Report of the Scoping Inquiry into Historical Sexual Abuse in Day and Boarding Schools Run by Religious Orders

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Appendices

Appendices

Appendix 1:
Survivor Engagement Guide to Potential Government Responses

The survivor engagement process allows you to have your say about what the Government should do following the revelations of historical sexual abuse in day and boarding schools run by religious orders. Your views will inform the Scoping Inquiry's Report which will make recommendations to the Government about what should happen next.

The Scoping Inquiry acknowledges that any response is unlikely to fully address and remedy the harm that survivors have experienced.

A number of approaches have been taken in Ireland to acknowledge and try to rectify, if only in part, the harm done to survivors. These are set out below.

1. Investigating What Happened

Public Inquiries have been established as a response to allegations of clerical sexual abuse in the past. We set out below the types of public inquires that can be established.

A. Tribunals of Investigation:

Tribunals are statutory public inquiries established under the Tribunal of Inquiry (Evidence) Acts 1921 to 2011, with court-like procedures and full statutory powers to compel witnesses to attend and to obtain documents. Tribunals generally conduct hearings in public, so that survivors' evidence and cross examination would be heard in public. Tribunals have not been used to investigate clerical sexual abuse to date.

B.   Commissions of Investigation:

A Commission is a statutory public inquiry established under the Commissions of Inquiry Act 2004, with similar statutory powers to Tribunals, the main difference being that Commissions are generally conducted in private. Commissions have investigated the response of Church and State authorities to allegations of sexual abuse (e.g: Dublin Archdiocese & Cloyne reports). The Commission to Inquire into Child Abuse ('the Ryan Report' or 'CICA') investigated abuse, including sexual abuse, in a range of institutions for children under the Commission to Inquire into Child Abuse Act 2000.

Confidential Committees formed part of Commissions such as CICA and the Mother and Baby Home Commission. They operate alongside the investigative aspects of Commissions to allow survivors who do not want an investigation of their abuse, to give an account of it in a private and informal environment without lawyers. A confidential committee cannot make any findings or name abusers or institutions. However, survivors' accounts are anonymised and included in a report of the Confidential Committee.

C.   Non-Statutory Public Inquiries:

Such inquiries have no statutory powers and rely on the voluntary co-operation of all concerned. The investigation of the handling of allegations of clerical sexual abuse in the diocese of Ferns was a non-statutory inquiry.

Outcomes of public inquiries in the past

Past public inquiries have been successful in:

- Investigating the extent of sexual abuse in certain institutions and dioceses.

- Informing the general public about the extent of sexual abuse in those cases.

- Revealing the failures of Church and State authorities to protect children from abusers.

- Leading to implementation of improved child protection policy and legislation.

- Creating an awareness of the seriousness of sexual abuse and reinforcing the need to act on suspicions of abuse.

- Creating awareness as to how the State should protect children from future abuse.

There are limitations on the findings that any public inquiry can make.

- Public inquiries do not have powers to convict or imprison an abuser, and do not directly lead to any criminal prosecution.

- Without an admission of or criminal conviction for child sexual abuse, if an alleged abuser is dead, untraceable or incapacitated, or the events complained of happened many years ago, a public inquiry may not be able to satisfy the legal requirements necessary to name an alleged abuser.

- Generally, a public inquiry does not confirm individual experiences of abuse, but rather investigates the nature and prevalence of abuse, and why it happened.

- There is a risk of further emotional harm to survivors in recounting their experiences to public inquiries and, in particular, in being cross-examined.

2.   Compensation for Harm Done: Redress and Other Supports

Redress schemes have sometimes been established in response to revelations of abuse. For example, the Residential Institutions Redress Board ('RIRB') was set up to compensate people who suffered abuse in certain residential institutions as children.

Redress payments were based on the severity of, and effects of, the abuse. It was not necessary to establish wrongdoing by Church or State. If the amount of redress offered by RIRB was disputed a hearing was held at which the applicant could be cross-examined. Other schemes have been administrative rather than court-like, involving fixed criteria and levels of compensation. Some schemes involved support such as educational grants.

3.   Some Potential Alternative Approaches

Mediation/Alternative Dispute Resolution (ADR) are potential methods of dealing with some aspects of historical sexual abuse after any criminal prosecution has been dealt with. Such an approach requires the agreement of all parties and may involve the legal representatives of the parties. A trained mediator is required. It has not, to date, been utilised to deal with historical sexual abuse on a large scale.

Restorative Justice involves all parties engaging in a dialogue aimed at understanding why the abuse took place and the effects of that abuse on the survivor, after any criminal prosecution or civil claim has been determined. It requires preparation of all participants by trained facilitators, who assist in the process. Commentators have different views as to whether restorative justice is an appropriate process for addressing sexual abuse. Restorative justice has not to date been utilised in Ireland as a response to historical sexual abuse on a large scale and requires the availability of trained facilitators.

4. Issues to Consider

- Any public inquiry process by which abusers or institutions may be publicly named will generally involve a court-like process, requiring that survivors give evidence and be cross-examined, usually in public if the public inquiry is a Tribunal, or in private if it is a Commission.

- Where there are large numbers of survivors coming forward, one approach has been to hear from a sample of survivors and/or a sample of institutions, as investigating each account and/or each institution may take many years to complete.

- Current data protection requirements suggest that any future inquiry into historic sexual abuse will need to be on a statutory footing to enable the necessary information to be provided to the inquiry.

Tell Us Your Views

You may favour one, or a combination of the above responses, or you may have different views on what the government response should be. The Scoping Inquiry wants to hear your views.

	Public or private hearing	Cross-examination of survivors	Compel witness/ documents
Tribunal of Inquiry: (Statutory)	Public (with exceptions)	Yes, usually in public, if abusers or institutions are to be publicly named as responsible for abuse.	Yes
Commission of Investigation (Statutory) if investigating whether abuse happened and who is responsible	Private (with exceptions)	Yes, usually in private if abusers or institutions are to be publicly named.	Yes
Commission of Investigation (Statutory) if investigating the handling of abuse allegations	Private (with exceptions)	Likely to be limited to the evidence about how complaints were handled. The Dublin Archdiocese & Cloyne Inquiries heard accounts of abuse as part of the background to the handling of complaints.	Yes
Non-statutory Inquiry (e.g. the Ferns Inquiry into the handling of abuse allegations in the diocese of Ferns)	Private	In a non-statutory Inquiry all evidence is unsworn. Where the Inquiry may make findings of serious wrongdoing against individuals, procedural rights (including the right to cross-examine) will arise. There was no cross-examination allowed in the Ferns Inquiry as it was only concerned with how allegations of abuse had been handled.	No. Modern data protection requirements may prevent voluntary production of documents to a non-statutory inquiry. Witnesses cannot be compelled to give evidence or answer questions.

Power to make findings against individuals/institutions	Compensation to survivors	Average Length
Yes, if they are charged with investigating whether abuse happened or who is responsible for that abuse. The fair procedures rights of a person accused of abuse create certain legal requirements that must be met before they can be named. These may be difficult to meet where they are deceased, untraceable, or incapacitated, or the events complained of happened many years ago. Tribunals cannot convict or imprison alleged abusers.	No	6 years: This an estimate based on the average time between establishment and final report of Tribunals of Inquiry established since 1990. No tribunal of Inquiry has dealt with the investigation of sexual abuse to date. If a tribunal was to deal with a large number of complaints, this may take longer than 6 years.
Yes. The fair procedures rights of an accused person create certain legal requirements that must be met before they can be named. These may be difficult to meet where they are dead, untraceable, or incapacitated, or the events complained of happened many years ago. Commissions of Inquiry cannot convict or imprison alleged abusers.	No	9 years: This is the total timeframe of the Ryan Report/CICA, However, CICA's investigation of child abuse in institutions did not, for various reasons, get fully underway until 2005, and completed in 2009. CICA heard a sample of survivors' testimony in investigating selected institutions. CICA had circa 1,700 complaints and found that the process required to name alleged abusers could have taken up to 18 years to complete.
Where the commission is investigating the handling of allegations it will not generally name alleged abusers. While not mandated to name abusers, some abusers were named in the Dublin Archdiocese & Cloyne Inquiry Reports, predominantly where there was a criminal conviction, or they were widely identifiable.	No	3.5 years: This timeframe is based on the Dublin Archdiocese and Cloyne Inquiries, which concerned the handling of abuse allegations against a sample of 46 priests (Dublin) and 19 priests (Cloyne).
Yes. However, a non-statutory inquiry could have difficulty making negative findings against named individuals or institutions because it would not have the power to compel that documents be provided or that witnesses answer questions.	No	2.5 years: This is based on the Ferns Inquiry, which investigated the handling of allegations of abuse against 21 priests.

	Public or private hearing	Cross-examination of survivors	Compel witness/ documents
Confidential Committees as part of a Commission of Investigation	Private	No. Confidential Committees cannot make findings or name abusers or institutions, and therefore cross examination does not arise.	No
Redress Schemes (e.g. the RIRB Scheme)	Redress schemes to date have held hearings in private, where hearings are required under the scheme.	Survivors could be questioned where a hearing was held. Other redress schemes are paper-based and do not involve formal evidence.	No
Mediation or ADR /Restorative Justice	Private	No	No

Power to make findings against individuals/institutions	Compensation to survivors	Average Length
No	No	7 years on average: The Mother and Baby Homes Confidential Committee heard 550 witnesses over 5 years. CICA's Confidential Committee heard 1,090 witnesses over 9 years.
No. Under the RIRB scheme it was not necessary to establish wrongdoing on the part of the Church or State to obtain compensation.	Yes	Variable
No	No. Restorative justice takes place after any criminal prosecution or civil liability is determined. Mediation/ADR takes place after any criminal prosecution.	The timeframe for mediation, depends on the cooperation between the parties and the issues being dealt with. A period of between 3 months and 2 years is suggested by some restorative justice practitioners. Each process relies on the availability of suitably trained personnel.

Appendix 2:
About the Survivor Engagement Process

The Survivor Engagement Process

In response to recent reports of sexual abuse in some schools in Ireland, the Government has launched a Scoping Inquiry into historical sexual abuse in day and boarding schools run by religious orders. The Scoping Inquiry has a survivor engagement process at its centre.

The survivor engagement process aims to find out what survivors want the Government to do in response to historical sexual abuse in day and boarding schools run by religious orders. This will be done in a two-stage process. The intention is to reach out to survivors in a way that enables them to come forward without fear.

Stage One: Scoping Exercise

In the first instance the survivor engagement process will endeavor to explore the key matters to be addressed. Survivors will be invited to complete a questionnaire to identify themselves and their experiences. Survivors can choose to do this online using a secure survey tool; they can choose to complete the questionnaire using a printed form, posted out to them; or they can choose to answer the survey over the telephone where they will speak to a trauma- informed facilitator who will record their answers.

Survivors will be asked in this questionnaire about their experiences and if they would be willing to engage further in a one-to-one conversation with a trauma-informed facilitator where they can discuss the responses they would like to see from the Government. This is in recognition of the fact that different people may have had different types of experiences and have differing priorities.

The intention is that this initial questionnaire stage of the survivor engagement process will provide the Scoping Inquiry with the information that will guide Stage Two. It is anticipated that the information will outline:

- An indication of how many complainants there are and how they would like to be contacted;

- What school(s) they attended and when;

- The role of the person(s) they believe was responsible for abuse;

- If their complaints have been made known to An Garda Siochána and/or Tusla or other authorities.

Stage Two: Direct Contact

For survivors who choose to be contacted for the second stage of the process, the Scoping Inquiry will arrange for trauma-informed facilitators to reach out to them and survivors will be able to select the ways in which they are willing to be contacted by these facilitators. This is to give survivors an opportunity to tell their own stories, in their own words. People can participate via:

- On-line interviews

- Telephone interviews

- In-person interviews

- A written submission

The trauma-informed facilitator will agree a verbal summary of the conversation with the survivor at the end of the session to ensure that it is accurate and reflects what they want shared. Survivors will also be given a written summary of what they have told the facilitator shortly after the conversation.

