

Facing up to the ‘mystery of evil’

A child protection study day was hosted by the National Conference of Priests at the end of January. The NCP’s press officer reports.

FOR the first time, priests from all over the country, working at local level, met at Oscott College, Birmingham, to listen to each other and speak up about child protection. Previously guidelines, procedures and reports had been issued from above. “Three separate strands in the Church have come together for the first time today”, said Fr Anthony Wilcox, in his opening remarks, “the bishops with their independent body Copca (Catholic Office for the Protection of Children and Vulnerable Adults), the Canon Law Society, and we the priests. The three come from different points of view, but all with one mind: the knowledge and development of best practice for the protection of children.”

Eileen Shearer, director of Copca, traced the origins of her office back to the report of the Nolan committee which was set up by the Archbishop of Westminster, and published findings that were unanimously accepted by the bishops of England and Wales in November 2001. Among the Nolan recommendations was the establishment of a national independent agency to co-ordinate and lead child protection policy in England and Wales. This agency was to support the Catholic community in giving paramountcy to the protection of children and vulnerable adults. Copca was to be an example of best practice and would encourage a similar professionalism within individual dioceses, as well as helping each member of the Church to become part of a culture of vigilance with regard to child protection.

Eileen Shearer’s central point was that the abuse of children involves the abuse of power and of trust. Good child protection procedures therefore involve transparency and accountability. Mrs Shearer herself is accountable to a management board which is independent of the hierarchy. She listed six key tasks for Copca: to provide advice to the Conference of Bishops and the Conference of Religious; to support child protection officers of particular dioceses or religious orders; to co-ordinate the implementation of a single set of national

child protection procedures; to audit such implementation; to provide a public annual report; and to speak to the British media for the Catholic Church. She also announced that Copca was now a registered body for the Criminal Records Bureau, so that police checks could be facilitated. Such checks would eventually become routine and an accepted part of church life. There was no substitute, however, for strong selection and recruitment procedures, she said.

As wide a consultation as possible is taking place about Copca's four major policy areas: handling allegations, organisation of structures, the pastoral care of the abused and of abusers, and awareness-raising. A policy on supply priests who come to work in England and Wales on a temporary basis has already been issued.

Archbishop Peter Smith of Cardiff wanted to reassure those assembled of the absolute nature of the Seal of Confession. When it came to child protection matters, however, priests should make every effort to tell those concerned to go to the statutory authorities. Furthermore, if a priest had any suspicion that a conversation might involve an issue of abuse, he should make it clear from the beginning that he was not able to offer confidentiality outside the sacramental forum. In response to questions, Archbishop Smith suggested that a priest should encourage those in this situation to seek good professional therapy. Mrs Shearer mentioned two help lines that were available: STOP IT NOW, a help line for abusers, and Napac, a victim help line.

A questioner asked: have the rights of clergy been sacrificed in favour of the rights of children? Our primary commitment must be to the safety and the welfare of children, Shearer replied. Abuse involved the misuse of power. She asked the priests, "Do you have more or less power than a child?" There was stunned silence.

The procedure when the priest is put on administrative leave was discussed by the assembled panel. Administrative leave is not about innocence or guilt, but about stepping aside to allow a full inquiry. At such a time it would be stressful for a priest to carry on in pastoral ministry. The process also protects the priest from allegations of tampering with witnesses. The concept of

administrative leave is not alien to canon law, for canon 1722 talks of such a process in the context of a juridical trial. In most professions, if such allegations are made, it is common practice for those accused to step aside during an investigation. In the case of a priest, this also means that he must leave the presbytery. It was stressed, however, that a bishop has to make appropriate provision for a priest who finds himself without a place of residence in these circumstances.

A striking part of the morning session came when Archbishop Vincent Nichols of Birmingham talked of the pain of the present moment and the dilemmas that he faced as a bishop. "I say this not in any search for sympathy, nor in any way trying to suggest that my difficulties are anything other than minute in comparison with the burden carried by those who have been abused personally. I say this just to underline that no matter the procedures and policies we have in place, there is no escaping the pain and suffering."

