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SAFEGUARDING AS MINISTRY.
PROMOTING A CULTURE OF SAFEGUARDING CHILDREN,
YOUNG PEOPLE AND ADULTS
AT RISK WITHIN THE CATHOLIC CHURCH
OF ENGLAND AND WALES

Abstract. The article offers an insight into the work of the Catholic Church in England and Wales in promoting a culture of safeguarding children, young people and adults at risk. The promotion of the safeguarding culture depends on a balanced and careful assessment of the situation, the operation of institutions and organizations established within the Church to protect and prevent crimes against minors as well as fostering a pastoral sense of safeguarding in the Church, namely all members of the Church's hierarchy, priests, religious leaders and laic people as well as all the People of God. This article presents the development of definition of safeguarding and a broad understanding of the context of protection of minors in recent years, especially in the Church's practice and teachings. It also presents legal, civil and canonical documents as well as theological and pedagogical aspects of the safeguarding. In the research aspect of the thesis the article indicates key elements of actions taken by the Catholic Church in England and Wales in relation to the One Church principle, the principle of unity of the Church as an institution. Also presented are forms and ways of promoting a culture of safeguarding in the life and ministry of the Church, whose aim is to love and ensure pastoral care for every "Little Child."

Key words: abuse; sexual abuse; discrimination; violence; child protection; education; formation; prevention; protection of minors; safeguarding; pedagogy of prevention; ministry and mission of the Church; theology of safeguarding; promoting culture of safeguarding; rights of the Child.

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He worked within the structures of the Polish Catholic Mission in England and Wales (2003-2018).

INTRODUCTION

The issue of safeguarding children is an enormous challenge for the Catholic Church and for the society in general. The impact of abuse scandals has been enormous and there are many victims: survivors and their families, the Church community, the clergy and religious leaders as well as the Church as an institution. This situation is not only damaging to the Gospel's mission but also a barrier to Evangelisation. This article offers an insight to the work of the Catholic Church in England and Wales in promoting a culture of safeguarding children, young and vulnerable people, as well as adults at risk, especially safeguarding as ministry. The article contains the following: definitions of safeguarding, safeguarding in Church's teachings, legal documents and the canonical context of safeguarding and answers to the questions: what is meant by a culture of safeguarding within the context of the Catholic Church? What is meant by safeguarding as ministry? How can priests promote a culture of safeguarding?

The author of the article worked within the structures of the Polish Catholic Mission in England and Wales (2003-2018), participating in several trainings and workshops on safeguarding in the Diocese of Westminster. For the author especially memorable were a meeting and workshop delivered by Baroness Julia Cumberlege on the report *Safeguarding with confidence* (2007), the lecture by Jim MacManus on the "Theology of Safeguarding" (2010) and the training for the clergy and religious "Safeguarding as Ministry" (2016). These workshops were practical and effective, they provided the necessary theoretical knowledge and examples of practical applications. The trainings were approved by the National Catholic Safeguarding Commission (NCSC).¹ The Catholic Safeguarding Advisory Service (CSAS) provided the training and resources in line with the National Procedures Manual approved by the NCSC. This article offers an understanding of the development of a culture of safeguarding for clergy and religious leaders, based on theoretical and practical knowledge of theological principles safeguarding.

¹ NCSC – the National Catholic Safeguarding Commission was established in July 2008, after the Bishops' Conference on England and Wales and the Conference of Religious of England and Wales, as a consequence of Cumberlege's recommendations in the Commission's report *Protecting with Confidence* (2007). The NCSC appoints and directs the work of the Catholic Safeguarding Advisory Service (CSAS), which was set up to accelerate progress in practice. Its main role is to coordinate, advise and support in relation to the wider protection of children, adolescents and adults at risk.

I. THE CONCEPTS AND DEFINITIONS OF SAFEGUARDING

Safeguarding is a particular aspect of the Church's vocation to care for and protect the weak and those in need. It makes effective the Lord's call on us to guide the most vulnerable members of the flock. While safeguarding's particular contemporary form is influenced by the Church's interaction with secular agencies, it is primarily an evangelical imperative from the Lord. Contemporary safeguarding literature typically highlights three key concepts involved in safeguarding: promotion, prevention and protection. Promotion is a concept best seen in the context of nurturing well-being, just as the Good Shepherd leads his flock to good pasture. Prevention and protection are best viewed in relation to the concept of risk, just as the Good Shepherd protect his flock against "wolves." All three are important elements in safeguarding training, as they contribute to understanding of promoting a culture of safeguarding.²

Safeguarding within the Catholic Church in England and Wales has made significant progress, taking on board legislative changes and governmental guidance, as well as internal reviews and reports in relation to promoting the wellbeing of the young and the vulnerable. Safeguarding is more than child protection. It begins with promotion and preventive activity which enables children and young people to grow up safely and securely, in an environment where their development and wellbeing is not adversely affected. It includes supporting families and early intervention to meet the needs of the children and continues through to child protection. The letter refers specifically to the activity undertaken to protect individual children or young people who are suffering, or are likely to suffer significant harm.³

The growing recognition of the benefits of prevention and early intervention have significantly influenced the development of national policies and has resulted in a shift from narrow focus on "protection" to the wider focus on "safeguarding." The impetus for change, however, has been the need to protect children and vulnerable adults from harm. The Catholic Church, like many others institutions, has had to grapple with the issues of abuse, and

² CSAS, *Towards a Culture of Safeguarding Module 1: Safeguarding as Ministry, Contextual Understanding for Clergy and Religious*, January 2016, p. 1.2, of the CSAS training and methodical material, National Procedures Manual CSAS.

