.21,33/3.5.30). In light of these recommendations, the Catholic Church of England and Wales developed child safeguarding structures and established the 'Catholic Office for the Protection of Children and vulnerable Adults' (COPCA) to carry out the prescribed tasks (200:35-42). The next section of this commentary, examines the working of the COPCA over the next five years while analysing the agency's annual reports, before its performance was reviewed as per recommendation 83 of the *Nolan Report* (2001:42) in the shape of the *Cumberlege Commission Review* (2007).

### **COPCA (2001-07)**

As a result of the recommendations of the *Nolan Report*, COPCA provided advice on the provision of child protection to the Bishops Conference, Congregation of the Religious and the child protection coordinators, and officers. As evident from annual reports, COPCA continuously sought to develop and review national safeguarding policies and procedures while effectively carrying out regular audits on their implementation in the dioceses and religious congregations. COPCA also led to the development and effective working of a computerized criminal history check system used throughout England and Wales. COPCA's

primary actions during the 6 years of its operations included collection of child abuse statistics from all 22 dioceses of England and Wales, reports on actions taken by statutory authorities, recruitment of child protection representatives, conduction and arrangements for trainings and to establish and run an effective database for criminal records checks, the Criminals Record Bureau (CRB)/ Disclosure Barring service (COPCA, 2007). COPCA further claimed to have implemented and monitored the rules and policies that required a receipt of complaint to be reported to the police and the accused to be restricted or suspended until a decision was made by the statutory agencies' investigations (ICN, 2008). COPCA appeared to influence the creation of new policies, and deserves recognition for its role in establishing an appropriate structural management mechanism to safeguard children (Rashid & Baron, 2019).

Cornish and Clarke (1986; 2017) observed that sex offenders were rational actors who would refrain from committing an abusive act if the circumstances and the environment posed a chance of being caught. Similarly, Finkelhor (1984) pointed at the necessity of opportunity for being alone with children for the perpetrators to commit abuse; again, an issue, COPCA sought to address. Even in the 1990s, internal Church structures were recognized as creating opportunities for abusive clergy (Shupe, 1995; Krebs, 1998). Parkinson (2002) stated that the Church's environment provided more opportunities for adults to be alone with children and exploit their influence as spiritual leaders. More recently, Wortley and Smallbone (2006) reiterated the place of unsafe environments in enabling perpetrators to commit their crimes and stressed the creation of a safe environment for children. Terry and Ackerman (2008), in the Church context, highlighted the necessity of avoiding situational opportunities for clerics to be alone with children.

Analysis of COPCA's annual reports, indicates the omission of making explicit the causes for a low rate of prosecution and conviction of abusing clerics, especially in those

cases in which the alleged abusing clerics were not stated as deceased. Furness and Gilligan (2010) likewise noted the discrepancy between the number of convicted priests and those laicized by the Catholic Church of England and Wales as required per recommendation 78 of the *Nolan Report* (2001:34).

From the current authors analysis, indications are that COPCA failed to monitor progress for longer than one year for cases reported earlier; that is, no statistics were reported in subsequent annual reports. It is apparent from the analysis of COPCA's reports that the agency provided an update of reported cases for only the previous year and the current next year. Previously reported cases do not find any mention or progress in the subsequent report. Furthermore, no specific reasons were mentioned by COPCA in its annual reports that accounted for the low rate of prosecutions, sentences, and convictions. Further, no updates were provided on cases that had been reported to be under investigation during previous years.

Such follow-up information could have provided an impetus to evaluate the performance and utility of the child safeguarding mechanisms and to debate the possibility of carrying out amendments to the existing protocols. Additionally, COPCA failed to provide reasons for the missing data or records and of any measures to ensure the appropriate compilation of the statistics in full from all over England and Wales. Robinson (2007) quoted one bishop to have claimed that an "unhealthy church atmosphere" led to the development of a "climate of abuse" within the Catholic Church (2007: 16).

