



SAFEGUARDING COMMISSION

Annual Report 2018

www.safeguarding.mt

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Foreword

The effort to keep safeguarding at the centre of the Church's mission continued in 2018. In order to instil a positive safeguarding culture, the Safeguarding Commission continued its work to ensure that all children and vulnerable adults are safe when they participate in Church activities in Malta and Gozo. Safeguarding is not a box that needs to be ticked but is a mind-set that all Church personnel need to have. During this year we offered training to 598 persons and provided vetting for 1,502 persons.

2018 was a challenging year for the global Catholic Church with very disturbing news from the United States and Chile. Pope Francis has called for a global meeting in February 2019 to discuss the ways the Church can improve its local safeguarding practices around the world. These events remind us that the Church cannot be complacent and always needs to strive to improve its standards of practice. In this context, the Bishops of Malta and Gozo, together with the local Religious Major Superiors (KSMR) requested the Safeguarding Commission to review the Church's safeguarding policies. The process will be thorough and seek consultation from all stakeholders, including victims and survivors, Church entities and statutory agencies.

The Church continued to report allegations of abuse to statutory agencies. This has been part and parcel of the Safeguarding Commission's ethos since its inception in 2015. The Commission's role is to assist the Church in providing a safe space for children and vulnerable adults. The statutory agencies play a vital role for this to be achieved. I want to thank the police officers and social workers who work with the Malta Police Force and Aġenzija Appoġġ for their collaboration in supporting victims and their families.

Being at the forefront of best practice in safeguarding is intrinsic to Catholic values. This is even more relevant when society responds to victims with diffidence or when people attempt to either justify or excuse those who commit the atrocious crime of abuse. The Commission is conscious that speaking up against any alleged abuse requires a lot of courage and strength, and encourages any person who has experienced abuse to speak to the authorities for assistance. When allegations are being investigated by the police, the process of justice needs to run its course. The Safeguarding Commission appeals for caution against a victim blaming attitude, particularly on social media.



Andrew Azzopardi
Head of Safeguarding

1. Certificate in Safeguarding of Children and Young People

In 2018, the Safeguarding Commission approached the Faculty of Theology at the University of Malta to explore the idea of launching a University Certificate in Safeguarding of Children and Young People. This would be the first University accredited course in safeguarding in Malta and one of the few offered in Europe. The new course will be run by the Faculty of Theology in partnership with the Faculty of Social Wellbeing.

The aim of the course is to tackle the reality of abuse of children and young people, particularly through education and training in safeguarding of all those involved in pastoral care, education, social work, voluntary work, healthcare, sports and other recreational activities. This reality is a very concrete experience and leaves devastating consequences first and foremost on the victims and their relatives, but also on the abusers and society in general, including the credibility of institutions.

2. Our contribution to improve safeguarding in society

In August 2018, the Church participated in the public consultation organised by the Ministry for the Family, Children's Rights and Social Solidarity, on the Minor Protection (Alternative Care) Act 2019. Fondazzjoni Sebħ¹ gathered the feedback on behalf of various Church entities, including the Safeguarding Commission.

The Minor Protection Act (2019) is seen as largely positive and innovative, and a much needed legislation for Malta. It is encouraging to note that the law recognises that the child's best interest is paramount and that all professionals will actively work towards achieving a permanent placement for children living in alternative care. Other positive developments include: the involvement of the Law Courts to issue Court Orders to protect children; the introduction of kinship care² as a priority for children needing alternative care; and allowing non-governmental agencies to offer foster care, thus supporting the work of Aġenzija Appoġġ.

¹ Fondazzjoni Sebħ is the diocesan entity working with children and victims of domestic violence in Malta.

² Kinship care is an alternative placement within the child's family of origin.

The Safeguarding Commission appreciates the objective of mandatory reporting but would express certain concern about the potential unintended consequences of this development.

The Commission has been consistently committed to report concerns to the police. However, it believes that reporting should be done in such a way that takes into consideration the wishes of victims or survivors. Putting the onus on professionals to report any allegation to civil authorities can hamper a victim's motivation to seek support and therapy.

In response to the public consultation on the law, the Commission suggested that more research is carried out on the effects of mandatory reporting even when Courts do not publish the name of the victim. This holds particularly in a small country like Malta where people's identity can be easily revealed, irrespective of the Courts Order.