The Voices of Survivors

Participants will have an opportunity to indicate whether they are happy for elements of their story to be used, anonymously, in the report of the Scoping Inquiry.

In particular, the Scoping Inquiry is keen to ensure that survivors have an opportunity to outline what they would like to see happen next in terms of a Government response. It is important that survivors know that they will be contributing to making Irish schools and educational settings safer for children and young people.

Appendix 3:
Survivor Engagement Participant Information Booklet

Introduction

What is the Purpose of Holding Interviews with Survivors of Historical Sexual Abuse?

Who is Doing the Interviews and How Will my Information be Treated?

What Happens if I Disclose Abuse During the Interview?

How Does the Interview Work and how are Notes Taken?

Giving Consent

Before the Interview

During the Interview

After the Interview

What Happens When My Interview is Finished?

Approving your notes directly after the interview

Reading your notes after the interview; and if you want to make changes or additions

What Happens to My Notes?

What Else do I Need to think of Before I Engage in this Process?

Your Safety and Wellbeing

Introduction

The Government has established an independent Scoping Inquiry into historical sexual abuse in day and boarding schools run by religious orders. Thank you for your interest in participating in an interview for this Scoping Inquiry. This information booklet describes what is involved in participating. It will also tell you how your information will be stored and used.

What is the Purpose of Holding Interviews with Survivors of Historical Sexual Abuse?

The purpose of the Scoping Inquiry's interviews with survivors is to hear from survivors of historical sexual abuse in day and boarding schools run by religious orders about what they would like to see happen next. The Scoping Inquiry wants to hear about your experiences and what your preferences would be for the Government's response. Some possible options are outlined in the 'Guide to Potential Government Responses' document which you will have received along with this information booklet. You do not have to take part in this process. Not taking part in this process will not affect your ability to apply or participate in any future responses or redress processes, should these be introduced.

Who is Doing the Interviews and How Will my Information be Treated?

The Scoping Inquiry has engaged an independent organisation called Quality Matters to undertake the one-to-one conversations with survivors. Quality Matters is a not-for-profit organisation. They have extensive experience facilitating conversations with people who have experienced trauma and with survivors of institutional abuse. All of the facilitators engaged for this process have at least three years' experience in working with people who have experienced abuse or have been marginalised, and all staff have trauma-informed practice training. All facilitators are trained on how to carry out the interview with you in a way which is as supportive to your needs as it can be. They have experience in handling sensitive information and will value your privacy and dignity above all else. They will explain what this means when they meet or speak to you. Two members of the Scoping Inquiry's Survivor Engagement team, with appropriate qualifications and experience, will also conduct some interviews using the same approach and methods that have been developed and agreed with the Quality Matters team.

Quality Matters will record and store any information you give under appropriate security measures. All files will be password protected and stored securely. The interview notes will be stored using a participant identification code rather than your name, to support careful management of your confidentiality. Only a limited number of staff at Quality Matters will have access to your notes or your identity, and only where it is necessary for the purposes of the inquiry.

Information that you give will be shared with the Scoping Inquiry team. The Scoping Inquiry apply a data minimisation policy, which means that members of the inquiry team will only have access to your name and contact details where it is necessary to contact you. The Scoping Inquiry will hold your name in a secure and confidential database, but the information you give us may be circulated on an anonymous basis to the inquiry team to be incorporated in the report of the Scoping Inquiry.

What Happens if I Disclose Abuse During the Interview?

If you disclose specific information of an instance or instances of physical or sexual abuse, including historical abuse that happened to you or another child and this was not contained in the information you provided in your questionnaire or if you name someone during an interview that would require investigation, Quality Matters must report this to Tusla. Under the Children First Act 2015, all reports of sexual abuse, including the information you are providing here, has to be sent to Tusla, the Child & Family Agency.

Tusla may contact you following receipt of the notification to seek further details from you to establish if there are reasonable grounds for concern and whether the person you complained about may have contact with children now. It is up to you whether you wish to engage with Tusla and you are not obliged to do so. Quality Matters will not make any reports without telling you in advance except in an unlikely situation where you disclose that you are planning to harm yourself or someone else. In this case information may need to be shared with the emergency services. Any disclosure you make will be anonymised in your notes. Specific details you give will be recorded separately and will be communicated to Tusla.

Please also read the 'What Else Do I Need to Think of Before I Engage in this Process' section of this booklet on page ??.

How Does the Interview Work and how are Notes Taken?

Quality Matters will contact you by email or phone, as you prefer (indicated in your questionnaire), so you can book an interview at a time that suits you. If you have any difficulty or want to ask any questions about the booking process, you can contact Oileán at Quality Matters on scopinginquiry@qualitymatters.ie or by calling +353 (0)87 296 2510 during office hours.

Key information on the interview process:

- You can choose to take part in this process in person or online, via Zoom or by doing an interview on a telephone or WhatsApp call.

- **Expenses:** A contribution of €50 to cover travel expenses can be provided to all survivors who attend an in-person interview in Ireland. If you have used public transport, i.e. bus or train (not including a taxi) to attend this interview and have receipts for an amount greater than €50, this higher receipted amount will be paid instead. This contribution towards expenses will be provided at the end of the interview and you will be asked to sign a receipt to confirm you have received the payment.

- **If you have additional needs or require any accommodations**, we ask that you let us know in advance so that we can make any necessary arrangements.

- You are welcome to have someone with you to support you in the interview. However, it's important that this person does not speak on your behalf but remains in a supporting role unless you require their assistance to participate.

- We strongly recommend that, where possible, you have someone available after the interview who can give you support should you need that.

- Interviews will last, on average, between 30 and 60 minutes. There is some flexibility to give you more time if necessary. If the interview is incomplete when we need to end the session, for instance if there is another interview booked in after yours, we will arrange an additional session with you.

- The facilitator will have read your responses to the questionnaire that you have previously completed as part of the survivor engagement process, so you don't have to repeat information. We may ask you to clarify your details (e.g., where you went to school) but we will not be asking you to repeat what's in the questionnaire.

- The interview will aim to feel like a conversation and will cover the following three topics:

    1 **Your experience:** 1) A brief outline of what happened and the circumstances at the time and, 2) were you able to tell anyone about it, and if so what was their response?

    2 **What impact this had on you:** Specifically, your mental health, your relationships and experiences of education as a child and as an adolescent/young adult, of work as an adult, and now at this current stage of life

    3 **What would you like to see the Government do next:** There is an opportunity for you to refer to the possible options for a Government response outlined in the Scoping Inquiry's 'Guide to Potential Government Responses' booklet as well as to raise other things you would like to see done. The facilitator will bring you through the information booklet if you have not had a chance to read it prior to the interview, or if you have any questions.

- The facilitator will go over the information in this booklet with you again at the beginning of the interview to ensure you know how everything works, and there is a chance for you to ask any questions.

- For online or telephone interviews, technical difficulties may arise from time- to-time and we understand this can be frustrating. If there are any technical difficulties, we will try to fix the problem. If for any reason these can't be resolved at the time, please be assured that we will arrange an alternative solution. This may involve rescheduling the interview or doing the interview in a different way. In the event that the call is disconnected for any reason we will attempt to re-establish contact with you. We'll try this twice. If, after the second attempt we cannot re-establish contact with you and you don't subsequently get back in contact with us, we will assume that you do not want further contact at this time. If at any stage you want to contact us, or want to reschedule your interview email: scopinginquiry@qualitymatters.ie or call +353 (0)87 296 2510 during office hours.

- Summary notes from the session will be taken by a note-taker on a secure laptop. These notes are a summary of your key points. The note-taker may take down some things you say, word for word, in your notes. However, if this information is used in the final report you will be anonymous and any reference to your experience will not contain any identifying information.

- The facilitator will talk through the key points you have made at the end of the interview and you will also be sent a written summary of the notes by email or post if you wish. You can make changes or additions to these notes if you would like to, and you will have ten working days to do this, after you receive the notes.

If you decide that you do not want to take part in an interview, you can choose instead to make a written submission to the Survivor Engagement team. For more information on this option, email survivorengagement@esi.gov.ie or call the Survivor Engagement phone line at +353 (0)90 6483610.

Giving Consent

Before the Interview

Taking part in this process is voluntary. You do not have to take part if you don't want to, and you do not have to answer any questions that you do not want to answer. You will be asked at the beginning of the interview if you consent to take part. If you do not consent or if you change your mind at any stage, the interview will stop.

During the Interview

If you decide at any time up to or during the interview that you don't want to continue, or you don't want to answer a specific question, that's fine too. If you discontinue an interview, you will be asked if you are ok with the information you have given so far being used for the survivor engagement process or if you would like that information destroyed. If you do not want your information used, we will destroy any notes taken up to that point. However, if you have disclosed information that would require us to make a report to Tusla as explained on Page 5 of this booklet, we will retain that information for that purpose.

After the Interview

If you decide after taking part that you don't want the information you gave to be used, you can email us on scopinginquiry@qualitymatters.ie or call +353 (0)87 296 2510 during office hours within 10 working days and we will delete your information, subject to the above reporting requirements. Subject to those requirements, no records of your information will be kept or given to anyone else at this point. After 10 working days, your information may form part of the report and cannot be removed.

What Happens When My Interview is Finished?

Approving your summary directly after the interview

Your note-taker will take a summary of the key points that you have made. These may include quotes from you but will not identify you in any way. The notes will summarise what you say, and so may leave out some details. However, the goal is that they represent the points that were most important to you.

Reading your summary after the interview; and if you want to make changes or additions

You have the option of receiving a summary of the key points of your interview by email or registered post. There is no requirement on you to receive a copy, or to respond. This is an option for those who would like it. We will ask what you would like at the beginning of the interview.

If you would like to have a copy of your summary emailed to you, this will be sent in a password protected file. This password will have been agreed with you at the beginning of the interview and is easily remembered. When you receive the email, open the document, and enter the password in the box that pops up. If you need help with this, email us on scopinginquiry@qualitymatters.ie or call +353 (0)87 296 2510 during office hours.

Whether you receive your summary by post or email, there will be three text boxes at the bottom of your notes asking if you want to add, remove or change anything. Please enter any changes in these boxes. You have ten working days from when you receive your notes to make changes. If we do not hear back from you within this time frame, we will assume that you do not want to make any changes, and the notes will be filed as a final record of the interview. We recommend that you delete these notes from your email for your own security after you have returned them to us.

Whilst there is no need to provide any additional documentation, if you wish to do so you need to send this directly to the Scoping Inquiry by email or post at the address below. If you attend in person and provide additional documents, these will be sealed and sent to the Scoping Inquiry by post. Please note that Quality Matters are not responsible for additional documents sent in this way to the Scoping Inquiry and cannot guarantee their delivery. For this reason, we recommend that you contact the Scoping Inquiry directly at survivorengagement@esi.gov.ie or post your documents via registered post to: Scoping Inquiry, c/o Department of Education, Marlborough Street, Dublin 1.

What Happens to My Notes?

Your summary notes, which do not contain your name or anything that would directly identify you or anyone else, will be used in the preparation of a report on what interviewees said. The report might say something like 'of the people interviewed the majority said that they had (example) experience' or 'many of the people interviewed said that they wanted to the Government to undertake (example) as a response to the revelations of historical sexual abuse in day or boarding schools run by the religious orders'. The report may use some direct quotes. This is something that someone said word for word but will not name that person in the report and we will make sure that that quote does not identify this person in any way.

Your anonymised notes will then be stored in a password protected electronic folder in Quality Matters for up to three months after the consultation is completed and may be shared with the Scoping Inquiry team during this period. At this stage all the notes will be transferred securely to the Scoping Inquiry.

Please note that while the report will not identify you or anyone else, the Scoping Inquiry will be storing your notes and questionnaire responses together. The transfer of this information both to and from the Scoping Inquiry will be done securely. The Scoping Inquiry will have a record of your interview which they can link to your questionnaire.