Archbishop Nichols offered a theological reflection on the situation which has caused such devastation to so many people and to the Church. "The mystery of evil is faced and resolved", he said, "only in the mystery of the Cross. And the Cross is also the birthplace of the Church. However moral evil is understood, as an absence of the light or wisdom of God, the Cross confronts it. Whatever harm the action of a free person causes in an act of sin, the Cross can overcome and redeem. The foot of the Cross is the only place to which we can go if we are to enter properly and profoundly into the realities which we now experience."

Archbishop Nichols then reflected on the journeys that were now being made by offenders, by parish communities and by those who had suffered the dreadful effects of abuse. He also warned that precautions must not lead to avoidance of children: "How quickly we can slip from child protection to child rejection!" He made a plea for priests not to lose confidence in their pastoral instincts, and noted the appreciation, affection and trust which most priests still enjoyed.

Canon law and the Data Protection Act were at the heart of the afternoon session. Fr Kristian Paver, judicial vicar for the diocese of Plymouth and one of

England's leading canon lawyers, pointed out that because of the Human Rights Act of 1998 and the Data Protection Act of that same year, "the Church can no longer regard its internal ordering and pastoral ministry as matters which are outside the influence of secular law".

He noted that the Holy See had acceded to the United Nations Convention on the Rights of the Child (1989). This convention, which Pope John Paul II has praised, promotes the wellbeing of children, the right to their protection from all forms of exploitation and sexual abuse, and the social reintegration of a child who has suffered abuse.

He discussed confidentiality of information received about child abuse outside the Sacrament of Reconciliation. The law of England and Wales does not recognise the Seal of Confession. Presumably, therefore, if a priest refused to violate the seal in a court of law, he could be punished for contempt of court or withholding information. If an abuser reveals such information outside Confession and will not go to any relevant agency, and insists the priest should not reveal the information he has received, what is the priest to do? Fr Paver agreed with Archbishop Smith's earlier remarks: priests should not allow such a situation to occur. He referred to the Nolan report, which states: "It is most important to make it clear from the beginning that confidentiality must be refused if the information given relates to matters which might have to be referred to the statutory agencies or the Church's child protection machinery."

In the context of false allegations, a difference in approach between Copca and the Data Protection Act became evident. Though these are rare, Copca would usually keep records on a confidential database so they could be seen by the accused and inaccuracies challenged. It could be argued, however, that in essence this is false data which under the provisions of the Data Protection Act should be destroyed. This discrepancy must be resolved in the interests of the clear procedures which Copca advocates.

Mgr Gordon Read, judicial vicar of Brentwood diocese, considered canonical procedures. Downloading pornographic images, though morally repugnant and an offence in civil law, was not an offence in canon law, he

pointed out. Presumably this is because when the code was promulgated, before the explosion of internet technology, the opportunity to commit such an offence did not exist. Therefore, any moves towards imposing canonical penalties on this ground alone must be considered questionable. Mgr Read also noted that only when the correct canonical judicial process had begun could the provisions of canon 1722 – allowing for administrative leave - be brought into force. But Archbishop Nichols responded that if a civil investigation had started and credible allegations had been made against a priest, then in reality he as bishop considered that the canonical process had already begun and it was therefore appropriate to apply the provision of administrative leave.

The senior prison chaplain, Fr Andrew Clark, gave some insights into the pastoral care of the seven priests now serving custodial sentences. While there was a wish to treat them like every other prisoner, they held a particular place in the Church. Their family was their diocese: was it right, asked Fr. Clark, for their family to abandon them? This was a tough and uncomfortable question, and one to which Archbishop Nichols tried to respond. From his perspective, he said, while these priests were serving their sentences it was too difficult a time to have any reasonable and constructive dialogue with them. He felt that it was better to resume a more formal contact after the sentence had been completed.

The gathering at Oscott was not easy, but it was beneficial. Perhaps the most moving moment came at the end of the day when all the participants entered the college chapel for a liturgy of hope and reconciliation. All prayed: “Lord, give us the grace each day to commit our lives to you and the service of your people. Help us to restore trust among the victims of abuse and their families. May you restore hearts that are broken and lives that are damaged. Help us to care for those who are the perpetrators of abuse, may your compassion and mercy release them from the grasp of evil. Help us Lord, to preach your Gospel with authenticity and love. May we bring others to a knowledge and love of you, our eternal Good Shepherd.”

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