#### **Canon Law Society of Great Britain and Ireland (2001-2007)**

Soon after the release of the *Nolan Report*, the Canon Law Society of Great Britain and Ireland (CLSGBI) played an active role by setting up a working party to achieve a balance between the recommendations of the *Nolan Report* and the provisions of Canon Law (Read, 2020). In 2004, after holding several meetings, the CLSGBI came up with specific

recommendations titled ‘Responding to allegations of Clerical Child Abuse; recommendations for harmonizing the Nolan Report and the Code of Canon Law.’ These recommendations consisted of three chapters regarding the preliminary investigation, judicial penal process, and administrative measures. The recommendations were presented to the Conference of Bishops of England and Wales, members of CLSGBI and relevant dicasteries of the Roman Curia at the Holy See (the Pope). As discussions on various aspects of the document continued, the Bishops Conference formally confirmed the working party’s terms of reference on 9<sup>th</sup> Feb 2006 regarding four particular areas to examine:

- (i) any issues arising from Canon Law with subject to recommendations of the *Nolan Report* (2001: 2.3.1).
- (ii) administrative leave problems, risk assessment, and the canonical status of the ‘Policies and Procedures’ as described in the document prepared by the working party earlier in 2004.
- (iii) the implementation of the One Church approach and how this approach could respond to institutes of consecrated life; One Church’s approach to advising on any other relevant issues which may arise during the process.

After discussions took place in 2006 and 2007, the Conference of Bishops approved the protocols that required temporary withdrawal from ministry and risk assessment measures. However, issues remained regarding dismissal of clergy and testimonials for Religious, access to records, and framing a code of conduct for the clergy (CLSGBI: 1).

### **Cumberlege Commission (2007)**

In 2007, the Cumberlege Commission was appointed to review the implementation of measures as suggested by recommendation 83 of the *Nolan Report* (2001: 35), to evaluate the performance of COPCA and produce an independent report (Cumberlege. 2007). The Cumberlege Commission “Safeguarding with Confidence: Keeping Children and Vulnerable

Adults Safe in the Catholic Church” (CCR, 2007) described the appointment of professional experts as chairs of child protection commissions, and recruitment of professional staff at COPCA. In the majority of dioceses, it established the organizational lines of accountability for child protection, dissemination of a single set of national policies, and creation of a COPCA management board with independent membership and publishing of annual reports (CCR, 2007: 16/2.4). The report highlighted 55,000 disclosures completed by the Criminals Record Bureau disclosures completed from 2003 to 2006 while noting that 85% of 2400 parishes had local child protection representatives in the post and 1130 training events were delivered to 18000 participants by the end of 2006 (CCR, 2007: 17/2.4).

### **Failures and Shortcomings of COPCA**

Perhaps surprisingly, the *Cumberlege Commission* held that the majority of the recommendations made by the *Nolan Report* had been addressed appropriately. Moreover, as a result of the *Nolan Report*, safety mechanisms for the protection of children had been established in the Catholic Church of England and Wales (CCR, 2007: 26). However, the report held that development of a number of policies by COPCA in light of the principle of paramountcy of child safety was demonstrative of deep tensions between COPCA and the clerical authorities, thus resulting in the task of the *Nolan Report* not fully being accomplished (CCR, 2007: 29/3.3).

The *Cumberlege Commission* thus stressed the importance of appropriate redressal of these tensions by the management hierarchy of the Catholic Church, in order to avoid reversal of the gains made during the last five year (CCR, 2007: 19/2.8). The *Cumberlege Commission* (2007) noted that the principle of the paramountcy of child safety was not being accepted within the Church and pointed out the dispute and perceived inconsistencies regarding its implementation. The report stated that the steps taken by the ecclesiastical authorities were a damage control exercise (CCR, 2007: 22), that led to hindrances in

developing strong safeguarding arrangements (CCR, 2007: 22/2.21). The report indicated that although COPCA had successfully communicated advice on child protection to both the Conferences, it had not done enough in the case of vulnerable adults, a situation that merited serious attention (CCR, 2007:29/3.3). The report also highlighted flaws in relevant legislation mentioning that where unsafe practice was reported – a position described as ‘unsustainable,’ COPCA could not intervene unless specifically called upon to improve existing security arrangements (CCR, 2007: 24/2.25 v). *Cumberlege* also stated that COPCA had so far not been able to operate at parish level effectively and the set of safety instructions included in the Parish Pack had not been published even after five years (CCR, 2007: 24/2.27).