The Department of Education is providing administrative support and acting as the Data Controller to the Scoping Inquiry. All child protection concerns received by staff of the Department must be dealt with in accordance with the Department's procedures for responding to child protection concerns. The Department will provide all of the Scoping Inquiry's documentation, including questionnaire responses and interview notes, to any Inquiry or Body that may be set up on foot of any recommendations of the Scoping Inquiry. In that event, the documents concerned become part of documents of that Inquiry or Body. If no such Body or Inquiry is recommended or established, the documents will either be destroyed or be retained under the National Archives Act 1986.

What Else do I Need to think of Before I Engage in this Process?

If you are currently engaged in legal proceedings or think you may be in the future related to your experience and you disclose information with regard to those proceedings, you may, potentially, complicate that process. If this applies to you, we strongly recommend that you seek legal advice with regard to relating details of your abuse to the Scoping Inquiry. We have been advised by the Scoping Inquiry that if you are engaged in a pending criminal prosecution, details of abuse should not be disclosed as part of this survivor engagement process.

If you have signed a Non-Disclosure Agreement as a result of settling of any previous proceeding, where you agreed to keep certain information confidential, we advise you to seek legal advice prior to engaging in this interview process.

Please note that by consenting to an interview you are indicating that you have read and understood this information.

Your Safety and Wellbeing

It's important to note that feeling upset or distressed can be a really normal response when remembering or talking about past abuse. The interview will be conducted as sensitively as possible. However, in the event that you experience acute distress following your interview, support is available. As a participant in the Scoping Inquiry's survivor engagement process, you can avail of support by calling the number below up to six week after your interview.

Up to three sessions with a qualified counsellor are available for you in these circumstances. This can be online, by telephone or in person, depending on your location. The purpose of this is to provide you with an opportunity to debrief from your experience of the interview.

This is a short-term intervention to assist you with managing the impact of difficult feelings and emotions that may arise from your participation in the interview rather than the abuse that you experienced previously.

An appointment will be made available within three days of you requesting assistance and you will not be charged for these three sessions. To avail of support after your interview, call 01-8910703 and mention that you are participating in the Scoping Inquiry. If directed to leave a voicemail, you will receive a return phone call within 24 hours.

Longer term support is available from organisations such One in Four and/or the National Counselling Service. you can contact One in Four by calling 01 662 4070 or via their website at www.oneinfour.ie/contact.

As part of the State's response to individuals experiencing distress as a result of trauma and abuse in childhood, a free, professional and confidential National Counselling Service is operated by the HSE. You can contact the HSE by calling 1800 700 700, or from outside Ireland, by calling +353 1 2408787 to find the service closest to you. Information is also available online athttps://www.hse.ie/eng/services/list/4/mental-health-services/national-counselling-service/

Thank You

Thank you for taking the time to read this leaflet. If you agree to take part in this process, all of this information will be explained to you again at the beginning of the interview, and there will be a chance for you to ask questions. If you have any questions in the meantime, you can email survivorengagement@esi.gov.ie or call +353 (0)90 6483610 from Monday to Friday between 9.15am and 5pm. Outside of those hours you can leave a voicemail.

Appendix 4:

Report on Child Protection for the Scoping Inquiry into Historical Sexual Abuse in Schools run by Religious Orders

Dr Helen Buckley, Child Protection Consultant

Introduction

This paper was commissioned by the Department of Education as part of the Scoping Inquiry into historical sexual abuse in schools run by religious orders. Its objectives have been:

- to consider the policy context in the 1960s, 1970s and 1980s during which recently reported incidents of child abuse in the education system were made;

- to analyse the recommendations of specific child abuse inquiry reports concerning priests and religious (The Ferns Inquiry, the Commission to Inquire into Child Abuse, the Report by the Commission of Investigation into the Catholic Archdiocese of Dublin and the Report by the Commission of Investigation into the Catholic Diocese of Cloyne);

- to consider current safeguarding arrangements in the primary and post primary education sectors and

- identify any current impediments to reporting, investigating and responding to allegations of sexual abuse in the education sector.

The paper has been informed by a review of documents, including annual reports, research reports, policy documents, circulars, guidelines, internet research and very helpful consultation with key informants from the following bodies:

- Tusla

- National Board for the Safeguarding of Children in the Catholic Church (NBSCCC)

- Department of Education (Parents and Learners Unit and Inspectorate)

- Department of Children, Equality, Disability, Integration and Youth

- The Dublin Diocesan Child Protection Office

- The Teaching Council of Ireland

- Dublin City University (Institute of Education)

- Mary Immaculate College, Limerick.

- National University of Ireland Maynooth (Department of Primary and Early Childhood Education)

- Trinity College Dublin (School of Education)

Responsibility for interpreting and representing information supplied by key informants in this paper remains with the author.

The paper will cover the following areas:

1. It will outline the context in which child protection practices operated during the latter part of the 20th century in Ireland up to the present time. It will also outline the development of current responses to the problem of child sexual abuse focusing particularly on the education sector.

2. It will consider the recommendations from a number of inquiry reports into the abuse of children by people including religious in settings outside of their families, indicate if recommendations have been implemented in the context of more recent reforms, and consider what factors combine to produce the most effective recommendations.

3. It will consider current methods for safeguarding that the catholic church and religious orders have instituted in response to concerns raised about abuse by priests and religious as well as the above inquiries.

4. It will consider current safeguarding in the primary and post primary education sector in both recognised and unrecognised/independent schools.

5. Finally, it will present a concluding summary which identifies any weaknesses or obstacles to the effectiveness of current measures.

Section 1: Development of child protection practices, guidance and legislation from the 1970s to the present time

1.1 Introduction

When the Irish state was formed, the Children Act 1908 continued to provide the legal framework for child care matters for the following 75 years until the Child Care Act 1991 was implemented. Commentators have described the 1908 act as providing more to protect the state against delinquent children than protecting children from harm per se (Raftery and O'Sullivan 1999) which is taken to mean that its philosophical basis was reactive rather than proactive when it came to the welfare of children. In the meantime, child protection and welfare services as we recognise them were operated mainly by charitable bodies and voluntary agencies such as the ISPCC and on a less formal scale within local dioceses, parishes and social service councils. Hospitals and other institutions employed almoners or the equivalent, and in some cases local social service boards employed qualified and unqualified social workers who worked with families.

The Health Act 1970 established the personal social services, which included social work located in health board community settings and this began the centralisation of formal child protection within the public service and away from the voluntary and community sector. Although employed by the state, health board social workers were not statutory agents under child care legislation at that point and while professionals and members of the public could contact social work offices directly, there was no formal pathway for the reporting or investigation of allegations of child abuse. It is also notable that child harm up to the 1980s was almost always conceptualised in terms of physical abuse or neglect with a moralistic tone adhering to the latter, for example where parents were drunk and/or mistreated their children in public or where parents, mainly mothers, were considered to be lax in their behaviour. As time went on, and knowledge about developments in the US and UK was transmitted through medical publications or other media, agencies like the societies for the protection of children, or high-profile inquiries into homicides such as the Maria Colwell[1] case, the emphasis shifted to non-accidental injury to children. Child abuse was then defined in terms of physical abuse or non-accidental injury.

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1   Maria Colwell was a 7-year-old English child murdered in 1973 by her stepfather whilst under the supervision of social services. The criminal trial attracted a lot of attention and the subsequent inquiry was a trigger for social services reform in the UK.

In response to this new awareness of the problem, the Department of Health set up a working group, largely comprised of medical personnel which ultimately published the *Report of the Department of Health Committee on Non-Accidental Injury to Children* (Department of Health, 1976). The Report led to the establishment of the Task Force on Child Care which reported in 1980 and essentially laid the groundwork for the Child Care Act 1991 which had a much stronger focus on prevention of abuse and promotion of welfare than the previous act. In the meantime, recognising the urgency required to address the problem of physical abuse, the Department issued draft guidelines entitled *Memorandum on Non-Accidental Injury to Children* (Department of Health, 1977) which was largely based on the recommendations of the 1976 report. The guidance was directed primarily at medical and health workers and the memorandum acknowledges its focus on physical abuse, explaining that the evidence of injury arising from emotional deprivation or neglect 'might not always be as clear cut' and would therefore be more difficult to investigate.

A later edition, entitled '*Guidelines on The Identification and Management of Non-Accidental Injury to Children*' was published in 1980 (Department of Health, 1980) followed by a revised version in 1983 (Department of Health, 1983). The 1977 and 1980 guidelines vested responsibility for monitoring and co-ordinating the management of 'non-accidental injury' to the Health Boards, and the Director of Community Care was nominated as the person with overall responsibility. A list of potential clinical indicators of child abuse was provided, and the necessity for the co-operation of non-Health Board professionals was emphasised. Recommended procedures for the investigation of reports, and the 'monitoring and co-ordination' of child abuse cases were outlined, the case conference having a central position, and the maintenance by the (medical) Director of Community Care of a 'list' of suspected and actual cases of non-accidental injury was recommended. It is of note that from the 1977 guidance onwards, the Gardai were assigned a role in the investigation, for example the 1977 guidelines note that 'it should be borne in mind, however, that the Gardai must be notified as quickly as possible where a possible breach of the criminal law is indicated'. This is significant as later inquiries showed evidence that during these decades, a great many cases of alleged abuse that were reported to the health boards undoubtedly carried a criminal element, but the Gardai not informed.

The 1983 guidelines continued to focus on physical abuse but in its introductory section, the document notes its subject as 'the problem of confirmed or suspected non accidental physical injury (including injury resulting from sexual abuse) to children. This was the first official recognition of the problem of child sexual abuse. By 1987, when '*Child Abuse Guidelines: Guidelines on procedures for the identification, investigation and management of child abuse*', was published by the Department of Health, for the first time the Department gave a comprehensive definition of abuse as 'physical injuries, severe neglect and sexual or emotional abuse'. The 1987 guidelines outlined a very clear step by step process and for the first time, identify teachers as one of the 'others' who 'should' on arousal of suspicion, 'notify the DCC/MOH[2] immediately after consultation with his superiors'. It contains a separate section specifically on child sexual abuse, highlighting that 'the identification and validation of child sexual abuse is fundamentally different' from other types of abuse. As in the previous guidelines, it specifies that 'the Gardai, if not already involved, must be notified as quickly as possible where a breach of the law is indicated'.

The Department of Education produced procedures for the primary and post primary sector in 1991 which will be discussed in a later section.

1.2   Recognition of child sexual abuse as a major social problem

Early in the following decade, an analysis of confirmed cases of child sexual abuse which were referred to the Eastern Health Board during 1988 confirmed the upward trend in statistics between 1984 and 1987 although acknowledged at the time to be a likely underestimate (McKeown and Gilligan 1991). The SAVI report, published in 2002, was based on research conducted in the late 1990s with persons who were then over the age of 25. The data provided by this study showed that one quarter to one third of the 3000 Irish people randomly surveyed had experienced sexual abuse in childhoods as far back as the 1940s and 1950s, and of this number one fifth had been abused by authority figures of which the largest group was religious ministers and teachers.

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2   The DCC (Director of Community Care) or the MOH (Medical Officer of Health) were medical doctors who led community based services in the health boards or former local health authorities.

Although Irish governments had been aware since the 1930 Carrigan report of the prevalence of sexual offences against children, it was not really until the 1990s that it was openly discussed and reported on. A growing awareness of the problem of child sexual abuse could be seen in the publication by the Irish Council for Civil Liberties Working Party on Child Sexual Abuse (Cooney and Torode 1989) which identified 'unresolved moral questions in Irish society which appear too threatening or divisive to debate freely and rationally' (p.12), causing obstacles to adequately addressing the problem in Ireland. A number of events occurred during that decade which profiled child sexual abuse in a way that was unprecedented: the X case in 1992 which for the first time, illustrated that child sexual abuse happened in 'normal' families and the Kilkenny Incest Inquiry in 1993, which highlighted serious deficits in child protection and welfare services, failure to implement procedures and but also cultural/societal indifference to sexual and domestic abuse. The Brendan Smyth case in 1994 not only highlighted the issue of sexual abuse by religious, but also the political ambivalence that had been shown to the matter. Abuse in sport was also acknowledged (R. Murphy, 1998), and States of Fear, a tv documentary about abuse in industrial schools, provided the impetus for the Commission to Inquire into Child Abuse. These events combined to heighten awareness of risk to children that could occur inside and outside the family and the betrayals of trust that had occurred. What they also illustrated was that protective and preventive procedures and guidance were limited to certain settings but also that when they did exist, their operationalisation was considered optional.