³ *Co-Operating to Safeguard Children and Young People in Northern Ireland* (March 2016); behind: *Child Protection and Safeguarding Policy*, St Therese of Lisieux Primary School, National Procedures Manual CSAS.

a hard lessons have been learnt. A number of reports have been influential in taking the safeguarding agenda forward within the Catholic Church in England and Wales.⁴

The final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales, prepared by Lord Nolan and titled *A Programme for Action*, was published by the Bishops' Conference in 2001. This led to establishment of COPCA, the Catholic Office for the Protection of Children and Vulnerable Adults, as an independent body reporting to and funded partly by the Bishops' Conference, and partly by the Conference of Religious. The Nolan Report sought to protect children and adults from abuse by creating "a culture of vigilance."⁵

The Cumberlege Commission Report embraced the wider concept of safeguarding, highlighting the importance of working together to develop a "one Church" approach to safeguarding in order to ensure consistency of best practice in religious congregations and dioceses. This approach not only requires that we all work towards the same policies and procedures but requires us to work towards creating a culture of safeguarding. The Cumberlege Commission was an ecclesiastical commission chaired by Julia Cumberlege, Baroness Cumberlege in 2006-2007. Its goal was to review the policies of the Catholic Church in England and Wales in the prevention of sexual abuse of children. The commission carried out its activities for five years after the independent review by Lord Nolan. It published its report in July 2007.⁶

The report is consistent with the governmental definition of safeguarding in the document *Working Together to Safeguard Children*. This definition is a guide to inter-agency work to safeguard and promote the welfare of children described as follows: "The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully."⁷ *Working Together* sets out how organizations and individuals should work together to safeguard and promote the

⁴ CSAS, *Towards a Culture of Safeguarding*, pp. 1.2-4.

⁵ *A Programme for Action* (2001), a report by Lord Nolan, National Procedures Manual CSAS.

⁶ *Safeguarding with Confidence* (2007), Cumberlege Commission Report, National Procedures Manual CSAS.

⁷ *Working Together to Safeguarding Children* (2010), National Procedures Manual CSAS.

welfare of children and young people in accordance with the Children Act 1989 and Children Act 2004.

In the Catholic Church this is demonstrated by the provision of carefully planned activities for children, young people and adults, supporting families under stress, caring for those who are physically and mentally hurt, including those who have been abused; and ministering to and managing those who have caused harm. The document *Towards a Culture of Safeguarding* (2012) forms the basis on which work be carried out to raise standards of safeguarding throughout the Catholic Church in England and Wales: “The Catholic Church is striving towards a culture of safeguarding where all are safe from harm and abuse and where every person is encouraged and enabled to enjoy the fullness of life in Jesus Christ through the prayerful, caring nurturing, supportive and protective endeavors of the Catholic community, both individually and collectively.”⁸

MacManus and Luxon have made an attempt to develop the theology of safeguarding. Generally, theology helps to understand faith and reflection on it helps the Church live its life in accordance with its principles. Theology interprets what God’s will and the Church’s mission mean in particular circumstances. Theology of safeguarding is a reflection and understanding of theological principles and challenges of safeguarding:

“Some theological principles of safeguarding is essential to the Church’s fulfillment of its calling and mission, given by Christ is implicit in what Jesus intended when he said ‘feed my lambs, feed my sheep.’ Is essential if we are to introduce people effectively to relationship with God. Is a sign of the kingdom Justice, Peace and Integrity of Creation Safeguarding is an exercise of Charity and of Justice. Safeguarding helps the Church stay one, holy, Catholic and Apostolic. Safeguarding reflects the loving nature of Go. Safeguarding is an essential context for people to receive the sacraments and grow in discipleship.”⁹

“Safeguarding challenges those in positions of authority (including those within families) who deny the issue, collude with it or cover it up. The church needs to witness this prophetic challenge, which affects all parts of society and all societies, to give priority to those who are vulnerable and hurting. For the church to become a safer place it needs to develop and nurture places of hospitable space or sanctuary. Church people need to develop

⁸ *Towards a Culture of Safeguarding* (2012), p. 3, National Procedures Manual CSAS.

