



THE CHURCH IN MALTA

SAFEGUARDING COMMISSION

ANNUAL REPORT 2015

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www.thechurchinmalta.org

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Foreword

In February 2015, the Safeguarding Commission was set up to build on the work done by the Response Team in previous years. The main challenge the Commission faced was that most of the work done previously by the Response Team emphasised the investigative aspect whilst the Commission was asked to focus on prevention as well as investigation. This approach appears to be the first of its kind in Malta.

Safeguarding¹ is defined as the action taken to promote the welfare of children and vulnerable adults and protect them from harm. The Church recognises that it needs to be proactive in avoiding situations where children and vulnerable adults are placed at risk of harm. The Commission believes that this is done by creating a positive culture through increased awareness and positive action. The positive culture is achieved by focussing on prevention and taking action when things do not go according to plan.

The leaders of the Church in Malta acknowledged that there was need for a positive change in the way it recruited and trained Church personnel (both paid staff and volunteers), and organised its work with children and vulnerable adults. The Catholic Church has recognised the need to learn from the mistakes it made in the past. In a letter to all Bishops in February 2015, Pope Francis wrote, *“there is absolutely no place in ministry for those who abuse minors”*. Such strong words were used to show the Church’s commitment on a global level to tackle child abuse and to show families that they have every right to turn to the Church in full confidence for it is a safe and secure home for their children. The Pope’s decision to set up a Commission for the Protection of Minors and to engage directly with victims of abuse is yet another confirmation that the Church’s leaders want to get it right to ensure that the most vulnerable are given a voice.

As stated many times before, the Commission is aware that child abuse happens in dark corners. Our role is to shed a light and give a voice to victims.

A handwritten signature in black ink, appearing to read 'Andrew Azzopardi', with a horizontal line underneath it.

Andrew Azzopardi
Head of Safeguarding

¹ Safeguarding Children: www.nspcc.org.uk/preventing-abuse/safeguarding

1. Introduction

The Safeguarding Commission started to function on the 1st of February 2015. The Commission's responsibility has been to advise the Bishops and Religious Superiors on safeguarding policy and to make recommendations following allegations made against Church personnel.

The role of the Safeguarding Commission, mandated by the Episcopal Conference and Religious Superiors, is to recommend the strategic direction of the Church's safeguarding policy and procedures and to ensure that standards are being met by all entities within the Church. The Commission is responsible for driving and supporting the Church's safeguarding policy by:

- Making sure that the care offered to victims remains the focus of its work
- By treating perpetrators with dignity and where appropriate offering them the help they need
- Developing policy and procedures, and ensuring they are accessible and up to date
- Carrying out risk assessments in a timely manner when an allegation of abuse is made against Church personnel
- Liaising with civil authorities, especially the Police and Aġenzija Appoġġ
- Identifying and disseminating best practice
- Overseeing and delivering safeguarding training
- Providing advice on safeguarding matters

This report describes the work done by the Commission in its first year and this enables the Church in Malta and Gozo to maintain transparency regarding its work and procedures to safeguard children and vulnerable adults. Individual cases are not described in view of data protection issues.

2. Managing a Safeguarding Complaint

When the Commission receives a referral or complaint, it opens an investigation to gather information and evidence that will inform a risk assessment on the individual or individuals who work, both paid employees and volunteers, within the Church (it is clearly not the Commission's remit to investigate people who do not work within the Church). The risk assessment is completed by an appropriately trained practitioner and supervised by the Head of Safeguarding. The aim of the assessment is to identify whether the person accused poses a risk of harm to children or vulnerable adults, not whether a person is guilty or innocent. If the person poses some form of risk, the Commission will recommend specific measures to ensure children and vulnerable adults are protected. In serious cases where the risk assessment concludes that it is not safe for a person to work with children and vulnerable adults, a restriction in pastoral activity will be considered.