1.3   Garda/Health Board guidelines

The 1993 Report of the Kilkenny Incest Inquiry illustrated the ambivalence held by professionals about the obligation to report suspected child abuse to the Garda Siochana. The need for tightening up of this matter had already been of concern to the Department of Health, which initiated meetings between the Gardai and the health boards to develop what became the 1995 guidelines entitled 'Notification of Suspected Cases of Child Abuse between Health Boards and Gardai' which obliged the health boards to formally notify the Gardai when they suspected that a child had been physically or sexually abused or wilfully neglected, without waiting for confirmation. A clear protocol was outlined, and informal consultation was encouraged. A procedure was also outlined for the Gardai to notify the health boards when they encountered suspicions of abuse or neglect. A strategy for investigation was outlined as well as arrangements for ongoing liaison and the requirement for Gardai to be present at case conferences.

1.4 Discussions on Mandatory Reporting

The question of whether reporting of suspected child abuse should be made mandatory, i.e. a legal requirement carrying penalties for non-compliance, was considered by the government during the mid 1990s and a discussion paper was published followed by a consultation process. The arguments against introducing mandatory reporting outnumbered those for it, and the Minister with responsibility for children, Austin Currie, instead proposed a number of measures including the establishment of an Ombudsman for Children and further development of child care services which removed the main responsibility from medical personnel, allowing for management by other relevant professionals.

1.5 Children First

Following the recent inquiries, the government committed to revising the official guidelines and in 1999 the first of several editions of Children First reflected the recognition that child sexual abuse was a substantial issue and gave detailed step by step instruction on the making and investigation of reports. While it recommended that individual organisations produce bespoke guidance, Children First held an overarching position. Significantly, it now included a separate section on the obligation to report to the Gardai, reflecting the 1995 guidelines. It contained a specific section for schools, highlighting the unique position of teachers as potential identifiers of child abuse, outlining management arrangements within primary and post primary schools and clarifying the responsibilities of boards of management including the need to have clear written procedures in place concerning action to be taken where allegations are received against school employees. The reporting line to be followed was from a staff member suspecting abuse to the principal or designated person who would be responsible for reporting the matter to the health boards or An Garda Siochana. A separate section deals with the responsibilities of employers to report to statutory authorities and the need to prioritise child protection and take proportionate measures to ensure that no child is exposed to unnecessary risk. In a later subsection it states that the management of schools must ensure that personnel are trained in the recognition of signs of abuse and on how to report it.

The next set of overarching guidance to be produced was developed for the voluntary and community sector. This was '*Our Duty to Care*' (Department of Health and Children, 2002), which was aimed at community and voluntary organisations such as youth clubs providing services to children and so encompassed persons who were not strictly employees. At that point, Garda vetting was not available[3] to most categories of employees and while some of the bigger organisations had an awareness of child protection requirements, no national guidance had existed. *Our Duty to Care* was based on Children First 1999 but had a strong safeguarding focus. It specified the need for appointment of DLPs and the display of child protection policies. It contained specific and extensive sections for codes of behaviour between workers and children and safe recruiting practices, induction, safe management practices including trial periods, reviews and staff appraisal and adequate recording systems. The document has a specific section dealing with action to be taken when an allegation is made against a worker in the organisation, outlining the two processes of reporting the allegation to the civil authority and dealing with the employee with advice about the employer's responsibility towards workers. It outlines additional factors that have a bearing on the organisation and may impact on the willingness of volunteers and employees to report, such as the possible reactions of other staff members.

As will be detailed in a later section, the Department of Education and Science produced revised procedures for primary and post primary schools in 2001 which were aligned with Children First. At this point, both statutory and non-statutory services were now covered by overarching guidance while other organisations such as the Irish Sports Council, Swim Ireland, the GAA, National Youth Council and the children's hospitals produced guidance that was consistent with Children First but also contained aspects that were specific to their individual contexts.

The implementation of Children First was neither straightforward nor automatic however, as illustrated by a review of compliance conducted by the Office of the Minister for Children and Youth Affairs [OMCYA] and published in 2008 which had been requested by the Minister for Children following the Ferns inquiry. The review found that there were difficulties and variations in relation to the implementation of the guidelines, arising mainly from local variation and infrastructural issues rather than fundamental difficulties with the actual guidelines. Two main principles were not being adhered to in the way envisaged: consultation with children and sharing of information which was found to be problematic at a number of levels. The review suggested that issues of consistency in implementation should be given priority. It

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3   The National Vetting Act was passed in 2012 and provided for vetting disclosures to be made in respect of persons intending to work with children or vulnerable persons.

essentially recommended a strengthening of child protection policies and training as well as support to be provided for organisations that needed to develop child protection policies.

Between 2005 and 2011 the Ferns, Dublin Diocese and Cloyne reports were published. The findings from these reports, which will be dealt with in a later section, shone a significant light on dioceses and religious orders. While it was acknowledged that guidelines had begun to address the issues, the fact that they were not mandatory created unease in the government which began again to consider the issue of mandatory reporting.

The Children First guidance was revised in 2011 to reflect new administrative structures and legislation that had been enacted since the 1999 edition. Unlike the previous edition, which contained step by step guidance for social work staff in HSE Children and Family Services, Children First 2011 was aimed at professionals and organisations who were likely to make reports. It again identified teachers as important caregivers who have regular contact with children. Reporting remained an administrative requirement but was not mandatory. A separate practice handbook was published by the HSE for practitioners within the statutory child protection service, which contained specific guidance and outlined internal business processes.

1.6   Children First Act 2015

Having consulted on the matter over several years, the government took the decision to introduce mandatory reporting of suspected child abuse and passed the Children First Act 2015. It appears that the government was ultimately convinced by the findings from the Cloyne report, which was published in 2011. At that time, the Taoiseach Enda Kenny made a speech in the Dail, in which he noted the dysfunction dominating the culture of the catholic church which upheld the primacy of the institution while downplaying the abuse of children. He was also critical of the 'unseemly bickering between the Minister for Children and the HSE over statutory powers to deal with extra familial abuse, the failure to produce legislation to enable the exchange of soft information and the long period of confusion and disjointed responsibility for child protection within the HSE'. He promised that putting Children First on a legislative basis would give children maximum protection and security.

Mandatory reporting was ultimately implemented in late 2017 and identified a range of persons mandated to report which included teachers who are registered with the Teaching Council and members of the clergy (howsoever described) or pastoral care worker of a church or other religious community. The legislation did not carry penalties in the form of fines or imprisonment, but the guidelines outlined the various sanctions that could operate if mandated professionals were found in breach of their

statutory obligation; these included reporting to the National Vetting Office and the professional registration bodies. As well as a duty to report, mandated persons were obliged under the legislation to assist the Child and Family Agency with assessments. The other measures covered by the Act were the responsibilities of organisations providing services to children to produce risk assessment and safeguarding statements and appoint relevant persons (designated liaison persons). The safeguarding statement was to be displayed prominently and reviewed when necessary. Any provider that failed to produce a copy of their safeguarding statement to the Child and Family Agency when requested was to be listed on a register of non-compliance maintained by the CFA as long as they were in breach of the legislation.

Children First guidance was again revised in 2017 to reflect the new legislation, and Tusla has developed a suite of documents, technical solutions and a training module to assist reporters. This online module is free and available to all child care professionals.

1.7   Increase in reporting

Referrals to Tusla social work departments have increased substantially since statistics were first published in the 1980s but particularly since the Children First Act 2015 was implemented. Comparisons between years are not entirely valid because of the different ways in which referrals have been counted, but there are some evident trends. It is possible to see that teachers now represent the third highest group of out of 21 categories of mandated reporters overall, behind Gardai and social workers. In 2018, teachers made 22.1% of mandated reports, and in 2019 teachers made 20% of mandated reports; this slipped in 2020 and 2021 to 15.6% and 14.4% respectively but recent data indicates that in January 2023, teachers made 19.1% of reports. The variations may be explained by school closures due to Covid. The smaller proportion may also be explained by the fact that other services are now also reporting more, particularly domestic violence services which shrinks the percentage made by teachers but not the volume. Overall, however, it is evident that teachers are significant reporters.

1.8   Church guidelines

Since the 1980s and more awareness of the problem of child sexual abuse, the reporting of allegations against priests and other religious increased. Some of these were reported to the then health boards but many alleged victims chose to report directly to different people in the dioceses. In recognition of the need to regularise the reporting process and avoid duplication and confusion, the church began to develop a procedural response. In 1996 the Irish Catholic Bishops' Advisory

Committee issued a report entitled *'Child Sexual Abuse: Framework for a Church Response'* which was colloquially known as the Framework Document or Green Book. Its purpose was to provide information and guidance to assist the Church authorities to make an appropriate and effective response to allegations of child abuse. It offered a set of guiding principles to underpin action and advised on the establishment of various roles to deal with allegations: Delegates to receive complaints, Support Persons to assist alleged victims and Advisors for accused priests or religious as well as an Advisory Panel including lay people and relevant professionals. The Delegate was to give 'consideration to reporting the allegation to the civil authorities' but was implicitly allowed discretion in relation to that decision. According to the policy, a complaint against a member of a religious order was to be reported to the dioceses by the superior of the order. The Framework Document gave further guidance on issues such as leave of absence, assessment and treatment and selection of candidates for the priesthood. The implementation of the Framework Document was intended for all dioceses and religious but was complicated by a lack of support from the Vatican and doubts implied by the Papal Nuncio that its operation was compliant with Canon Law. This meant that its adoption was considered discretionary by the dioceses.

The guidance was replaced nine years later in 2005 by *Our Children Our Church* which was a longer and more comprehensive document with the aim of bringing 'greater clarity and consistency to the Church's procedures in relation to child protection' (2005, p.1) and it signalled the establishment by the three sponsoring bodies, i.e. the Irish Bishops Conference, the Conference of Religious in Ireland and the Irish Missionary Union of a National Board for Child Protection to oversee its implementation and support and monitor child protection operations in the catholic church. Unlike the Framework Document, *Our Children Our Church* covered all types of child abuse and followed the 1999 Children First Guidance. It covered a broader range of church activities than the previous guidance and placed an emphasis on safeguarding practice in recruitment as well as key elements of responding to child abuse and neglect. It stipulated that the safeguarding of children must take priority over other matters. Like the Framework Document, Our *Children Our Church* was not considered 'normative' and therefore there was no binding obligation on dioceses or religious orders to comply with it. In the following years, child protection and safeguarding within the catholic church was taken over by the NBSCCCI which will be described in a later section.

Section 2: Inquiry reports

2.1 Introduction

Part of the remit for this paper was to consider the recommendations from the Ferns, Ryan, Cloyne and Dublin diocese reports, all of which were focused on abuse by priests and religious, the Ryan report having a particular focus on institutional abuse.

Each of these inquiries followed public concern about events that were revealed through media coverage. When an event or an issue causes considerable public concern, there are often demands for a 'full public inquiry'. While there are some technical definitions Buckley and O'Nolan (2013) suggest that a good working definition of a public inquiry is one that satisfies the public demand that a matter is independently investigated and publicly reported on. It is also considered that an inquiry will not satisfy the demand that 'something must be done' unless it is headed up by an independent chair and reports publicly. In general, the use of inquiries can be seen as consistent with a commitment to accountability and transparency in the management of the public sector. They have been very influential sources of evidence in the policy arena and have played important roles in shaping public policy in a number of areas though as will be shown here, they are often used by the government and policy makers as vehicles for the implementation of pre-existing agendas.

The function of inquiries was identified by the Law Reform Commission as

- To establish what happened, especially in circumstances where the facts are disputed, or the course and causation of events is not clear;

- To learn from what happened, and so helping to prevent their recurrence by synthesising or distilling lessons, which can be used to change practice. This includes identifying shortcomings in law or regulations;

- To provide catharsis or therapeutic exposure, providing an opportunity for reconciliation and resolution, by bringing protagonists face to face with each other's perspectives and problems;

- To provide reassurance, by rebuilding public confidence after a major failure

- To establish accountability, blame, and retribution; holding people and organisations to account, and sometimes indirectly contributing to assigning blame and to mechanisms for retribution;

- For political considerations, serving a wider political agenda for government either in demonstrating that "something is being done" or in providing leverage for change.