The *Cumberlege* commission pointed out failures regarding the implementation of many of the *Nolan Report* recommendations, including the formation of a national selection board for seminary candidates, whistle blower policy, an open-ended approach to accept and learn from mistakes, and a parish leaflet on safeguarding. Cahill and Wilkinson (2017) highlighted that the Commission report also noted that seven seminaries had not been able to agree on a uniform safeguarding curriculum (CCR, 2007: 51/3.68; 29/3.3; 77,52; 24/2.27).

### **Non-Clarity about safeguarding policies**

According to the *Cumberlege Commission*, due to the variety of policies designed by COPCA, some dioceses and congregations had chosen a ‘pick and mix’ approach rather than a uniformed system supported by the *Nolan Report* (CCR, 2007: 23/2.25). The Commission also mentioned COPCA’s failure to collect and disseminate good practice and identified the following significant hurdles to implement the recommendations made by the *Nolan Report*:

#### **i) Volunteer Based System**

The safeguarding system heavily depending on a volunteer-based child protection coordinators work structure rather than a fully-paid employee workforce (CCR, 2007: 20/2.13).

**ii) Strained Resources**

The strains on resources developed by the Criminal Record Bureau (CRB)'s monitoring and vetting process indicated an erosion of goodwill in the whole process for those aspiring to work for child protection (CCR, 2007: 20/2.13). The Commission also estimated the cost of child protection measures to be between 4.5%-5.5% of the diocese's total spending (2007: 20/2.14). This supported the claim that the allocation of limited resources on child spending was considered to be a major issue considered by some in the Church. This scarce allocation was also evidence of the absence of strong, internal, consistent practices. The Commission identified the nonexistence of an infrastructural mechanism and the non-availability of resources to monitor the smooth functioning of the child protection measures in place (CCR, 2007: 24/2.25 v).

**iii) Clerical Attitudes Towards Child Safeguarding:**

The Commission indicated that child protection measures were tolerated, rather than being embraced, because of a lack of any spiritual or theological context and unfamiliar language within the Church's organizational management hierarchy (CCR, 2007: 20/2.15). The Commission confirmed that the principle of the paramountcy of child safety was still not universally accepted within the Church and was misinterpreted as a means of saving the reputation of the Church at the cost of the accused priests (CCR, 2007: 21/2.16).

The Commission indicated the existence of a strong lobby of priests who considered the safeguarding system as a tool weighted against them, nurtured a gap between them and their respective Bishop and Congregation leader, leading to an erosion of trust and creating fear of a malicious allegation. These steps were perceived as a breach of canon law, against the principles of natural justice. The Commission also identified the lack of cooperation, vocal lobbying, and criticism of safeguarding policies within the Church's hierarchy as an impediment to the development of a sound and organizational child protection structure

(CCR, 2007: 21/2.17). The Commission thus indicated the absence of hearts and minds, fear and suspicion, and an absence of will to accord great priority to child protection within the Church (CCR, 2007: 20/2.15; 25/2.28; 32/3.15; 43/3.47). Cozzans (2006), a year earlier had blamed the ecclesiastical authorities for prioritizing the institutional welfare before the safety of its most vulnerable members. Robinson (2007), in the same year as the Commission, blamed clerical authorities for promulgating and maintaining silence over the whole issue.