The Commission is in favour of a system that obliges professionals to report the abuse to the police or Aġenzija Appoġġ, with the proviso that the report is followed by a professionals' meeting to determine the best interest of the victim concerned. This meeting should take into account the victim's wishes to be contacted by law enforcement authorities.

3. A new Safeguarding Policy for the Church in Malta and Gozo

The Church in Malta is proud of its robust safeguarding policy. However, the Church also recognises that in order to remain relevant, policies need to be reviewed and updated in line with any changes in legislation and best practice. In 2018, on the request of the Maltese Episcopal Conference and the Religious Major Superiors (KSMR), the Commission started a process to update the safeguarding policy for both dioceses and religious orders. The plan is to hold a wide consultative process which will include various stakeholders. The Safeguarding Commission will also be consulting victims in order to see how to improve existing processes and to ensure that the approach remains victim-focussed. The process is expected to last between 12 and 18 months.

4. Prevention of abuse

The Protection of Minors (Registration) Act (POMA) requires all employers to file a court application for any employee or volunteer who comes in contact with minors. This is done as a precautionary measure to verify whether there is any relevant information on the Offenders' Register, as regulated by the same Act. In this respect, the Safeguarding Commission filed a number of court applications for a total of **1,502** people who all received clearance to work with minors. Police conducts have also been collected for a number of individuals, specifically for those entities who formed part of the pilot project in 2017 and those who benefitted from the support of the Commission when applying for the School Leaving Certificate.

The Safeguarding Commission also offered a number of training sessions to staff, volunteers, seminarians and members of religious orders as part of their ongoing formation. In 2018, 548 Church personnel (such as teachers, catechists, priests, religious, seminarians and volunteers) attended safeguarding-specific training led by the Commission. Fr Joseph Farrugia, a member of the Safeguarding Commission, delivered in-depth training on safeguarding minors to 50 Church personnel in Gozo. This brings the total of people trained in 2018 to **598** Church personnel.

5. Statistics of complaints

In 2018, six allegations were found to be substantiated. All six allegations involved minors. These involved three diocesan priests, one religious priest and two lay persons. All six personnel were restricted from pastoral activity.

- Four allegations were referred to the Police for investigation.
- One allegation was already investigated by a foreign Court (since the incident happened abroad). The local Police were still informed.
- One allegation involving emotional abuse and poor practice was already being monitored by Aġenzija Appoġġ.

The Commission also reviewed a known complaint involving a priest within the Archdiocese of Malta. This complaint involved a priest in the Archdiocese of Malta. The Commission recommended that restrictions remain ongoing due to historical case of abuse.

Between January and December 2018, 19 new complaints were received involving minors and 10 involving vulnerable adults:

17 assessments involving minors were concluded in 2018, out of which six were substantiated (as explained above), one was poor practice, four were unfounded, two were unsubstantiated, one involved someone who was not Church personnel, and three were referred to a third party as they were not a safeguarding concern.

The Commission concluded 10 assessments involving adults out of which seven were referred to third parties as they were not a safeguarding concern, one was unsubstantiated, one was unfounded and one involved poor practice.

Appendix 1: 2018 Safeguarding Data for Minors

Concluded assessments

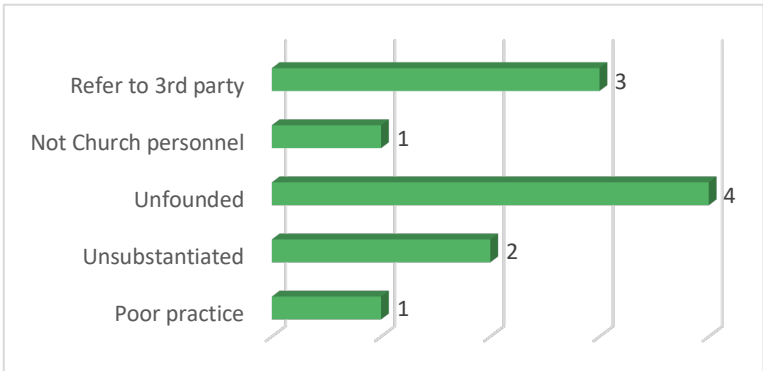
Substantiated complaints

Role	Allegation	Restricted from pastoral activity	Referred to civil authorities
Diocesan priest (Gozo)	Sexual abuse	Yes	Yes
Diocesan priest (Gozo)	Sexual abuse	Yes	Yes
Diocesan priest (abroad) ¹	Sexual abuse (abroad)	Yes	Yes
Religious priest	Sexual abuse	Yes	Yes
Lay person	Physical abuse	Yes	Yes
Lay person	Emotional abuse and Poor practice	Yes	Yes

¹The case was already investigated by a foreign court

The Safeguarding Commission also reviewed a historical case of sexual abuse committed by a diocesan priest (Archdiocese of Malta) and the Archdiocese confirmed the restrictions in pastoral activity.