(LRC 2005:20).

Notwithstanding the useful aspects of inquiries reported above, they are also criticised for being time consuming and expensive, negatively focused, blaming and lacking context. Although one of the functions is fact finding, they are often held some years after events have happened and it is suggested that their function is more to confirm judgements already reached and are more likely to be considered valid if they criticise government. They are also considered to be tools for learning and assume that similar negative events can be prevented if the right policies and procedures are in place. As Buckley and O'Nolan have pointed out, inquiries tend to produce numerous recommendations which are usually focused on structural arrangements because cultural changes, often more necessary, are difficult to achieve. The factors that influence the implementation of recommendations will be discussed later in this section.

Of the four reports that are discussed here, three were Commissions of Investigation (which are statutory Inquiries (Note: CICA was established under special legislation i.e. the Commission to Inquire into Child Abuse Act 2000. Murphy and Cloyne were established under the Commissions of Inquiry Act 2004) and one of them (Ferns) adopted a non-statutory process after a preliminary inquiry established the likelihood of good cooperation from the diocese under investigation. This section will discuss the above reports with a particular focus on the recommendations from the Ferns and Ryan reports. The Dublin and Cloyne reports did not make recommendations but made observations which will be discussed in light of later reforms and current structures.

2.2   The Ferns Inquiry 2005

The Ferns report stemmed from publicity surrounding revelations of abuse by Sean Fortune who was a convicted paedophile as well as a number of other priests in the diocese. The inquiry reported on over 100 allegations of child sexual abuse made between 1962 and 2002 against 21 priests operating under the aegis of the Diocese of Ferns and including some who were teaching in St. Peter's Diocesan school and at least one priest who was the chair of a primary school board of management. It showed a wide variation in the way that the diocese had responded over the 40-year period which covered the same time line as trajectory of child protection developments outlined in the previous section. The report showed that transgressions which came to the attention of the bishops in the earlier years were either ignored or treated as moral problems requiring a short term morally corrective response with a selective interpretation of any assessments conducted. Early guidance and procedures issued by the state and the church were not considered particularly relevant. Importantly, the inquiry highlighted the weak governance and a very narrow hierarchical authority structure in the church which meant that there was

little oversight of the performance of a parish priest, let alone the behaviour or suitability of individual clerics. There was a total absence of recording in respect of complaints until 1988. When disciplinary action was taken, it was frequently delayed and inadequate. The inquiry also found the handling of complaints by the Gardai to be inadequate in many cases, particularly up to 1990.

2.2.1 Ferns recommendations

The Ferns inquiry made 20 recommendations which could be loosely classified in three categories concerned with the following:

(i)   safeguarding or preventing abuse,

(ii)   the type of response to be made to allegations,

(iii)   new legislation that was deemed necessary to both prevent and respond to child abuse.

Although the report was submitted to the Minister for Children whose department had commissioned it and the bodies for which the recommendations were intended were not always specified, it was evident from their content that specific recommendations were intended the church, the then HSE, the Department of Health and Children and the Gardai. Some of the recommendations were broad in nature with an unspecified audience, for example 'the strengthening of a more open culture of reporting' and the appropriate interpretation of guidelines' and others very precise such as the creation of a recording system for complaints and the setting up specialist child protection investigative teams.

2.2.2 Overall response to the Ferns recommendations

In response to the Ferns report, the Minister made a statement accepting all the recommendations and the OMCYA established a working group to oversee their implementation. No formal or final implementation plan was available at this point from the DCEDIY but through a combination of discussions with key informants and online research, it was possible to establish that the recommendations concerning prevention and safeguarding were broadly addressed though not always with lasting effect. It would be valid to suggest that the combination of the NBSCCCI work and the Children First Act 2015 have considerably strengthened the reporting culture within the church and religious orders as well as the general public and this is affirmed by a year-on-year increase in referrals to Tusla. The establishment of Interagency Review Groups (IARGs), to include Tusla, the Gardai and church representatives, was an important recommendation to address the finding that rumour and innuendo had persisted around some of the perpetrators without any

action having been taken. The IARGs were intended as a forum where cases could be discussed, and soft information exchanged. However, key informants have commented that the IARG meetings have declined considerably in number and in nature in recent years. According to Tusla, this is largely due to developments within firstly, the HSE and then Tusla, whereby restructuring occurred, new legislation (the Children First Act 2015 and the Garda Vetting Act) was passed and there was a steady decline in church-based allegations. Tusla has pointed out further that the changed landscape with reporting and the very many designated liaison officers in religious orders and dioceses who contact duty in each local area, together with the reduction in allegations within the dioceses has meant that these meetings are no longer needed. Tusla further commented that recent allegations arising from religious institutions have been successfully managed without IARGs. There is also a view that GDPR obligations have contributed to the current situation, where discussions between agencies are confined to high level policy matters rather than individual cases and soft information is no longer exchanged.

Although it did not emerge specifically from the Ferns recommendations, the establishment in 2006 of the National Safeguarding Board for Children in the Catholic Church in Ireland (NBSCCCI) has been the most significant factor in promoting safeguarding within the church through the different standards that include creating safe environments and are underpinned by the prioritisation of child protection over the good name of priests or the reputation of the church. The NSBCCCI audits (www.safeguarding.ie) testify to the consistency with which the standards are now applied. However, the Ferns report had observed a significant weakness in the management structure within dioceses which has not really been addressed in the way intended. The recommendation for management training for bishops has only been partially covered (insofar as they now receive safeguarding training from the National Board and the Vatican issued an apostolic letter which sets out the accountability of a bishop in terms of safeguarding) but in essence, priests are still regarded as self-employed, so the normal organisational management systems do not apply to their work and rather than performance reviews or disciplinary procedures, priests are subject to a process called 'fraternal correction'. The catholic church safeguarding structure currently in existence, which is comprised of various officers, trainers and volunteers plays a key monitoring role as does the National Board but dioceses are still under the stewardship of the bishop with the limitations described above.

The second category of recommendations from the Ferns inquiry, concerned with responding to allegations, has also been addressed by the NSBCCCI standards as far as the church is concerned. In response to a specific recommendation, specialist teams for the investigation of alleged child abuse were set up by the Gardai, intensive training for interviewers is provided in the Garda college and child friendly

interview locations have been provided. It was originally intended that these teams would be multi-agency and include Tusla staff to avoid duplication and Tusla staff were included in training for several years. However, according to key informants, their inclusion in joint Tusla/AGS training and participation in the interview process has declined considerably, though this may change in the future as Tusla has stated that specialist interviewing is currently under review with AGS and there is a plan for further development of joint training.

The Ferns recommendations for the Gardai in respect of complaints have been largely addressed. The original Domestic Violence and Sexual Assault Investigation Unit, first set up after the Kilkenny Inquiry has evolved into the Garda National Protective Services Bureau which provides a national advice service, and each Garda division now has a protective services unit. Pursuant to the Garda Act of 2005, all offences of a sexual nature are sent to the DPP for a decision as to whether or not to institute a prosecution. This is on foot of a binding direction of the DPP issued pursuant to that Act in 2011. Any garda that fails to comply is subject to a disciplinary process.

In response to recommendations about legislation, Part 15 of the Criminal Justice Act 2006 now addresses 'reckless endangerment' of children and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 prevents people who have relevant convictions from working or volunteering in children's services. As part of the vetting process Gardai may disclose not just convictions but relevant information.

The inquiry was also concerned about the power of Tusla staff to investigate non familial allegations and recommended a study of their full remit. It is understood from key informants that this matter was discussed at length between the relevant government departments and agencies without full resolution, but it now appears that Tusla's duty under Section 3 of the Child Care Act 1991 is regarded as superseding any concerns of this nature and the current Child Abuse Substantiation Procedure (Tusla, 2022), whilst considered to have limitations[4] provides a framework for Tusla staff to investigate whether any risk is posed by persons subject to abuse allegations to known and unknown children. [Note: The heads and General Scheme of the Childcare (Amendment) Bill 2023 were published in April 2023, which envisages that the Children First Act 2015 be amended to provide statutory authority to the CFA to assess reports received from non-mandated persons and members of the public in relation to harm to a child. The General Scheme has been referred to the Attorney General's Office for drafting]. The inquiry recommended that priests who dispute allegations be entitled to legal aid under the Civil Legal Aid Act

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4   See Annual Report of the Special Rapporteur for Child Protection 2021; Statement by IASW July
      2022.

1995 and this author has been informed that different arrangements exist within the dioceses but that once a criminal charge has been put, a priest may be granted free legal aid to defend himself.

2.2.3 *Specific response of the OMCYA/DCYA*

Research by Buckley and O'Nolan (2013) has shown that the response to inquiries can often be the implementation of actions that had previously been planned but had required further impetus and resourcing. This was also evident in the response to the Ferns Report by the Office of the Minister for Children and Youth Affairs which instituted actions that were not specifically mentioned in the recommendations but were nonetheless progressive and addressed the overall problems identified in the review. The OMCYA set up a monitoring group to agree on actions and it is understood by this author that regular interagency updating meetings took place between the Department and the HSE which may also have included the Gardai. However, neither the timeline nor the records of the meetings were available to this author from the DCEDIY so it is not possible to verify how often they took place or what the final outcome was. Nor has it been possible to identify the different workstreams that were under the remit of the monitoring group. It appears that the HSE had responsibility for two out of five working groups, Ferns 4 and 5. The HSE Review of Adequacy Reports up to 2013 reported on their progress and two 'draft final' reports on Ferns 4 and Ferns 5 were provided to this author on request, both dated 2014.

The terms of reference for Ferns 4 for were 'to examine the assessment, therapy and counselling needs of children who have been sexually abused and their families' and 'to make recommendations concerning service requirements'. The final draft report for Ferns 4 gave a detailed outline of a proposed national assessment and therapy service for children who had been sexually abused and made a recommendation for specialist centres to be set up in Dublin, Cork and Galway. In 2019, the government launched the pilot of the Barnahaus[5] model to provide assessment, forensic interviews/medical examination, treatment and therapeutic support for children who are victims of sexual abuse. Current information from Tusla indicates that to date, Barnahaus has been established in Galway and will open in Cork this year and that work is ongoing on the development of the model in Dublin. Tusla also notes that challenges with data protection, legal issues and integrated working are being addressed with the support of the Council of Europe.

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5   The Barnahaus model was developed in Scandinavia and refers to multidisciplinary and interagency interventions provided under one roof.

The terms of reference for Ferns 5 were 'to advise the Forum of the needs and strategic direction of the HSE in the treatment of adults, teenagers and children'. The 2014 draft final report for Ferns 5 outlines a proposed the setting up of a Juvenile Sexual Behaviour Service under a national steering committee. Current information from Tusla confirms that the national steering group is no longer in existence but a National Inter Agency Prevention Programme for children who display sexually harmful behaviour has been established. The programme has some full-time staff but is reliant on the release of other staff from social work departments and the probation service and is subject to operational pressures. Its development in the six Tusla regions is continuing.

It can be surmised from the above information that the actions to be implemented by the HSE/CFA following the Ferns inquiry have been broadly implemented although some are still in process. As outlined, there is no information available from the DCEDIY on the outputs from the other Ferns project groups.

2.2.4 HSE /Tusla audit

The Minister for Children who received the Ferns report made an immediate response by requesting the then HSE Children and Family Services to undertake a full audit of the extent to which the Church was complying with the 1996 Framework Document or Green Book and implementing the recommendations of the Ferns report. The HSE/Tusla conducted two audits, one for religious orders and one for dioceses. The report on the dioceses was published in 2012 and the report on the religious orders was published in 2018.