#### **iv) Diversified Religious Congregations**

The *Cumberlege Commission* highlighted the diversity of opinion within religious congregations making it difficult for the One Church approach to establish a solid foundation (CCR, 2007: 22/2.20). The Commission appreciated the assembling of the Conference of Bishops and the Conference of Religious on a common platform to deliver on the safeguarding agenda, but questioned the sustained collaborative nature of this effort. It also recommended bringing together these diversified congregations using the platform of the One Church approach. This required further support and training in order for a single set of guidelines to be established to form a uniform safeguarding structure in all dioceses and congregations across England and Wales (CCR, 2007: 22/2.20).

#### **v) Fear of Undermining the Clerical Authority**

The Commission explicitly stated that the success of the safeguarding program relied upon constant vigilance, which in the present was dependent on the will of Bishops and respective congregational heads. The Commission termed this 'will to do so' to be irregular, owing to a variety of reasons, the most overwhelming being the fear and suspicion of undermining the authority of the Church's leadership. It followed by concern about the establishment of COPCA and its working practices being considered adequate, coupled with resistance to change and a lack of preparation to train and be trained (CCR, 2007: 22/2.21).

The Commission argued that although COPCA had facilitated child protection programs and pieces of training, it had not successfully engaged or unified Bishops and Congregational leaders to assume leadership roles regarding children safeguarding. (CCR, 2007: 23/2.23). The Commission duly expressed concerns about the prevalence of negative perception amongst the clerics towards the safeguarding mechanism based on fear and suspicion and viewed this as a major hurdle to the establishment of an appropriate and functional child safeguarding structure. (CCR, 2007: 22/2.21).

Chang (2006) argued that the primary goal of the Church's authorities remained focused on preserving the authority and respect of the institution and her priests, with little concern for the betterment of her members. Piquero and colleagues (2008) viewed that although the Church's authorities initially tried to deal with sexual abuse indirectly and secretively, due to increasing public outcry and media pressures, they were forced to adopt a more direct and effective approach.

#### **vi) COPCA's Dependence on the Catholic Trust**

The Commission highlighted that COPCA was funded by the Catholic Trust, and all its staff were employees of the Trust, rather than, separate from the Secretariat of Bishops Conference. This was against the recommendation of the Nolan Report, which called for the establishment of a separate centralized child protection unit. The Commission also identified the incapacity and lack of independence of COPCA's management board to manage its finances. (CCR, 2007: 33/3.16). The Commission viewed the absence of an external online management system as a significant reason for the incapacity of the Catholic Trust to manage COPCA appropriately (2007: 33/3.16). This resulted in occasional managerial stalemate, the possibility of which could not be ruled out for the future. The Commission identified the absence of a real forum for debate on COPCA's recommendations terming the current Bishops' conference as rubber-stamping them as national policies, and occasionally

according to them lip service (CCR, 2007:33/3.17). According to the *Cumberlege Commission*, these were the very reasons impeding the development of consistent proper safeguarding arrangements for child protection within the Catholic Church of England and Wales.

### ***Cumberlege recommendations***

#### **(i) New Management Structures to replace COPCA: CSAS and NSC**

The *Cumberlege Commission* recommended various changes to the operative management and accountability systems while not only suggesting COPCA change its names to Catholic Safeguarding Advisory Service (CSAS), but also calling for its integration into mainstream structures (2007: 32/3). Cumberlege thus called for COPCA's management board to be replaced by the new National Safeguarding Commission (NSC). NSC's goal would be to set the child protection strategic policy and monitor compliance (CCR, 2007: 34/3.20). The report recommended an independent and unpaid lay chair of NSC instead of a cleric (CCR, 2007: 35/7). The Commission also advised the CSAS to report to the Bishops' Conference through the NSC. This would require both entities to meet at least quarterly and for its agenda and minutes to be public documents, to bring openness and transparency to procedures (CCR, 2007: 35/6; 36/12).

