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# The Bishops' Conference of Scotland

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2 November 2006

Baroness Cumberlege  
Cumberlege Commission  
PO Box 54866  
London  
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Dear Baroness Cumberlege,

Thank you for your letter of 31 July 2006 inviting me to submit written evidence on the implementation of Lord Nolan's report 'A Programme for Action'.

I apologise for the delay in sending this submission and although it will arrive after the deadline, I hope it is not too late to be useful.

After a discussion of your invitation by the members of the Bishops' Conference of Scotland, they expressed their keen awareness that the Bishops' Conference of Scotland has had no direct involvement in the implementation of the Nolan Report since this is a matter that concerns the Bishops' Conference of England and Wales.

At the same time, however, the members of the Bishops' Conference of Scotland recognise that you might find it helpful if we were to offer some observations in the light of the experience of the Catholic Church in Scotland both in terms of how similar issues have been addressed "North of the Border" and how COPCA is perceived and reported here.

### 1. National Policy

Upon the recommendation of an expert working group (Report published 1996) the Bishops' Conference of Scotland took time to consider its implications and in due course appointed a National Director for Child Protection who was given the responsibility to evaluate the situation across the eight Scottish Diocese and make recommendations to the bishops. The process of evaluation involved interviewing bishops (and other key officials where appropriate) and examining diocesan records to establish what problems have existed historically and to what extent there has been an awareness of the need to implement procedures to ensure the safety of children with whom the Church, its office holders, volunteers or members come into contact. This evaluation also sought to establish the extent to which there have been concerns, allegations or criminal proceedings against members of the clergy or religious orders accused of either sexual or physical abuse of children.

The evaluation came to the conclusion that historically there is no record or evidence of widespread sexual abuse of children by either members of the clergy or members of religious orders. There have

been a number of accusations of physical abuse made against members of religious orders, specifically against those involved in the residential care of children and young people. The Scottish Executive has recently appointed an Independent Expert to undertake a Systemic Review to try to establish whether and in what ways the system failed in its duty to care for children and young people in residential care settings. The outcome of this review is still awaited.

The evaluation showed the need to raise awareness and to provide training to ensure the safety of children and to that end the National Director was asked to draw up a set of National Guidelines. These were approved by the Bishops' Conference for implementation in all the eight dioceses along with the necessary training for clergy, religious and those Church workers who are likely to come into contact with children.

Having brought this work to a conclusion the National Director resigned to return to her previous employer, taking up a new post there.

## 2. Review of Provision

Although the resignation of the National Director was a setback, the Scottish Bishops took the opportunity to review the work that had been done and consider what was needed for the future. One of the resources that was made available to the Bishops' Conference of Scotland was the COPCA office of the Bishops' Conference of England and Wales. The Scottish bishops consulted the Director of COPCA about the way ahead. She confirmed for them that the work that had been done by the previous National Director in Scotland was an excellent basis for going forward and explained the structures that the English and Welsh bishops were putting in place through COPCA.

After hearing this and taking account of the situation in Scotland the Bishops reached the conclusion that while past harm was greatly to be regretted and steps needed to be taken to address the suffering that had been caused in the past, priority at a national level in Scotland would have to be given to ensuring that the necessary levels of awareness, procedures and training were made available and put in place across the eight Scottish dioceses. It was also agreed that it was for each bishop in his own diocese with his own advisers to deal with cases of historical abuse when they are brought to his attention. The national effort would be devoted to making sure that everything possible would be done to ensure the safety of children now and into the future.

## 3. From National Director to National Co-ordinator

With this in mind the "job description" of a "National Co-ordinator" was drawn up. Given the similarity of the issues and the extent of the remit it was decided after consulting experts to join together the work of ensuring the safety of children and of adults at risk in the one post and in the one office.

The role of the National Co-ordinator would be to build on the work already done by the National Director, evaluate it and take it forward. To move things forward it was agreed by all the bishops that responsibility for implementing the national policy lies with each bishop in his own diocese. The co-ordinator would assist each of the eight dioceses to implement national policy and meet with diocesan advisers in a national forum that provides the opportunity for an exchange of views and input into future policy development.

## 4. A Reference Group rather than a Management Board

Working with the diocesan adviser and members of the diocesan child protection team the bishop takes responsibility for implementing national policy in his own diocese. The strategic direction is set and monitored by the Bishops' Conference with advice from a group of experts, the Reference Group, chaired by one of the members of the Bishops' Conference and attended by the National Co-ordinator. The Reference Group brings together expertise in a number of relevant fields, including child care and

protection, policing, care for adults at risk, civil and canon law, human resources and personnel management. The Reference Group develops the overall strategy with the National Co-ordinator, including the drawing up of policy documents. Once the strategy is agreed upon and accepted by the Bishops' Conference, the National Co-ordinator assists the diocesan advisers to deliver and implement it. The National Co-ordinator also compiles an audit of compliance from each of the dioceses to allow the bishops to monitor the degree to which the agreed policy is being followed both in their own dioceses and nationally.

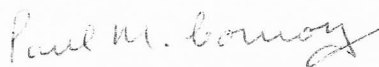
As will be noted from the foregoing, the approach taken by the bishops of Scotland differs somewhat from that being taken in England and Wales in terms of structures and lines of accountability. Nevertheless, the aims of both Bishops' Conferences are the same: ensuring that the paramouncy principle is adopted to keep children safe, while at the same time not adopting strategies, structures and procedures that undermine the confidence of bishops, priests, deacons religious and involved lay people in their work with children and adults at risk. There is also a desire to secure for the Church a reputation for being a place where good practice is always being upheld and followed. The fact that the Church in Scotland has had fewer cases of historic abuse to deal with has allowed a greater proportion of available resources to be given over to present and future efforts to keep children and adults at risk safe, which appears to be in line with the readiness to accept the paramouncy principle.

The following points may be of use to your commission, coming as they do from outside of the English and Welsh situation.

- (i) The Bishops in Scotland do not envisage ever having an organisation similar to COPCA.
- (ii) We have been aware of reports of dissatisfaction with COPCA from within England and Wales.
- (iii) Some of the procedures advocated by COPCA have appeared to be unsympathetic to the provisions of Canon Law and even at times the principles of Natural Justice which has led to it being compromised and consequently having little effective power or influence over dioceses which take exception to some of the COPCA provisions and do not wish to comply with its rules and regulations.
- (iv) The fact that responsibility for child protection provision etc rests with the dioceses seems to have been something that COPCA has found difficult to come to terms with.
- (v) There seems to be widespread resentment that COPCA is such an expensive vehicle and arguably it would be better to spend the money it costs to run at a diocesan level instead of at the national level at which COPCA operates. There is a view that COPCA is an expensive bureaucracy whose aims and objectives could have been fulfilled in other ways.
- (ix) When the Nolan Report was originally published it was generally felt that COPCA would have a finite life. The current review gives everyone the opportunity to consider whether it is now time to wind it up.

While hoping for a successful outcome to the deliberations of the Commission, may I once again apologise for the delay in completing this submission and consequently its late arrival.

Yours sincerely,



Rev. Paul M. Conroy  
General Secretary