During the period in which the audits were being conducted, the Church's guidelines progressed from the Framework Document to *Our Children Our Church* and then were overtaken by two sets of Safeguarding standards issued in 2008 and 2016 by the NBSCCCI which had in the interim become firmly established and was conducting its own audits. The HSE diocesan audit, which acknowledged its own limitations, found that while dioceses had made significant progress, implementation was inconsistent with an unequal application of the principles contained in the guidance. It has been noted that the HSE audit initially had some difficulty in obtaining all the information it sought. The HSE revised the questionnaire in response to legal challenges from the dioceses and whilst some dioceses declined to answer some questions at first, they all did so in the end. However, the audit uncovered a significant problem with tracking each allegation and a lack of consistency between reports made to the church authorities and those passed on to the civil authorities and made some strategic recommendations designed to standardise the dioceses' safeguarding policies which have since been addressed by the NBSCCCI.

The audit of religious orders' adherence to their safeguarding responsibilities showed that the orders had gained an increased understanding of the child protection process and had achieved successful collaborative relationships with Tusla. This report made a number of recommendations for Tusla, including a specific monitoring of allegations from religious bodies and outcomes of investigations. through a dedicated clerical abuse national central monitoring unit. This unit was developed but not progressed once it was believed that the introduction of the NCCIS to support the implementation of Children First would provide sufficient national oversight. The other recommendations mainly concerned the need for Tusla to support the religious orders in their safeguarding activities. Recommendations specifically for the religious orders were mainly concerned with appointing and retaining safeguarding personnel, policies and essentially adopting safeguarding as a part of religious life. The audit cautioned against complacency in relation to cultural paradigms within the orders that required constant challenging. Both of the HSE/audit reports were submitted to the minister. On reviewing the conclusions and recommendations at the current time, it is evident that the activities of the NBSCCCI have been able to address the majority of matters raised. However, it is concerning to note that some religious orders have now declined to take part in the NBSCCC audit process because of concerns about data protection.

2.3   Commission to Inquire into Child Abuse (Ryan Report) 2009

While the recommendations of the Ferns report focused on specific actions and legal remedies relevant to reporting and responding to allegations of child abuse, highlighting child sexual abuse in particular, and placing an emphasis on methods to improve compliance by members of the clergy, the Ryan report adopted an expansive remit, looking at the broader picture of child welfare and protection services, capturing both ongoing and planned reform, and streamlining of systems. The task of the commission was to investigate child abuse in institutions, most of which had been under the aegis of the Department of Education. In summary, it found that low standards of care and physical and emotional abuse were common to all the institutions which operated rigid control and corporal punishment, and that sexual abuse occurred in many but particularly in those for boys. The report was critical of child care practices at the time but particularly of the deferential attitude of the Department of Education towards the religious orders who were allowed independence in the way they ran the schools without adequate financial oversight and in a very weak regulatory context where inspectors were largely powerless. It also noted that while the problem of sexual abuse was acknowledged, no attempt was made to deal with it from a systems perspective.

The Ryan commission made 20 recommendations which were intended to both respond to victims of past abuse and to protect children from future abuse, focusing on the current child protection and welfare and youth justice systems and emphasising the responsibility of the state to ensure that services were safe and effective. In response, the government made a commitment to build on the reforms of the 1990s and early 2000s and streamline the child care and youth justice systems with a heavy emphasis on management and accountability. The Office of the Minister for Children and Youth Affairs took a novel and transparent approach to the implementation process by establishing an interagency group which analysed and regrouped the recommendations and identified a series of actions in relation to each one. Essentially the implementation plan modernised the remedies required to address the themes that were revealed in the commission's report and contextualised them within current child care and youth justice structures.

The OMCYA published an implementation report based on the work of the interagency group which laid out 99 actions to be completed with timelines, in the process identifying reforms that were already underway as well as current identified deficits in policy and in services. There was a very ambitious tone to the plan which encompassed a number of service dimensions. Although the actions were broad ranging, the compartmentalisation of the process meant that expected outcomes and the services with responsibility for achieving them were very clear so it was possible to measure how far the actions were addressed during the first few years following publication. The recommendations and associated actions were classified the into six groups as follows:

(i)   addressing the effects of past abuse;

(ii)   evaluation and implementation of national child care policy;

(iii)   strengthening regulation and inspection;

(iv)   improving management of children's services;

(v)   giving greater effect to the voice of the child and

(vi)   revision of the Children First guidelines with legislative underpinning.

The group also identified a number of matters over and above the commission's recommendations which were considered necessary to the enhancement of services. The implementation process was then overseen by what was described as a High-Level Group chaired by the Minister for Children and with representation from government departments and later included the Children's Rights Alliance. Four annual reports were published detailing progress with the final one in March 2015, six years after the publication of the Ryan Report.

Between the publication of the initial and final implementation reports (2009 -2015), substantial changes had taken place in the sector, one being the establishment of a standalone Department of Children and Youth Affairs with a full minister. This consolidated into one department the functions that had previously been spread across three. The other significant change was the establishment of the Child and Family Agency which separated child protection and welfare services from the wider HSE and freed them from competing with priorities and the more complex administrative arrangements of the HSE. Its formal establishment was preceded by a change management programme. These two developments represented milestones in the provision of child protection and welfare policy and operations and, while they may not have emerged directly from the commission's recommendations, they were part of the overall reform programme and decisions to establish them undoubtedly reflected the increase in public and political concern that followed the various inquiry reports. In the meantime, a referendum on children's rights approved an amendment to the constitution, a new national policy framework (*Better Outcomes, Brighter Futures*) replaced the former National Children's Strategy, the child protection guidance was revised and plans were made to put part of it on a statutory footing. Some of the Ferns legislative recommendations had also been implemented. Child protection and welfare standards were developed by HIQA in 2011 and provided a framework against which the authority was able to inspect services at area level.

The final report of the Ryan implementation group claimed that all but five of the 99 actions had been completed or were ongoing either in nature or in terms of implementation status. These incomplete actions concerned the erection of a memorial, undertaking a ten-year longitudinal study on children leaving care, archiving of records, and research by the Courts Service. The longitudinal study has since commenced.

The actions that were deemed to have been completed were once off and readily visible such as the appointment of a specialist in the then OMCYA, development of guidance and standards, audits and restructuring. However, the majority of actions were considered simultaneously 'complete' and 'ongoing'. These included continuous processes such as safeguarding practices, recruitment, reviews, data collection, inspection, planning, continuous improvement and reform, ongoing funding or provision of services (e.g. specialist health services) and distribution of resources. There was a further set, where actions were deemed ongoing but expected to be completed within a specified timeline where negotiations were still underway about a particular development such as the establishment of children's services groups or the preparation of legislation for placing elements of Children First on a statutory footing. The final implementation report highlighted a concern that the

impetus for continuing improvements and inter departmental working would continue, particularly in relation to actions that were considered to be ongoing in nature.

An overview of the implementation of the Ryan actions and recommendations at the present time will show mixed outcomes and illustrate the degree to which implementation depends on different variables. The recommendations and actions in the different categories that focus on management, review, self- audit, regulation and inspection and articulation of values have been fulfilled through the establishment of the CFA, HIQA inspections, business and strategic plans, Review of Adequacy and annual reports and the establishment of the National Review Panel. The Children First Act 2015 has addressed the actions pertaining to child protection identified in the Ryan Report. The majority of child welfare and youth justice services that are provided directly either by statutory bodies or commissioned agencies operate in a much more transparent way than previously, with consistent publication of data, publication of inspections, and strengthened governance arrangements. Other positive developments and reforms have occurred in relation to the management of services and children's participation. However, desired outcomes in relation to all the actions that were deemed both 'complete' and 'ongoing' have not been achieved. This is evident from Tusla Review of Adequacy Reports, HIQA reports, National Review Panel (NRP) reports and a recent review of Child and Adolescent Mental Health Services which are not under the remit of Tusla. The underachievement of these outcomes partially stems from the combination of shortage of qualified staff and variables that are out of the control of the CFA or would have required interagency and cross departmental agreement. Examples include noncompliance with Child in Care Regulations and Child Protection Standards (see for example HIQA inspection of Cork services 2022), waiting lists and poor governance in CAMHS (Mental Health Commission 2023). The CFA has not managed to achieve the target of 100% allocation of social workers to children in care and in fact the percentage has slipped slightly since the publication of the final implementation report (Tusla Review of Adequacy Report 2021). NRP annual reports have highlighted lack of continuity in mental health services particularly for children whose placements change, lack of coordination between youth justice and Tusla alternative care services, lack of suitable placements for children with challenging behaviour, and lack of coordination between HSE disability services, limited therapeutic and assessment services and Tusla alternative care services (NRP Annual Reports 2010 – 2022). It is also evident that the interaction of some of the recommendations has had unintended consequences, for example, the placing of Children First on a statutory footing has increased the reporting rate and frontline services now struggle to meet their requirements. The expansion of services in all areas, which has been a positive move, has been impacted by a shortage of social

workers in frontline child protection and welfare services who now have more employment options than previously. Tusla commented to this author that the disestablishment of the National Social Work Qualification Board in order to provide a base for CORU has meant that there has been no integrated attention paid to the training or workforce planning for social workers in the last 20 years. It has been suggested in relation to child welfare services in other jurisdictions that the proliferation of administrative responsibilities emerging from the implementation of inquiry recommendations can detract from deeper and more reflective consideration of practice issues and there is no doubt that the current focus on compliance within child protection and welfare services is occupying an increasing proportion of the CFA's day to day operations.

2.4 Murphy Report

The Commission of Investigation into Abuse in the Dublin Diocese was set up at the time of the publication of the Ferns Report in 2005 and reported in 2009. Its remit was not to conclude whether or not abuse had occurred but to examine the response of the church and the state authorities to a sample of complaints. and suspicions of child sexual abuse by priests in the Archdiocese of Dublin between 1975 and 2004. The Framework Document had ostensibly been in operation for just less than half of that timeline albeit with the limitations described earlier. The commission had no remit to make recommendations in its final report and stated its view that there were already effective structures in operation by the time of its completion. It made a number of other findings including the following:

- Claims that the Church was 'on a learning curve' up to the late 1990s appear spurious given the level of education and qualification of the church authorities who were dealing with complaints and the long history of denunciations of clerical child sexual abuse and the more recent evidence that cases came to attention in the 1950s and 1960s. Rather, the diocese was preoccupied with maintaining secrecy, avoiding scandal, protecting the reputations of its members and preserving their assets. These preoccupations eclipsed their sense of obligation towards victims of abuse.

- The church failed to implement its own rules. Even though the church was governed by canon law, it did not exercise its power to institute canonical trials when indicated. The exception was the provision that dealt with secrecy. The latter resulted in failure to report cases to the Gardai up to the mid-1990s, despite knowledge that child sexual abuse is a crime. Not only was there a failure to report crimes of child sexual abuse to the Gardai, but victims were required to maintain secrecy. Canon lawyers exerted a disproportionate level of influence.

- The diocese did its best to ensure that as few people as possible knew about cases, with little concern for the welfare of abused children or any other children at risk. This was reflected in the way that complainants were dealt with.

- Cover ups were actively facilitated by the state authorities who allowed the church to be beyond the reach of normal law enforcement.

- In common with the Ferns report, the Murphy report highlighted the anomalous management hierarchy in the church. It noted that archbishops are appointed to high office without a transparent selection process, with no job description or clarity of responsibility and that each one in the Dublin diocese had interpreted his role in his own way. As some bishops had not reported complaints, the archbishop had responsibility without information.

- The report found that there was very poor communication within the church in relation to abuse and that people who would have needed to know about a priest's background were not told of abuse allegations made against him. There was a lack of clarity about reporting lines and poor communication between diocese and religious orders. Sometimes professionals were engaged to treat priests found to have abused children but not given the necessary information.

- There were examples of where priests had been sent for treatment and then allowed back into ministry with children and young people.

- The diocese was very slow to implement the structures outlined in the Framework Document and the current positive safeguarding work in the diocese is heavily dependent two individuals, the child protection officer and the bishop while institutional structures are not sufficiently embedded.