Below are the procedures used by the Church when an allegation of abuse is reported to the Safeguarding Commission. These procedures are used in all cases when Church personnel working with children or vulnerable adults have:

- behaved in a way that has harmed a child or vulnerable adult
- possibly committed an offence against or related to a child or vulnerable adult
- behaved towards a child or vulnerable adult in such a way that may indicate that she or he poses a risk of harm to children or vulnerable adults

In the event that either a person applying for a role within the Church, or a person already in a role, is placed on the Register for the Protection of Minors, the person will be automatically suspended from working with children and referred to the Police. If a person's name was removed from the above-mentioned Register, admission to a Church personnel role is not automatic but will only occur upon the completion of a risk assessment approved by the Safeguarding Commission.

2.1 Initial Assessment

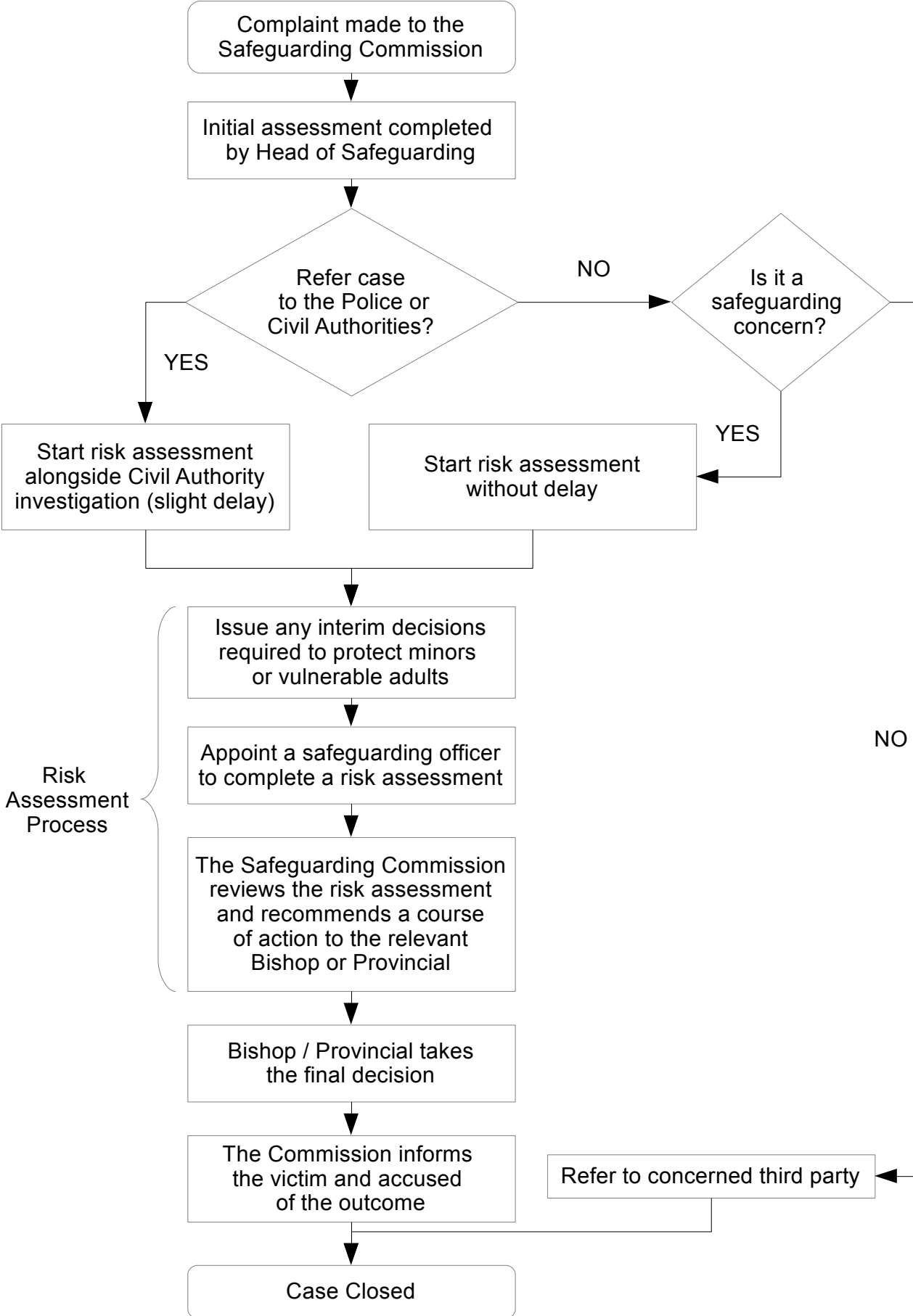
The safeguarding risk assessment process starts on receipt of a referral. Following the referral, the Head of Safeguarding completes an initial assessment as soon as possible but not later than a week from referral. The initial assessment will also consider whether a referral to civil authorities is necessary, as any civil investigation takes precedence over an internal one. As part of the initial assessment, recommendations for interim safeguards within the Church will be considered as well as an action plan to complete the investigation. In the event that there is an ongoing investigation by a civil authority, unless agreed otherwise with the authority concerned, the Church will proceed with its own internal investigation as the two investigations are distinct and have different aims and a different bar of proof. A criminal investigation carried out by the Police needs to reach the threshold of 'beyond reasonable doubt' in order to secure a conviction. However, in a risk assessment, the Commission uses the lower bar of proof 'on balance of probabilities' in order to assess the risk posed to children or vulnerable adults. In our experience, cases which also have a civil authority investigation will necessarily incur delay in our own risk assessment process. However, the Commission considers such delays necessary and proportionate.