⁹ McManus, John, *Towards a Theology of Safeguarding, Pointers for a Theology of Safeguarding*, handout notes (2010).

a sense of hospitality which includes openness and careful listening. A sense of hospitable space, and careful welcome must also extend to the offender.”¹⁰

II. ELEMENTS OF THE CHURCH’S TEACHING (MAGISTERIUM ECCLESIAE) ON SAFEGUARDING

Before considering the legal and the canonical context of safeguarding, it is important to understand the truth and meaning of human sexuality in Church teaching, especially in Catechism of the Catholic Church:

Connected to incest is any sexual abuse perpetrated by adults on children or adolescents entrusted to their care. The offence is compounded by the scandalous harm done to the physical and moral integrity of the young, who will remain scarred by it all their lives; and the violation of responsibility for their upbringing (CCC 2389).¹¹

The encyclical of Saint Pope John Paul II “*Evangelium Vitae*” was written to reiterate the view of the Roman Catholic Church on the value of life and to warn against violating the sanctity of life:

Sexual violence with regard to children is not infrequent. Parents must protect their children, first by teaching them a form of modesty and reserve with regard to strangers, as well as by giving suitable sexual information, but without going into details and particulars that might upset or frighten them (EV 85). [...] In our service of charity, we must be inspired and distinguished by a specific attitude: we must care for the other as a person for whom God has made us responsible (EV 87).¹²

Pope Benedict XVI addressed the abuse crisis during his visit to Britain (2010):

Our first interest is for the victims: how can we repair the damage done? What can we do to help these people overcome this trauma, to regain their life and re-discover confidence in the message of Christ? Care, commitment to victims is

¹⁰ Luxon, Pearl, “Towards a Theology of Safeguarding,” November 2008, *Methodist Church Safeguarding Newsletter*, 14 February 2009.

¹¹ *Catechism of the Catholic Church* (latin: *Catechismus Catholicae Ecclesiae*; commonly called *Catechism* or CCC) was promulgated for the Catholic Church by Pope John Paul II in 1992.

¹² The encyclical *Evangelium Vitae* (EV), meaning *The Gospel of Life*, was promulgated on 25 March 1995 by Pope John Paul II in Rome, Italy.

the first priority, with material, psychological, spiritual aid. Second, the problem of the guilty persons. The just punishment is exclusion from all possibilities of access to young people because we know that this is a disease and free will does not work where there is disease. So we have to protect these people against themselves and find ways to help them, protect them against themselves and exclude them from any access to young people. The third point is prevention in education, in the choice of candidates for the priesthood to be so careful that, as much as humanly possible, we exclude future cases.¹³

Pope Francis gave a concluding address to the participants of the Vatican summit on “The Protection of Minors in the Church” (2019). Defining the abuse of minors perpetrated by men of the Church as a “plague,” Pope Francis said:

The Church’s aim will thus be to hear, watch over, protect and care for abused, exploited and forgotten children, wherever they are. To achieve that goal, the Church must rise above the ideological disputes and journalistic practices that often exploit, for various interests, the very tragedy experienced by the little ones. The time has come, then, to work together to eradicate this evil from the body of our humanity by adopting every necessary measure already in force on the international level and ecclesial levels. The time has come to find a correct equilibrium of all values in play and to provide uniform directives for the Church, avoiding the two extremes of a “justicialism” provoked by guilt for past errors and media pressure, and a defensiveness that fails to confront the causes and effects of these grave crimes.¹⁴

Pope Francis proposed some strategies known as INSPIRE: Seven Strategies for Ending Violence against Children. Each letter of the word INSPIRE represents one strategy, and for the most part has shown to be preventively effective against various types of violence, in areas such as mental health, education and the reduction of crime. The seven strategies: Implementation and Enforcement of Laws (avoiding violent discipline and limiting access to alcohol and firearms); Norms and Values that need changing (those that condone sexual abuse against girls or aggressive behaviour among boys); Safe Environments (identifying neighborhood violence “hotspots” and dealing with local causes through policies that resolve problems and through

¹³ Pope Benedict XVI addresses the abuse crisis during a mid-flight press conference on his way to Scotland with journalists accompanying him on his four-day visit to the United Kingdom, 16 September 2010. Final Resolutions from the Bishops’ Conference of England and Wales, Working with Survivors and Towards Healing, Leeds 4-17 November 2011.

¹⁴ Pope Francis’ Concluding Address to Participants of Vatican Summit on Child Protection, *The Protection of Minors in the Church*, Rome, on February 24, 2019.

other interventions); Parent and Caregiver Support (by providing formation to parents for their children, and to new parents); Income and Economic Strengthening (such as microcredit and formation concerning equity in general); Response and Support Services (ensuring that children exposed to violence can have access to effective emergency care and can receive adequate psychosocial support); Education and Life Skills (ensuring that children attend school and equipping them with social skills). With the help of these guidelines, the work carried out in recent years by the Pontifical Commission for the Protection of Minors and the Church, which is developing its legislation, will concentrate on the following aspects: protection of children, impeccable seriousness, genuine purification, formation, strengthening and reviewing guidelines by episcopal conferences, accompaniment of those who have been abused, the digital world and sexual tourism.¹⁵