#### **(ii) Allocation of responsibilities to CSAS and NSC**

The Commission clarified the status and allocated responsibilities to both the CSAS and NSC. The CSAS was allocated the responsibilities of providing advice on safeguarding issues, overseeing safeguarding training and maintenance of a national database, ensuring up-to-date policies operationalized at parish level, and being a point of liaison with other stakeholders (Gilligan, 2013). The NSC was mandated with having a management board with a particular monitoring accountability system in place to conduct deliberations with the

Conference of Bishops and the Religious to ensure the maintenance of standards and proper implementation of policies and producing annual reports (CCR, 2007: 36/3.24, 3.25).

**(iii) Safeguarding training and Curriculum development**

The report called for conduction and provision of appropriate training, development of a standard safeguarding curriculum in line with national policies, and development of core competencies of priests to manage safeguarding matters in their parishes (CCR, 2007: 52/3.73/38).

**(iv) The Role for Canon Law**

The Commission took priests' existing concerns into account while previewing the procedures adopted against allegations of abuse to be inconsistent with specific provisions of the Canon law. The Commission thus recommended a review process designed to bring the relevant proceedings in line with standard practices in similar investigative situations elsewhere. The aim would be developing a quick, responsive, efficient, transparent, and consistent system in line with the canon law and human rights legislation. (CCR, 2007: 59/4.9).

**(v) The paramountcy principle of Child Welfare and Safety**

The Commission explicitly advocated the importance of the paramountcy of child safety, while acknowledging the relevant provisions provided in Children Act 1989 and Human Rights Act 1998 (2007: 61/40; 59/4.11/60/4.15). The Commission recommended surveying children and young people in developing, implementing, and evaluating safeguarding mechanisms (CCR, 2007: 95; 119/27). In contrast, MACSAS (2006) had reported concerns expressed by the victims regarding non-provision of support and counselling and described the financial compensation being offered to victims as insufficient.

**(vi) Standardization of Practices**

The *Commission* stressed developing procedures that would become standard practice in all parishes. This would establish a culture of vigilance, appropriate record-keeping, preliminary inquiry, and immediate protection of children, including temporary withdrawal of a cleric from active ministry till the outcome of final investigation (CCR, 2007: 58/4.8).

**(vii) Review Process Before Decision to Maximize Justice for the Accused Priest**

A suggested review process in the case of an accused priest, prior to decision making by the leading Bishop concerned, mentioning that after judicial and administrative action, there existed no right of appeal, except to the Holy See, a process that sought to maximize justice for the accused priest (CCR, 2007: 71/4.58).

**(viii) Canonical Recognition from the Holy See (the Pope)**

The crux of the Commission was its call to the Bishops' Conference and the Conference of Religious to secure canonical recognition "*recognitio*" for a specific territorial law for England and Wales to give "juridical authority to the safeguarding rules." (CCR, 2007:90/72).

**Critical Analysis**

The *Cumberlege Commission* identified the absence of will to do as a significant hurdle towards the development of safeguarding practices and an appropriate infrastructural mechanism for the protection of children within the Catholic Church of England and Wales. The crucial point was that the prime importance within the Catholic Church and the defensive ecclesiastical authorities was not the problem of child abuse. It was protecting the reputation of the Church and the rights of the accused clerics over the welfare and safety of children. The clerical authorities had focused on efforts to guard the authority and sustain the organizational management structure of the Church instead of showing concerns about justice or supporting the victims (Plante, 2002).