2.2 Risk Assessment Process

Once the Church is able to start its internal risk assessment, the case is then allocated to a safeguarding officer who will complete a risk assessment, under the supervision of the Head of Safeguarding, and prepare a final report within an agreed timescale. The report is then presented to the Commission who will give a recommendation to the relevant Bishop or Religious Superior.

The diagrammatic illustration of the process for such investigations can be found in Figure 1.

Figure 1: The Safeguarding Investigation Process



2.3 Outcome of a Risk Assessment

The outcome of a risk assessment is to identify whether a person poses a risk either to children or to vulnerable adults or to both. A risk assessment can have one of the following outcomes:

- **Substantiated** – evidence was able to prove that the allegation did happen.
- **Unsubstantiated** – it cannot be proven if the allegation did or did not happen.
- **False** – evidence was able to prove that the allegation was false.
- **Malicious** – evidence was able to prove that the allegation was done with a malicious intent.
- **Refer to third party** – in situations where the complaint does not relate to safeguarding concerns but still needs to be dealt with by other entities, both within and outside of the Church.

The Safeguarding Commission will make specific recommendations on each individual case. The aim of such recommendations is to manage the risk identified by the assessment. These recommendations may include restrictions from pastoral activity in cases where a person is assessed to be of a high risk.

3. Mandatory Reporting

In Figure 1, we asked the question ‘Refer case to police or civil authorities?’ This section explains the cases which are referred by the Commission. As an organisation that works with children and vulnerable adults, the Church welcomes its responsibility to follow national legislation and collaborate with civil authorities when there is an obligation to report. As a matter of principle the Safeguarding Commission encourages all alleged victims to also report their concern to the Police.

When the Commission receives a referral concerning a minor which involves any of the Scheduled Offences and the allegation took place in the Church’s environment, it will immediately refer to the Police as stipulated by Law. If the alleged victim is an adult (even if s/he was a minor at the time of the alleged offence) the Commission will seek consent from the individual before passing on information to the Police, in line with legislation.

4. Prevention Model

The Church meets the requirements by Law as set out in the Protection of Minors (Registration) Act (2011), which means that on appointment, the Church files a Court application for all Church personnel working with children.

In its first year the Safeguarding Commission delivered a number of training sessions and reached an audience of almost 700 Church personnel (teachers, catechists, priests, religious, seminarians and volunteers). The plan is to build on this in 2016-2017 and develop a safeguarding-specific training course. All Church personnel working with children and vulnerable adults will be invited to attend. The aim is for the course to eventually become mandatory for all Church personnel working with children and vulnerable adults.