III. THE LEGAL CONTEXT OF SAFEGUARDING

Clergy must be required to play a leading role in protecting vulnerable children and adults exposed to harm and to promote their wellbeing. In order to do this, they must be aware of their responsibilities under the law and know where and how to access information and advice when require. As noted before, safeguarding is more than protection, it also involves being mindful of promoting wellbeing, including promoting an individual's rights. There have been significant efforts in promoting the welfare of children (under 18) and adults at risk (over 18), and below are presented some key documents that have inspired change.¹⁶

In November 1959, the United Nations issued a document declaring children's rights. *The Declaration of the Rights of the Child* sometimes known as the *Geneva Declaration of the Rights of the Child* is an international document promoting children's rights drafted by Eglantyne Jebb and adopted by the League of Nations in 1924, and in an extended form by the United Nations in 1959. The Declaration included:

¹⁵ Pope Francis' Concluding Address to Participants of Vatican Summit on Child Protection, The best practices formulated under the guidance of the World Health Organization by a group of ten international bodies that developed and approved a packet of measures called INSPIRE, *Seven Strategies for Ending Violence against Children*.

¹⁶ CSAS, *Towards a culture of safeguarding*, pp. 2.1-2.

the right to equality, regardless of race, colour, religion, sex or nationality; the right to healthy mental and physical development; the right to a name and a nationality; the right to sufficient food, housing and medical care; the right to special care, if handicapped; the right to love, understanding and care; the right to free education, play and recreation; the right to medical aid in event of disaster and emergencies; the right to protection from neglect and exploitation; the right to protection from prosecution, and to an upbringing in the spirit of world-wide brotherhood and peace.¹⁷

In 1989, the Convention on the Rights of the Child was adopted and expanded to include: the Welfare Principle; protecting from abuse, protecting from sexual abuse and sexual exploitation. The United Nations General Assembly adopted the Convention and opened it for signature on 20 November 1989 (the 30th Anniversary of its *Declaration of the Rights of the Child*). It came into force on 2 September 1990, after it was ratified by the required number of nations. Both protocols have been ratified by more than 160 states.¹⁸

The Children Act (1989) introduced comprehensive changes to legislation affecting the welfare of children in England and Wales. Pivotal to the Act was the concept of parental responsibility, the need to provide support to families in need, and clear legislation to protect children from significant harm. The Act provides the legislative framework for agencies to take decisions on behalf of children to protect them from abuse and neglect. A local authority has a duty to make enquires to decide whether action should be taken to safeguard the welfare of a child or young person who is suffering, or likely to suffer significant harm. The concept of “significant harm” was introduced in the Act as the threshold that justifies a compulsory intervention in family’s life in the best interests of children and young people. “Harm” means ill-treatment or the impairment of health or development.¹⁹

Every Child Matters (2003) is a government initiative for England and Wales, that was launched in 2003, at least partly in response to the death of Victoria Climbié. In 2000 in London an eight-year-old Ivorian girl, Victoria Adjo Climbié, was tortured and murdered by her guardians, allegedly after a Universal Church of the Kingdom of God’s preacher convinced her aunt

¹⁷ *The Declaration of the Rights of the Child* (1959).

¹⁸ *United Nations Convention on the Right’s of the Child* (1989).

¹⁹ *The Children Act* (1989) came into force on 14th October 1991, National Procedures Manual CSAS.

that the child was possessed by the devil. Her death led to a public inquiry and produced major changes in child protection policies in the United Kingdom. It is one of the most important policy initiative which has been introduced and developed in relation to children and children's services of the last decade. It has been described as a "sea change" to the children and families agenda. It has been the subject of three government papers leading to the *Children Act* 2004. This document concerns children and young adults up to the age of 19, or 24 for those with disabilities. Lord Laming's recommendations made it clear that child protection cannot be separated from policies to improve children's live as a whole. The document set out five outcomes that are key to childhood wellbeing and to wellbeing in later life, these are: being healthy, staying safe, enjoying and achieving, making a positive contribution, and economic wellbeing.²⁰

The Children Act (2004) is an Act of the Parliament of the United Kingdom, which amended the Children Act (1989), largely in consequence of the Victoria Climbié inquiry. The Act is the basis for the most official administration and is considered helpful to safeguarding children, notably bringing all local government functions of children's welfare and education under the statutory authority of local Directors of Children's Services, establishing the role of Children's Commissioner for England (Wales introduced the role of Children's Commissioner in 2001). The Commissioner's general function is to promote awareness of the views and interests of children. The Act places a duty on organizations to have regard to safeguarding children and promoting their wellbeing. This includes the need to ensure that all adults who work with or on behalf of children young people in these organizations are competent, confident and *safe to do so*.²¹

The Mental Capacity Act (2005) supports and protects people who may be unable to make certain decisions independently. The Acts sets out key principles and serves as a benchmark for decision makers. Although there is no duty placed on persons or organisations to apply these principles, failure to do so could be cited in legal proceedings as evidence of unlawful conduct. Principles that encourage respect for the individual should be embraced. The Act provides that every adult has the right to make his or her own decisions and must be assumed to have capacity to do so, unless it is proven otherwise; individuals should be given support to make their own decisions; a person

²⁰ *Every Child Matters* (2003), National Procedures Manual CSAS.