2.4.1 Response to the Murphy Report

Following the publication of the Murphy report, the archbishop acknowledged the findings, identifying what had happened as part of the history of the archdiocese which could never be 'whitewashed away'. The archdiocese had set up a child protection office in 2003 to rationalise the reporting of clerical abuse and the response to be made and had established relationships with the civil authorities. A qualified social worker had been employed as Child Protection Officer. The diocese also commissioned a consultant to examine files pertaining to abuse by priests and this meant that the issues addressed in the report had been partly addressed prior to its publication. The NBSCCCI was, at that stage, fully established and conducting audits based on the 2008 standards. An audit of the Dublin archdiocese completed in 2014 did not revisit cases examined in the Murphy commission but did take account of the findings of the report. While it made some recommendations, it

concluded that the majority of standards had been fully met at that point and commended the personnel in key roles in the child protection office for 'turning around a shocking and grievous situation'. A further NBSCCCI audit in 2020 concluded that the archdiocese had put into practice all the necessary elements to ensure a culture of safety for children at all levels of Church activities.

2.5   The Cloyne Inquiry 2011

Part of the remit of the Dublin Commission was to investigate any other diocese that the Minister for Justice requested. Seven months before the Dublin report was published, the commission was asked to report the handling by Church and State authorities of a representative sample of allegations and suspicions of child sexual abuse against clerics operating in the diocese of Cloyne over the period 1996 – 2004. This followed two reports about the diocese in 2004 and 2008 both and particularly the second of which identified failures of compliance with child protection procedures and the presence of child protection risk in the diocese.

The significant difference between the Cloyne and other inquiries is that the period under review was one during which there was already an awareness of the problem of clerical sexual abuse, complaints had been made, and importantly, the Framework Document was in place and was ostensibly implemented in the diocese to the extent that that a particular member of the church had been appointed to a role of responsibility. The commission examined complaints made against 19 clerics and judged them by what it described as 'the standards set in their own documents', i.e. the Framework Document. It judged the Garda response against the standards in the 1995 Garda/Health Board notification guidance and Children First 1999. It was the opinion of the commission that the standards set by the church were more precise and higher than those of the state and would have, if used, afforded proper protection to children. The commission was critical of the bishop's lack of interest in the operation the procedures and his delegation of responsibility to a monsignor who himself did not approve of the Framework Document or the obligation to report to the civil authorities, which he felt was a matter best left to the complainants.

2.5.1 Findings

The commission found the following failures:

(i)   Failure to report 9 of the 15 complaints, which were made during the review period, to the Gardai. The report also noted a certain laxity in the responses made to historic allegations, only some of which had been reported to the civil authorities and noted a disregard for the protection of unknown children from alleged perpetrators.

(ii)   Failure to report to health authorities, despite the requirement in the Framework Document.

(iii)   Failure to appoint separate support personnel. The commission noted that the same person was acting as delegate and support person.

(iv)   Absence of an advisory panel, intended to be an independent group. A panel had been appointed prior to the review timeline but ceased to function.

The commission noted efforts by the monsignor to respond to cases in a pastoral manner that would not attract legal liability to the diocese. It found that records were not properly maintained, that the diocese did not carry out canonical investigations when they should, and that in a number of cases, investigations were commenced but not finished. It found inadequate communication between the monsignor and the bishop or neighbouring dioceses, poor reporting practices and inadequate monitoring of retired priests against whom allegations had been made. The Gardai were also criticised in the Cloyne report in relation to three particular cases where investigations ground to a halt but, in general, the force was found to act appropriately.

The overall conclusion of the Cloyne inquiry was that while the diocese claimed to have accepted the Framework Document, it did not implement it, and the person who was delegated to act on behalf of the bishop in respect of child protection had not respected the document and did not implement it. The commission also pointed out that this person was supported in his view by the Vatican.

2.5.2 Response to the Cloyne report

The Cloyne report did not have the remit to make recommendations and therefore let the findings speak for themselves. The commission was of the view that the operational child protection structures were robust but also concluded that the State's laws and guidelines at the time were not sufficiently strong and clear to allow for the protection of children. By the time the report was published, remedial action had been taken in the diocese and an audit in 2013 by the NBSCCC which focused on activity since 2009 found that the diocese was making excellent progress in implementing child protection standards.

In the meantime, as outlined, the government response to Cloyne was very strong and it affirmed its commitment to putting Children First on a legislative basis.

2.6 Overview of the implementation of recommendations

Research by Buckley and O'Nolan (2013) highlighted some of the weaknesses of inquiry recommendations. It was suggested that most reports repeat recommendations about interagency communication, lack of resources, inadequate recording systems and poor information sharing and that such repetition indicates their ineffectiveness. Other criticisms included the quantity, the aspirational and unrealistic tone and the lack of empiricism underpinning them and the absence of consultation with those providing and using the services. An important finding, however, was that applying the technical question of whether recommendations are implemented may not be useful, because the policy environment is constantly changing along with the culture. Only two of the four inquiries considered in this paper had a remit to develop recommendations and it can be seen from the above discussion that judging whether or not they have been implemented is not straightforward as the inquiries took place against a backdrop of rapid investment and reform of services as well as the beginnings of a radical shift in public perceptions of the catholic church, compared with the periods during which the matters being investigated actually occurred. It is evident that both sets of recommendations were more or less congruent with the reforms and the economic environment at the time of the inquiry's publication as well as the growing knowledge base on best practice and the changing attitude to the church as a body that needed to cede its power.

In essence, the Ferns and Ryan reports made a number of recommendations that addressed the factors revealed by the reports, but both framed their actions in a way that acknowledged the progress that had been made in child protection systems since the timelines under review while identifying ongoing weaknesses and areas for improvement. With the passing of time, it has been difficult to establish how precisely the recommendations were implemented and it is evident that some

have been washed out in light of further and more recent policy and service developments. The Ferns report made some specific recommendations for the government, the Church, the Gardai and the child protection services and these have by large been addressed though maybe not in the precise manner intended. The Ryan report recommendations were interpreted in the form of a comprehensive and ambitious action plan, the implementation of which depended on several factors. Although there has been major development in child protection policies and services in the interim, and once off actions were mostly completed, it can be seen from several compliance and quality assurance reports and reviews that the aspirations underpinning the action plan have not uniformly come to fruition or have been subject to variables outside the control of individual departments or agencies. This indicates that if the impact of an inquiry is judged by the successful implementation of actions arising from recommendations, it may be wiser to temper them to take account of the many external factors that are likely to impact on their achievement.

The above-mentioned research identified two tiers of factors influencing the implementation of inquiry recommendations. The first tier consists of factors that are within the control of the inquiry and the second tier consists of factors external to the inquiry. Factors within the control of the inquiry and positively associated with the implementation of recommendations are: affordability, implementation planning and the absence of an undue delay in reporting. Factors outside the control of the inquiry which are positively associated with the implementation of recommendations include: a good fit with the economic environment; follow up reporting arrangements; professional interest among key stakeholders; a political champion; a supportive political environment and an issue that affects a large cohort rather than a small minority in society. As the above discussion has shown, some recommendations have been implemented on a partial or short-term basis, such as the inter-agency review groups, and have later diminished so that the longevity cannot always be assured. Finally, as with all inquiries, a superficial estimate of the implementation can only show that recommendations have been addressed, but not how far the actions that followed have been operationalised on the ground.

Section 3: Current Safeguarding Arrangements in the Catholic Church

The NBSCCCI was established in 2006 by the three sponsoring bodies (The Irish Bishops Conference, the Irish Missionary Union and the Conference of Religious Orders) that had commissioned the earlier guidelines. A CEO was appointed and 2008 the board produced a set of standards to govern safeguarding of children who have contact with or participate in activities organised by the church. The standards cover the creation of safe environments, the requirement for a procedure to receive and respond to allegations against priests or religious, support for victims, support for persons accused, training, communication of the safeguarding message and quality assurance. Although adherence to the standards was not a mandatory requirement of dioceses and orders, there was agreement that they would all adhere to them, thereby operating one national child safeguarding policy in the church.

The first Annual Report of the NBSCCI in 2009 recorded their initial efforts to evaluate the situation pertaining at the time. It identified that first requests for information from the dioceses and religious orders revealed what is described as a lack of clarity and common approach to safeguarding, and evidence that different interpretations of what it meant. The NBSCCI was invited to conduct reviews on compliance with the standards and make appropriate recommendations where they were not met, but given the non-binding nature of the framework, dioceses could exercise choice over whether to request an audit. Between 2009 and 2016, all Bishops and Religious Leaders invited the NBSCCI to review their practice and all reports can be found at www.safeguarding.ie/reports. In response to learning about required changes to practice which emerged from the Reviews, the standards were revised in 2016 and have replaced earlier church guidelines. Where priests and religious are engaged in activities, such as teaching, in organisations covered by Children First or organisation specific guidelines in line with Children First, their adherence to the Children First guidelines is required first and foremost. While the National Board has a remit regarding priests and members of religious orders who are teaching, it has no role in respect of lay teachers in catholic schools. The board recommended a standard safeguarding structure for implementation within each diocese/religious congregation. The personnel are now in place to receive training from the National Board on safeguarding.

The first set of audits were conducted under the 2008 standards and the results were variable with some dioceses and religious orders showing high levels of compliance but others not. By 2011, according to a press release at the time of the publication of six reviews, the NBSCCI was noticing improvements in the area of implementation of systems and prompt notification of reports to the statutory authorities. An externally commissioned review published in 2015 looked at review

reports on the 26 dioceses that had been reviewed between 2010 and 2014 (Nolan, 2015). Some difficulties were presented by different methods of presenting data in earlier audit reports, but overall, the Nolan review showed a high level of compliance with safeguarding standards as instituted and monitored by the National Board. Nolan recommended some review of the standards to avoid repetition and confusion, and this took place in 2016 with further clarification and streamlining of the seven standards.

The second iteration of reviews by the NBSCCCI began in 2018 with an assessment against the 2016 standards. Reviews take place relatively infrequently and are at the invitation of the Church leader (bishop or religious leader). However, a number of factors may underpin confidence that the dioceses are compliant with safeguarding requirements; firstly, the reports are published, a fact that is likely to highlight those that have not come forward for review, and any reports that show deficiencies will attract scrutiny to see if improvements have been made. Secondly the safeguarding structure which involves a significant number of lay persons can act as a type of quality assurance and thirdly, the Pope issued an apostolic letter in 2019 which sets out the safeguarding accountability of a bishop, stating that negligence will be considered a crime under canon law. Finally, almost all the bishops in the 26 dioceses have been replaced since the first reviews and it may be reasonably assumed that the new appointees are aware of the commitment that they must now show to safeguarding.

Reviews of the religious orders took place under the 2008 standards again with very contrasting findings. The NBSCCCI published all the audits and published overview reports on the degree to which recommendations from each tranche of publications had been implemented. These reports are too detailed to reproduce here, but the overview reports indicate a general commitment particularly by the larger orders, to continue to try and meet safeguarding standards.

The second tranche of review reports on the diocese, which is based on the 2016 guidance and published on the NBSCCI, indicates a significant improvement in compliance with the standards. Almost all allegations made concerning priests and religious are retrospective at this point. It is also evident that the numbers of priests and religious are declining rapidly, with an average age of 80 years in religious orders and a shrinking proportion of working priests at parish level. Currently, less than one third of the members of religious orders are in active ministry.

Only a handful (thirteen) reviews of religious orders have been published under the 2016 standards and at this point, the orders have all but ceased participation in reviews due to data protection concerns. This author was informed that the standards are being revised at present to reflect internal and external policy changes including data protection and are likely to contain more emphasis on governance, just responses and care for victims, prevention, quality assurance and training.

Section 4: Child Protection and Safeguarding in Schools

While the inquiry reports discussed above and the responses made to them had relevance to the education system because of the involvement of priests and religious in schools as patrons, teachers and chairpersons of boards of management, this section will deal more directly with the evolution of child protection and safeguarding in schools when it began in the 1980s and up to the present time.