The Church is in the process of launching a pilot project with the aim of developing a Prevention Model within the Church. The Pilot Project involves the following entities:

- St Julian's Parish
- Marsaxlokk Parish
- Iklin Parish
- Jean Antide Foundation
- MUSEUM female section
- Żgħażagħ Azzjoni Kattolika

The Church is currently working with the Centre for Child Protection within the Pontifical Gregorian University in Rome to offer a safeguarding specific training programme to seminarians throughout the years of their formation. This programme will be starting in the scholastic year 2016-2017.

5. Contributing to National Policy and Practice

In August 2015, the Safeguarding Commission gave substantial feedback to the government on the White Paper "*Effective recruitment and selection procedures for people working with minors*". This was prepared in consultation with various secretariats within the Church, in particular the Secretariat for Catholic Education and the Catholic Schools' Association.

The Safeguarding Commission, together with the Secretariat for Catholic Education, also met the government to make a number of proposals on how to make organisations safer for children and vulnerable adults. The recommendations included:

- 1) What information should be shared in a Police Conduct certificate when applying for a role with children or vulnerable adults.

- 2) That the State creates an authority responsible for safeguarding children and vulnerable adults. This will help organisations, including civil authorities, improve information sharing which will in turn help organisations be safer.
- 3) Possible changes to the Register for the Protection of Minors to make it more effective.

6. The Way Forward

As stated elsewhere in this report, the next steps of the Safeguarding Commission will be to consolidate the work done in its first year. We will endeavour to speed up further our risk assessments. However a big emphasis will be put on the Prevention Programme. We are actively looking to expand our team in order to meet these obligations. The Pilot Project is the first step towards creating a Safeguarding Policy for the Church in Malta and Gozo. All entities offering a service to children or vulnerable adults which fall under the responsibility of the Church will be affected by these changes. We are also looking forward to signing a Memorandum of Understanding with the Centre of Child Protection of the Pontifical Gregorian University in Rome and implement the safeguarding training with the candidates for priesthood in Malta and Gozo.

We also aim to increase our collaboration with civil authorities to help develop a national strategy to protect children and vulnerable adults and to promote collaboration between agencies.

Appendix 1: Safeguarding Data – February to December 2015

Complaints involving minors

New complaints	Inherited
27	4*
Risk assessments concluded	Ongoing risk assessments
24	7

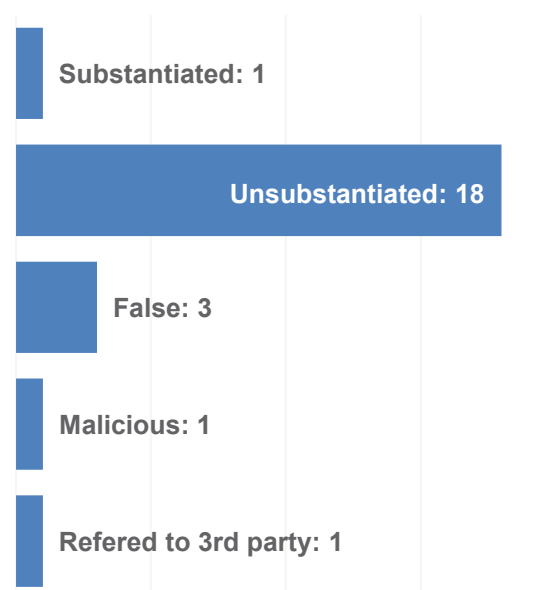
* One complaint which is also being investigated by the Police in Court is still open – the rest have been closed.