²¹ *The Children Act* (2004), National Procedures Manual CSAS.

must be given all practicable help before anyone treats them as not being able to make their own decisions; unwise decisions just because an individual makes what might be seen as an unwise decision, should not be treated as lacking capacity to make a decision; an action or decision made under the Acts for or on behalf of person who lacks capacity, must be done in their best interests; the least restrictive option provides for anything done for or on behalf of a person who lacks capacity should be the least restrictive of their basic rights and freedoms. The above principles apply to everyone involved in decision making and should effect their attitudes, advice and actions.²²

Working Together to Safeguard Children (2006) is a guidance document that sets out how organizations and individuals should work together to promote welfare of children and young people. It refers directly to spiritual/religious communities, recognizing that churches provide a wide range of service for children and families, and that religious leaders, staff and volunteers have an important role in safeguarding. This document has been updated a number of times since first being published (latest version July 2018) and the 2006 version took into account changes resulting from *The Children Act* (2004), Wales, *Working Together under the Children Act* (2004).²³

The Safeguarding Vulnerable Groups Act (2006) was passed as a result of the Richard Inquiry arising from the Soham murders in 2002, when two schoolgirls, Jessica Chapman and Holly Wells, were murdered by the school caretaker Ian Huntley. The inquiry questioned the way employers recruit people to work with vulnerable groups, particularly the way background checks are carried out. Recommendation 19 of the inquiry report highlighted the need for a single agency to vet all who want to or volunteer to work with children or vulnerable adults. The Act recognises that a person may be vulnerable by virtue of the context in which they find themselves or the services they receive, that is: those in residential accommodation provided in connection with care or nursing, or recipient of domiciliary care services; those receiving health care; those in lawful custody or under supervision of probation officer; those receiving a welfare service of a prescribed description or direct payment from a social services authority; those receiving services or taking part in activities, aimed at people with disabilities or special needs

²² *Mental Capacity Act* (2005), National Procedures Manual CSAS.

²³ *Working Together to Safeguarding Children* (2006), National Procedures Manual CSAS.

because of their age or state of health; those who need assistance to conduct their affairs.²⁴

The Children and Families Act (2014) seeks to improve services for vulnerable children and support families. It underpins wider reforms to ensure that all children and young people can succeed, no matter what their background is. The Acts ensures greater protection of vulnerable children, better support to children whose parents are separating, a new system to help children with special educational needs and disabilities, and it helps parents to balance work and family life. Reforms regarding children in care can be implemented, for example, by giving them the choice to stay with their foster families until their twenty-first birthday. The legal framework underpinning the protection of adults from abuse was for many years fragmented as there was no single statutory provision which placed a duty on local authority to investigate and to act upon cases of suspected abuse of adults at risk. This all changed under *the Care Act (2014)* and *the Social Services and Wellbeing Act (2014)* in Wales.²⁵

In 1988 the Department of Health embarked on producing a policy framework to offer greater protection to adults (over 18) at risk. This led to the publication of guidance documents in England in 2000: *No Secrets Guidance on Developing multi Agency and Procedures to Protect Vulnerable Adults from Abuse; In Safe Hands, Implementing Adult Protection Procedures in Wales* (2000). Both guidance documents use the Law Commission Report (1995) to describe the degree of abuse that justifies intervention in relation to a vulnerable adult:

Harm should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also the impairment of, or an avoidable deterioration in, physical or mental health; and impairment of physical, intellectual, emotional, social or behavioral development.²⁶

The Care Act (2014) and *the Social Services and Wellbeing Act (2014)* built on reviews and reforms and provides a coherent approach and legal framework to social care giving emphasis to well-being, prevention and integration. It is important to remember that levels of vulnerability may increase or decrease according to the circumstances and experience at any given time. Adults at risk include people with: learning or physical disabili-

²⁴ *Safeguarding Vulnerable Groups Act (2006)*, National Procedures Manual CSAS.

²⁵ *Children and Families Act (2014)*, National Procedures Manual CSAS.

²⁶ *Law Commission Report (1995)*, p. 207, National Procedures Manual CSAS.

ties or a sensory impairment, with mental health needs, HIV, substance misuse needs, or dementia. Whilst it is important to recognize possible vulnerabilities, one needs to understand that, individuals have a right to self-determination.²⁷

IV. THE CANONICAL CONTEXT OF SAFEGUARDING

The legal context of safeguarding has been well documented and backed up by the guidance documents. It is very important to acknowledge canonical context of safeguarding, especially of the Canon Law to ensure there is clear understanding of safeguarding responsibilities. Canon Law, is the term used to describe the laws of the Roman Catholic Church, is body of laws and regulations written and used for the governance of the Church and its members. One of Canon Law's roles is to provide a juridical structure for the protecting of rights. Inquiry after inquiry has shown that there are two the major barriers to protecting the young and the vulnerable from abuse. These are lack of effective communication and a failure to follow established procedures. Canon Law should be used to promote safeguarding and with careful consideration, sensitivity and skill, appropriate action should be taken to safeguard the young and vulnerable.²⁸

First of them is the sacramental seal, by which a confessor is bound to keep all secrets said to him. The priest cannot insist that such secrecy binds the penitent, who has the right to speak outside the confessional, especially if the penitent considers what was said has gone beyond the requirement of sacramental practice. The sacramental seal should not be confused with the obligation of professional confidentiality, as there are circumstances under which the obligation of professional confidentiality may be suspended, while the sacramental seal applies always and everywhere. The sacramental seal exists because: "The salvation of souls is the supreme law in the Church" (Canon 1752) and because: "Sacramental confession is the only ordinary

²⁷ *Care Act 2014* (England), *Social Services and Wellbeing Act 2014* (Wales), Procedures Manual CSAS.