A series of writers have criticized the Catholic Church for its lack of ethics in child protection decision-making. Gavrielides (2013) highlighted the importance of the practices adopted by certain religious institutions to take responsibility for the actions of offenders leading to support healing, restorative justice, and compensation for the victims. Doyle (2019) questioned the maintenance of the structural mechanism of the organizational church in its present shape, at the cost of welfare of children. Merrick (2011) expressed reservations regarding the level of scrutiny the Church received on cases of clerical child sexual abuse and the cover-up; terming the same to be part of a broader Church problem. Kimberly (2006) stressed the importance of the adoption of new policies and modernized structural changes to the organizational hierarchy of the Church to replace the traditional ones. Chang (2006) highlighted the importance of an active code of ethics based on an autonomous and professional structural mechanism leading to the development of a culture of accountability within the organization that would give extensive powers to regulate, monitor, and control its members. Butler (2006) likewise criticized the shortage of professional code of ethics in Catholic organizations. More generally, Gula (2006) insisted upon the development of a 'Catholic Code of Ethics' that clearly defined the primary values and moral obligations, professional responsibilities within the Church hierarchy, and development of professional procedures to regularly evaluate ministerial performance, report violations and apply sanctions. In contrast, Coquillette and McMorrow (2006) argued that no code of ethics could prevent intentional wrongdoing in violation of criminal law, as the former is directed at individual misconduct and thus could prove to be ineffective for suitable changes in institutional structures.

The individual misconduct during the performance of organisational duties could be categorised as professional and hence be tackled with the development of new management policies and human resource management protocols enacted within the management structure

of the concerned organisation. It could be agreed that no ethical approach could avert intentional wrongdoing. Introduction of appropriate accountability mechanisms and management policies could prove to be effective and useful in tackling abusive behaviours and prevention of the occurrence of abusive incidents. In case of such abuse, provision of expedient justice to the victim and accountability of the perpetrator are required to be ensured through the introduction of structural reforms, management practices, and enactment of appropriate management structures at an organizational level. Sullivan and colleagues (2011) affirmed the importance of creating management policies designed to identify inappropriate behaviour by staff members towards children and advocated the development of appropriate management practices. Higgins and Kevangah (2010) called for fundamental structural changes to the Church's organizational hierarchy and the establishment of a Catholic culture of transparency and accountability.

In spite of a safeguarding infrastructural mechanism in place and efforts by COPCA, the Cumberlege Commission identified a number of short-comings in the smooth functioning of the system due to various reasons. This was a concept the clerical authorities found hard to adopt viz-a-viz the reputational concerns for the organization. The Church's actions, however, continued to be the protection of the organization instead of children, which led to the covering up of clerical child sexual abuse (Crisp, 2017)

Robinson (2007) expressed a similar view blaming the Church authorities for promulgating and maintaining secrecy over the whole issue. Crisp (2010) criticized attempts by the ecclesiastical authorities to create an atmosphere of silence over the entire point of clerical child sexual abuse. Doyle (2010) reported that the church authorities convinced the victims to become a part of their cover-up. Riordan (2011) held the ecclesiastical authorities responsible for harming the common good to save the reputation and respect of the Church in society.

## **Conclusion**

The *Cumberlege Commission* was a review process to assess the operational performance, management structure, and effectiveness of the child safeguarding models developed by the Catholic Church of England and Wales after the implementation of the *Nolan Report*. The current commentary of the *Nolan Report* and the annual reports of COPCA (2002-07) identified several shortcomings and difficulties in the establishment of a uniform and effective child protection mechanism within the Catholic Church of England and Wales.

The most substantiated identified reason was ‘the absence of will to do.’ This refers to the mistrust and unwillingness of the clerical authorities to agree to management policies framed through the intervention of secular authorities (Gardenr, 2012). The child safeguarding management structures thereafter enacted continued to be financially dependent on Catholic Trust. Additionally, no efforts were undertaken to have a fully paid child protection management structure independent of ecclesiastical authorities’ influence. The child protection policies and safeguarding measures were viewed as outside interventions in church matters. The role of the Canon law was consistently debated, and a number of child protection measures and policies were seen as inconsistent with the Canon law. Similarly, the principle of ‘paramountcy of child safety’ was also taken to be a valuable but unfamiliar concept. The costs and expenses related to the establishment, sustainability, and continuation of a child safeguarding management structure on church premises was treated as an unnecessary burden on the Church’s resources.

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