Restrictions in place for ongoing risk assessments

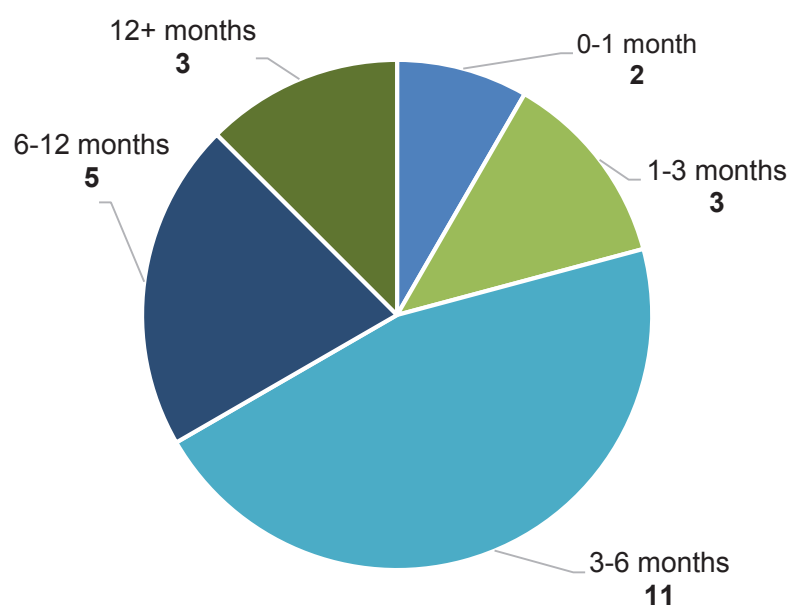
In these cases a non-prejudicial restriction in pastoral activity was imposed while the assessment is ongoing.

Diocesan priests (Malta and Gozo)	1
Religious (priests, brothers or nuns)	3
Lay persons	1
Total	5

Concluded assessments**



Length of time to conclude assessments



**Definitions in section 2.3

Persons restricted in pastoral activity after conclusion of the risk assessment

Diocesan priests (Malta and Gozo)	1
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Complaints involving vulnerable adults

New complaints	Inherited
14	1*
Risk assessments concluded	Ongoing risk assessments
10	5

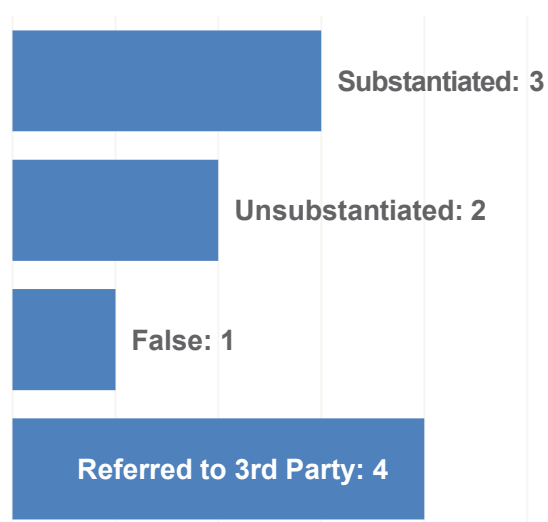
* The case has been closed.

Restrictions in place for ongoing risk assessments

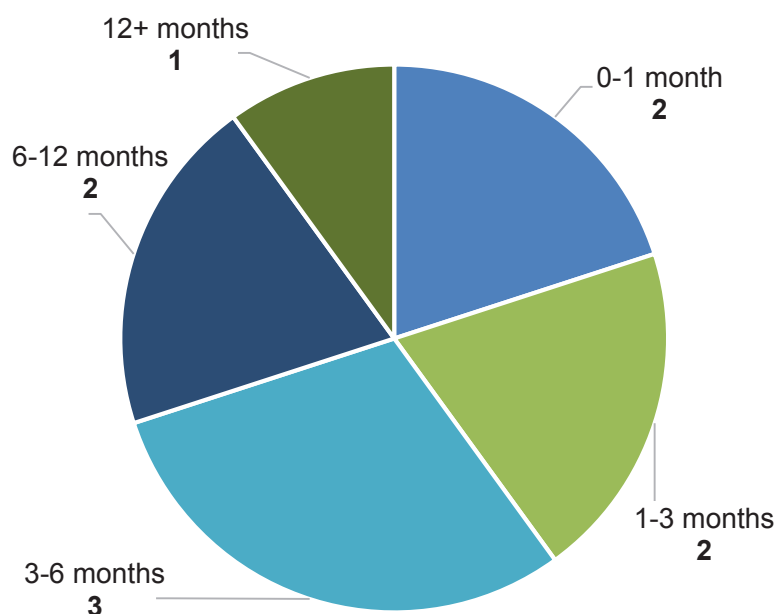
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