²⁸ The primary sources are the *Code of Canon Law* promulgated in 1983 and the *Code of Canons of the Eastern Churches* promulgated in 1990. Supplemental law dealing with the sexual abuse of minors and other *graviora delicta* (more serious crimes) is contained in the motu proprio *Sacramentorum Sanctitatis Tutela* promulgated in 2001.

means by which a Catholic conscious of grave sin may be reconciled with God and the Church” (Canon 960).²⁹

The confessor’s obligation to maintain the sacramental seal is absolute, even when civil law does not recognise the privileged nature of confessional knowledge. “The sacramental seal is inviolable. Accordingly, it is absolutely wrong for a confessor in any way to betray the penitent, for any reason whatsoever, whether by word or in any other fashion” (Canon 983 § 1). In addition, “an interpreter, if there is one, is also obligated to observe this secret, as are all others who in any way whatever have come to a knowledge of sins from a confession” (Canon 983 § 2) and “In respect of everything which has become known to them in sacramental confession, even if the penitent has asked that things be made known” (Canon 1550 § 2). The consequence of the inviolability of the seal means that priests are deemed as incapable of being a witness. Were a priest to violate the sacramental seal he would not only be guilty of grievous sin but also have committed a serious canonical offense which results in an automatic penalty of excommunication: “A confessor who directly violates the sacramental seal, incurs a *latae sententiae* excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence” (Canon 1388 § 1).³⁰

The sacramental seal applies to occasions of sacramental confession. The Seal of Confession is the obligation of strict confidentiality imposed by divine law on a confessor in the sacrament of penance not to reveal to any person, under pain of excommunication, the sins confessed: “The sacramental confessions are to be heard in a Church and a good reason should exist for sacramental confession to be heard outside a confessional” (Canon 964 § 3). Outside of confessional, priest must take care to ensure there is clarity for both parties on whether a conversation is intended to be a sacramental confession or not. If the Priest is subsequently contacted by the penitent, outside of the seal of the confessional, the priest must make it clear to the penitent that the seal of confession no longer applies. Should a disclosure of abuse be made during confession it is important that the disclosure be taken seriously and responsibly. The procedures acknowledge the seal of absolute confidentiality, but point out that where there is disclosure of abuse in this

²⁹ CSAS, *Towards a Culture of Safeguarding*, pp. 3.1-4.

³⁰ CSAS, *Towards a Culture of Safeguarding*, pp. 3.5-7.

context it is vital that the priest knows what to do up holding the principles and rights.³¹

An abused person is not guilty of any sin in respect of the abuse suffered. Abusers will often tell their victims that they are blamed and that they will be punished if they tell of the abuse. Should a person, on the occasion of making a sacramental confession disclose having been abused the confessor should: assure the victim or survivor they bear no responsibility for what has happened to them; respectfully remind the victim or survivor that many people who have experience abuse need support in dealing with what has happened to them; encourage the victim or survivor to seek any support needed outside the sacrament of confession; respectfully encourage the victim or survivor to reveal what has happened to police or to the Church safeguarding representative or to some other appropriate adult in a position to assist; pressure the victim or survivor that disclosure of abuse is not an act of revenge but a means of making the abuser take responsibility for abusive behaviour and protecting others from harm; explain that the seal of sacrament of confession means the Confessor is never permitted to disclose anything revealed to him in confession for any reason.³²

If the information is repeated the priest must explain that he has a responsibility to take all reasonable steps to protect children who may be a risk of abuse. Disclosures of domestic abuse, like disclosure of all forms of abuse, must be taken seriously. Domestic abuse is referred to in Canon Law:

A spouse who occasions grave danger of soul or body to the other or to the children, or otherwise makes the common life unduly difficult, provides the spouse with a reason to leave, either by decree of the local Ordinary or, if there is danger in delay, even on his or her own authority (Canon 1153 § 1).

It is not the confessor's role to engage in professional counselling in the context of sacramental confession, even if he is appropriately professionally qualified.³³

³¹ The National Procedure Manual has a sub section within the *Creating a safe environment section* on "disclosure of abuse and the sacrament," Celebration of the Sacrament of Reconciliation, Privacy and Confidence.

³² CSAS, *Towards a Culture of Safeguarding*, p. 3.10.

³³ National Procedure Manual, *Creating a Safe Environment*, Celebration of the Sacrament of Reconciliation.