Other complaints



Risk assessments

Substantiated	6
Other complaints (including substantiated, unsubstantiated, unfounded and referred to 3 rd party)	11
Ongoing	14

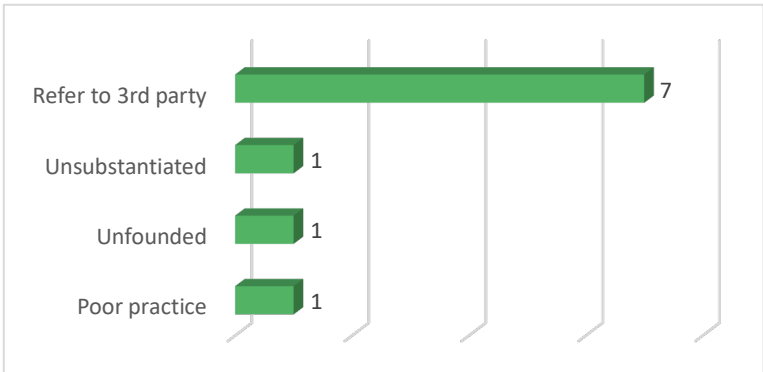
Appendix 2: 2018 Safeguarding Data for Vulnerable Adults

Concluded assessments

Substantiated complaints

None

Other complaints



Risk assessments

Substantiated	0
Concluded (including substantiated, unsubstantiated, unfounded and referred to 3 rd party)	10
Ongoing	3

Appendix 3: Glossary of terms

<i>Term</i>	<i>Description</i>	
Church personnel	Refers to clergy (bishops, priests and deacons), consecrated persons, members of apostolic life and lay people (employed or volunteers) appointed to work in pastoral activity or in supporting the Church's mission.	
Conclusion of a complaint	<i>Refer to 3rd Party</i>	Complaints which do not relate to safeguarding concerns but still need to be dealt with by other entities, both within and outside of the Church.
	<i>Substantiated</i>	Evidence was able to prove that the allegation did happen.
	<i>Unfounded</i>	Evidence was able to prove that the allegation was false.
	<i>Unsubstantiated</i>	It cannot be proven if the allegation did or did not happen
	<i>Poor practice</i>	Where the behaviour of Church personnel may be causing distress to a child or vulnerable adult or any behaviour that conflicts the standards of behaviour expected or which infringes an individual's rights.
	<i>Pastoral activity</i>	Any activity that involves the Catholic Church or its mission.
Protection of Minors Act (POMA) Court Application	A request from the Voluntary Jurisdiction Section of the Civil Court (First Hall) for information which may be registered in the Register in respect of any applicant, or person who is employed, or holds any position with the same institution, establishment or organisation whether such employment or position is against payment or otherwise. This is regulated by the Protection of Minors (Registration) Act of the Laws of Malta.	
Restriction from pastoral ministry	A temporary or permanent decision to suspend personnel from some or all pastoral activity.	
Safeguarding-specific training	Training to raise awareness of the responsibility of Church personnel to identify signs of abuse and report concerns. The training also gives tools to personnel to create a safe environment for minors and vulnerable adults.	
Types of abuse	<i>Bullying</i>	Bullying is unwanted, aggressive behaviour that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Kids who bully use their power such as physical strength, access to embarrassing information, or popularity to control or harm others.
	<i>Emotional</i>	Minors who are emotionally abused are subjected or exposed to behaviour that may result in psychological trauma including anxiety, depression or post-traumatic stress disorder.
	<i>Exploitation</i>	The act of using a child for profit, labour, sexual gratification, or some other personal or financial advantage.
	<i>Neglect</i>	Neglect is the ongoing failure to meet a child's basic needs. It's dangerous and minors can suffer serious and long-term harm.
	<i>Physical</i>	Physical abuse is deliberately or neglectfully hurting a child causing injuries such as bruises, broken bones, burns or cuts.
	<i>Sexual</i>	A child is sexually abused when they are forced, persuaded or threatened to take part in sexual activities. There is usually a power difference between victim and perpetrator; as well as a significant disparity between their intellectual capacity or maturity.