V. PROMOTION A CULTURE OF SAFEGUARDING
WITHIN THE CONTEXT OF THE CATHOLIC CHURCH

The word culture has many different meanings, one of them is a set of shared, values and behaviors, practices that characterizes an institution, an organization or social group. A culture of equality of openness and transparency requires organizational attitudes, values and behaviors based on: respect for individual, responsibility and accountability, compassion and support, justice and integrity, questioning and challenging; learning and changing. Here are some of the characteristic values of a Catholic culture: respect for person, regardless of secondary factors such as his perceived usefulness or non-usefulness to others; a commitment to belonging to a wider society of the church; a call to fraternal love and support for other members of the Body of Christ; accountability to the Church community and to the Church authorities; a call to manifest the compassion of the Lord, beyond human motives for compassion; a call to support the weak and in need, the strangers, the widows and the orphans; a call to justice and to integrity of heart; a call to honesty and openness; a belief based on the wisdom of those who went before us, from scripture, tradition, magisterium; a commitment to on-going repentance; change as “semper reformanda” of the Church.³⁴

In order to recreate a safe and nurturing environment and deepen (or where necessary rebuild) trust there need to be a culture of: openness and transparency; love and respect; responsibility and accountability; compassion and support; justice and integrity; honesty and humility; questioning and challenging; learning and changing. All those with a leadership role in safeguarding are required to be mindful of differing needs, to promote understanding and to encourage talents. Everyone has a role to play in nurturing a culture of safeguarding but clergy and religious leaders have a unique role in nurturing and encouraging the attitudes, values and beliefs that support a culture of safeguarding within parish and congregation. A commitment calls the whole Church to live these values and principles, which are already implicit in the nature of the Church and its mission, as the authentic witness to the message of the gospels. Whilst all members of the Church have a role to play in promoting a culture of safeguarding, clear leadership is crucial. Bishops and congregation leaders need to be vigilant in exercising

³⁴ CSAS, *Towards a Culture of Safeguarding*, p. 6.1.

their ministry of leadership, ensuring that a culture of safeguarding is both understood and embraced by the whole Church.³⁵

VI. SAFEGUARDING AS MINISTRY

The culture of safeguarding requires theological and personal understanding as integral to priestly and religious formation as part of ministry and life. The development of safeguarding within the Catholic Church is linked to the abuse scandals, the main reason for development of a child protection is the Gospel imperative to safeguarding the young and the vulnerable. It is not about embedding something new but it is about unearthing, rediscovering and living the principles, which are already implicit in the nature of the church and its mission. Safeguarding is a part of what clergy and religious are called to do. Safeguarding is integral to the Church's mission: "Being loved and being kept safe go to the very core of the Church's ministry."³⁶

Abuse of any kind is contrary to justice, is an affront to the Commandments and the Beatitudes. It seriously wounds the very mission of the Church. Hall suggests that the experience of sexual abuse disrupts a sense of being loved by God, a sense of community with others and trust in God's plan and purpose for the future." The experience Hall talks about fundamentally inverts the nature of what the Church does. A vehicle to frame and support the relationship with God actually disrupts and frustrates this. The marks of the Church safeguarding is at their heart and unsafe church is not one; an unsafe church is not holy; an unsafe church is not universal; an unsafe church is not in keeping with the mission of the Apostles. A church which is unsafe cannot claim to be one, holy, Catholic or Apostolic.³⁷

But abuse within the Church is a betrayal of the trust of faith. And this is what makes it so particularly terrible: because it not only destroys a level of human trust but it also destroys the trusting faith particularly of a child or of a vulnerable person, at any age. Their trust in God is shattered. And the essence of the mission of the Church is to offer and witness to the trustworthiness of the Word of God. Any form of abuse, and particularly of children, within the Church is there-

³⁵ *Towards a Culture of Safeguarding* (2012) identify nine key features that serve to promote a culture of safeguarding.

³⁶ *Safeguarding with Confidence* (2007), Cumberlege Commission Report, Documents Procedures Manual CSAS.

³⁷ HALL, Terese A., "Spiritual Effects of Childhood Sexual Abuse in Adult Christian Woman," *Journal of Psychology and Theology* 21.3 (1995): 129-134.

fore a betrayal of the very essence of the purpose and character of the Church. It is the most profound wound.³⁸

This should be obvious to us, but consider what this means in the context of abuse by a member of clergy and religious, by the very people who should be enabling people to live out their discipleship and relationship with God. As Christian we talk of a God of Justice. A God who is “a shelter for the oppressed, a refuge in times of trouble.” “Those who know your name trust you, for you o Lord, have never abandoned anyone who searches for you” (Psalms 9: 9-10). Responding to those who are vulnerable is very much part of Christian message. The Prophet Micah says: “He has shown you, o man, what is good; And what does the Lord require of you, but to do justly, to love mercy, and to walk humbly with your God” (Micah 6,9).³⁹

The faith of everyone in the laity has been tested by crisis and will continue to be so for some time into the future. The witness of all baptized to God’s love has been obscured and compromised by the prominence of the scandal. The skepticism of the world confronts all members of the Body of Christ as never before.

This is the context, a situation which is not only damaging to the gospel mission but a barrier for evangelisation. In this time of great test it is necessary to have theological understanding and actively promote key values that will help us towards a culture of safeguarding.

The work of safeguarding, then, is also at the heart of the life of the Church for, in this understanding, it is a safeguarding of the purpose and character of the Church itself; the work of Safeguarding children is a huge challenge to the Church and to society generally. Much has been learned but there is still a need to listen carefully to the survivors of abuse in order to ensure that the Church continues to learn and remain vigilant. One of the points we have learnt already from that listening is that much more has to be done in both the prevention and response to this crime.⁴⁰

³⁸ Message for Anglophone Safeguarding Conference from Cardinal Vincent Nichols Archbishop of Westminster President of the Bishops’ Conference of England and Wales 2016, National Procedure Manual CSAS.

³⁹ CSAS, *Towards a Culture of Safeguarding*, pp. 5.5-8.

⁴⁰ Message for Anglophone Safeguarding Conference from Cardinal Vincent Nichols Archbishop of Westminster.

CONCLUSION

The considerations presented in this article help to: reflect on values that underpin safeguarding, identify key legal documents, recognise the canonical context for safeguarding, recognise safeguarding as essential in ministry and ongoing formation, connect vocational values and beliefs to safeguarding best practice, identify the best way to get involved in promoting a culture of safeguarding, identify the key role of a pastoral leaders, understand safeguarding as part of everyday life and ministry of the Church, and to understand and adopt the “One Church” approach to safeguarding. Safeguarding in a secular context refers to policies and procedures, education and training, implementing safeguarding. Safeguarding in ecclesial context refers to an explicit theological understanding of the policies and procedures designed to ensure this and to prepare the whole people of God for safeguarding as part of their ministry and calling. God’s mission is one of love and service as shown by Jesus. Childish sensitivity is of the essence of the Kingdom of God (Matthew 18: 3-5; Mark 10: 13-16). It is the role of the Church to preach the Good News of Jesus Christ and the Gospel of life to all peoples. The family plays a unique and important role in serving as the sanctuary of life. The Mission of the Church, which grows from and is part of the Mission of God, recognises a priority to nurture children and care for vulnerable people. So, this is a core value of the Church. The challenge is to ensure that culture of safeguarding is evident at all levels of the Church’s structure, in each and every parish and congregation, to ensure that parishes work to enable vulnerable people to have peace of mind, knowing they will be cared for and loved by their Christian community. Safeguarding is an essential concept for people to receive the sacraments and grow in discipleship of Jesus Christ. In this study safeguarding practice is seen as an essential aspect of authentic ministry and mission of the Church.

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OCHRONA I PREWENCJA MAŁOLETNICH JAKO POSŁUGA KOŚCIOŁA.
PROMOCJA KULTURY OCHRONY I PREWENCJI MAŁOLETNICH
ORAZ ZAGROŻONEJ MŁODZIEŻY I DOROSŁYCH
W KOŚCIELE KATOLICKIM W ANGLII I WALII

Streszczenie

Artykuł przedstawia oddziaływanie Kościoła katolickiego w Anglii i Walii w dziedzinie promowania kultury ochrony (*safeguarding*) przed przestępstwami wobec małoletnich, młodzieży i dorosłych znajdujących się w sytuacji zachowań ryzykownych. Promowanie kultury prewencji wyraża się w dojrzałej refleksji i działaniu zarówno instytucji i organizacji powołanych w Kościele do ochrony i zapobiegania przestępstwom wobec małoletnich, jak i formacji oraz edukacji podmiotów oddziaływania pastoralnego w Kościele: członków hierarchii Kościoła, księży i osób zakonnych, religijnych liderów i osób świeckich, a także całego Ludu Bożego. Artykuł prezentuje rozwój definicji oraz szerokie rozumienie kontekstu ochrony małoletnich na przestrzeni ostatnich lat. Przedstawia kontekst prawny i kanoniczny, elementy nauczania i praktykę Kościoła. Podejmuje elementy teologii i pedagogiki prewencji oraz ochrony małoletnich. Wskazuje na kluczowy wymiar pracy Kościoła w Anglii i Walii w dziedzinie ochrony i prewencji, zasadę *One Church* (Jeden Kościół – Kościół Razem), zasadę jedności oddziaływania Kościoła jako instytucji. W aspekcie badawczym pracy omawia formy i sposoby promowania kultury ochrony i prewencji w życiu oraz posłudze Kościoła, którego nadrzędnym celem jest miłość i troska pasterska o „najmniejszych”.

Słowa kluczowe: dyskryminacja; przemoc; zaniedbanie; wykorzystanie seksualne dzieci; edukacja; formacja; ochrona małoletnich i niepełnosprawnych; prewencja; pedagogika prewencji; promocja praw dzieci i młodzieży; ochrony młodzieży; zapobieganie przestępstwom; posługa i misja Kościoła.