As the Ryan Report disclosed, many historical abuse allegations against school employees date back to the 1950s, 1960s and 1970s when there was essentially no framework in place, either at state or school level, for identifying and reporting suspected child abuse to the authorities. Although there was some awareness at state level of child sexual abuse perpetrated in schools and institutions, the issue did not achieve a public or political profile up to the 1990s. However, the concept of child abuse at that time was more generally understood to mean physical abuse and the banning of corporal punishment in schools in 1982 could have been interpreted as an effort to address it. At that time, Circular 9/82 from the Department of Education noted the amendment to the Rules for National Schools and stated that:

> 'Teachers should have a lively regard for the improvement and general welfare of their pupils, treat them with kindness combined with firmness and should aim at governing them through their affections and reason and not by harshness and severity. Ridicule, sarcasm or remarks likely to undermine a pupil's self-confidence should not be used in any circumstances'

4.1   Child protection procedures for primary and post primary schools

While the ban on corporal punishment related to what would now be considered physical abuse by teachers, their role as identifiers and reporters of child abuse in the family home was implicitly covered by the initial Department of Health child protection guidelines (1977 and 1980) and specifically mentioned for the first time in 1983. In 1991, the Department of Education published '*Procedures for dealing with allegations or suspicions of child abuse*'. These guidelines, which were produced separately for the primary and post-primary sectors, were the first to be developed specifically for schools, though it is notable in the Ferns Report that in 1988, three years prior to their implementation, the principal of a national school in the diocese, having been made aware of a CSA suspicion against a parish priest (who would have been the Chair of the Board of Management), reported it to the health board Director of Community Care, illustrating that at least some schools were already aware of and prepared to act on their responsibility to report under the Department of Health guidelines from 1987.

The focus of the 14-page 1991 document was to 'assist school management authorities and teachers in handling disclosures from children' and it referred readers to the 1987 Department of Health Child Abuse Guidelines including the associated checklist which includes child sexual abuse. The Department of Education guidelines identified the Chairperson of the Board of Management as responsible for reporting suspected abuse to the health board but also allowed that a teacher (normally the principal) may make the report directly to the Director of Community Care if the Chairperson was unavailable and advise them afterwards. The guidelines allow for the possibility that the person suspected of abuse may be an employee of the school in which case the Chairperson of the Board of Management was identified as responsible for reporting the matter to the Director of Community Care having first informed the employee and afforded them the opportunity to make a response which may also be submitted with the report. The guidelines also allowed for the possibility that abuse may have been perpetrated by another pupil in which case the normal reporting responsibilities would apply. The duty to report a crime to the Gardai was clearly specified.

It is assumed here that the 1991 guidelines were distributed through normal channels to school principals by the Department of Education, but the extent to which they were implemented, or circulated beyond the office of the principal, is not known. However, a small scale study conducted in ten primary schools in the north west of Ireland by a social worker seconded to the Child Abuse Prevention Programme (Kelly 1997) found that during the 1990s, the 1991 guidelines were neither disseminated widely nor considered useful and that teachers were uncomfortable with their duty to report suspected child abuse.

At this time, there was no compulsory requirement for child protection input in teacher education in Ireland and it was frequently taught as part of an elective module, determined at college level, and comprised an average of 3.5 hours child protection teaching out of 1500 training hours.

In the interim, the introduction into schools of the *Stay Safe/Child Abuse Prevention Programme* a culturally sensitive developmentally staged programme aimed to prevent the sexual abuse of children by increasing their safety and disclosure skills (MacIntyre et al, 1991). The programme included opportunities for parents, teachers and key professionals to have joint training to enable them to increase caution and vigilance on behalf of children and help them avoid or thwart sexual abuse. There had been a certain amount of opposition to its introduction by conservative groups such as Parents Against Stay Safe but it was estimated that a decade later, 98% of primary schools included it in the curriculum. A 1999 evaluation of the programme indicated that by that time, both parents and teachers had shown significant improvements in knowledge and attitudes concerning protection. A later survey conducted by the Department of Education and the Child Abuse Prevention

Programme (2006) in 2005–06 on the implementation of the Stay Safe Programme indicated a need for further training. A targeted training programme was subsequently delivered to 700 schools but undertaken only by schools that elected to avail of it, (Shanahan, 2011).

In tandem with a growing awareness of child sexual abuse as a significant issue, the full implementation of the Child Care Act 1991, and the publication and publicity surrounding reports such as the Murphy report into allegations of sexual abuse in swimming (R. Murphy 1997), awareness of the vulnerability of children in out of home settings increased. The need for revision of the national child protection guidance was acknowledged and a working group was established to undertake this task. Following the publication of Children First 1999, the Department of Education and Science issued a further and more extensive set of procedures in 2001, entitled *Department of Education and Science Child Protection Procedures and Guidelines* of which a central element was the appointment in each school of a Designated Liaison Person (normally the school principal) who would be responsible for receiving reports from school staff and passing them to the HSE for further investigation. This replicated the section on schools in the Children First 1999 guidance and represented a significant change from the previous guidelines whereby responsibility was carried by the chairperson of the board of management. Detail was provided in the DES guidelines about the attendance of teachers at child protection conferences and the possibility that a teacher may be asked to keep a child's behaviour under close observation. This document also contained a chapter dealing with allegations against school employees, which outlines the reporting procedure in respect of the allegation and the procedure for dealing with the employee. It gives weight to the protection of the child but also emphasises the need for fair procedures in respect of the alleged perpetrator. The significant difference between this and the previous procedures was that the reporting line was directly from the DLP to the HSE, although the need to inform the Board of Management, who is the employer, was made clear. The role of the Board of Management in the disciplinary process with respect to the employee was clarified. The role of the (then) health boards in providing feedback on the outcome of investigations to employers was also clarified. The procedures also carried a chapter on peer abuse and bullying and the protective measures required to minimise the possibility of a recurrence. Reporting templates are provided. These procedures were for primary schools, and a further set was produced in 2004 that were tailored specifically for the post primary sector.

The implementation of the 2001 DES procedures was followed by a programme of training for DLPs which was designed and delivered by a collaborative team from the DES, the HSE and the INTO. Between 2001 and 2003, training was provided to 5000 designated DLPs. The INTO also responded to the 2001 procedures by

signalling a commitment to providing direct advice to DLPs and individual teachers and responding to queries about child abuse. It advocated that schools immediately appoint DLPs and facilitate their attendance at training seminars.

Following the publication of the Ferns report in 2005, the DES Primary Schools Section published a circular (Primary Circular 0061/2006) to reinforce the importance of implementing the guidelines widely, which included the following statement:

> 'It is vitally important that each school has clear and effective child protection procedures in place which are in accordance with the Department Guidelines and Procedures and that these procedures are brought to the attention of management, staff and parents in the school. School management should provide all new staff, whether teaching or otherwise, with a copy of the school's child protection guidelines and ensure that they are familiar with the procedures to be followed.' (DES 2006, 9).

One of the first indications of disparity between the DES directives and the reality on the ground was the outcome from a review carried out by the INTO in late 2007, in which 330 DLPs were surveyed about their own experiences of training and their views on the child protection training needs of teachers generally (INTO, 2008). A number of those surveyed also took part in two focus groups in which they discussed their experiences of identifying and reporting suspected child abuse. The review, which reported in 2008, found that fewer than half of the DLPs in the state who are charged with reporting child abuse had had any training at that point, and 70% who had undergone training found it to be inadequate. There was also a general view that training should be extended to all teaching staff and provided on an ongoing basis. The INTO report raised several other issues that impacted on schools' capacity to fulfil their child protection responsibilities, including communication difficulties with the statutory child protection system and the potential for disrupted relationships between DLPs and families as a consequence of reporting. It was pointed out that no recognition is given to the latter, nor any support offered to DLPs to deal with it. A later study (Buckley and McGarry 2011) conducted in 2009 illustrated a major gap in between DLPs and the remainder of teaching staff when it surveyed newly qualified teachers from 103 different primary schools about knowledge of and familiarity with their school's child protection policies and procedures. The study found that despite the clarity of national guidelines, compliance with the requirement to inform new staff about them was weak. Half of the respondents did not know if their school had a policy, and of those who were aware, only half had read it. Under half knew if there was a DLP in their school, and nearly two thirds of respondents reported uncertainty or lack of confidence in being able to identify suspected child abuse.

The 2008 OMCYA review of compliance with Children First commended the significant progress that had been made in relation to child protection within schools including the circulation of policies, roll out of Stay Safe, commencement of Garda vetting and information on the Department of Education website. However, it highlighted the challenges posed by the 'unique structure of the education sector' whereby schools are independent entities and which could have a knock-on effect in relation to consistency with national standards and the roll out of training and information.

A further set of procedures was produced by the Department in 2011, based on the revised Children First guidance published the same year. The new elements in the 2011 procedures aimed at achieving greater adherence to the procedures and improved oversight including the requirement for DLPs to be more readily identified and to inform Board of Management meetings of the number of cases reported to the HSE. Templates and checklists were provided to assist schools in drawing up and annually reviewing child protection policies. Schools were now obliged to implement the Stay Safe programme.

4.2 Current safeguarding arrangements in schools (2017 to the present)

4.2.1 Legislative Framework

In addition to the Protection for Persons Reporting Child Abuse Act of 1998, four significant pieces of legislation relevant to safeguarding in schools were enacted between the publication of the 2011 child protection guidelines and the next set in 2017. Firstly, the Children First Act was enacted in 2015 and came into effect in late 2017. Under this legislation teachers who are registered with the Teaching Council are mandated to report child protection concerns above a certain threshold and to assist Tusla in the assessment of risk when requested to do so. Schools were also given legal obligations in respect of safeguarding which will be detailed in the following sections. Although there are no criminal sanctions for failure to comply with statutory requirements, the Act specifies action that may be taken should a person or organisation be found in breach of the law. These include reporting to the Teaching Council under Fitness to Teach provisions and to the Garda National Vetting Bureau which may disclose the information to employers when the teacher is next vetted.

The second piece of legislation was concerned with recruitment and concerned vetting which had been in operation since 2007 but was now formalised and facilitated by the establishment of a specific service. Under the Teaching Council legislation, staff employed by schools are required to undergo a vetting process through the National Vetting Bureau and it is an offence for a school authority to employ persons without complying with the law. Repeat vetting is required every three years for all teaching staff.

Thirdly the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 created a criminal offence of withholding information relating to the commission of a serious offence including a sexual offence against a person under 18 years or a vulnerable person.

Fourthly, the Criminal Law (Sexual Offences) Act 2017 created offences relating to sexual exploitation of children and also of grooming and using online methods of preying on children. The Act recognises the existence of underage consensual peer relationships where sexual activity is not considered intimidatory or exploitative. This creates challenges for teachers who have to make difficult judgements.

4.2.2 The Department of Education Child Protection Procedures for Primary and Post Primary Schools

The Department of Education issued child protection procedures for primary and post-primary schools in 2017. These were developed in line with the Children First Act 2017 which for the first time places statutory child protection obligations on registered teachers. In addition to the statutory requirements, the procedures outline best practice obligations for all school staff including teachers. The procedures repeat much of the content of that had been in previous editions but gives extensive and additional detail on both the obligations that had now become statutory and the oversight now required by boards of management and the Department of Education. These procedures were revised with effect from 1 September 2023 to take account of the Addendum to Children First (2019), General Data Protection Regulation (GDPR), the Child Protection and Safeguarding Procedures for Boarding Facilities associated with Recognised Schools 2023 and the Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023.

4.2.3 Role of schools and boards of management in safeguarding

Detailed guidance is provided in the procedures on each of the statutory requirements imposed on organisations, which are: ensuring as far as practicable that children are safe while using school services; conducting comprehensive risk assessments which must consider activities with potential for high or low harm; preparing and displaying Child Safeguarding Statements which must now be reviewed annually; appointment of DLPs; providing the safeguarding statement to school personnel and others when required. Detail is also given on the specific responsibilities of registered teachers who now must not only report reasonable child protection concerns to the DLP but, if the concern is at the threshold as defined in the Act, must make a mandated report to Tusla either on their own or jointly with the DLP where applicable. Advice is provided in the guidance on judging when the

threshold has been reached and teachers are encouraged to consult with Tusla when in doubt. The obligation to report also applies when teachers, including counsellors, are working with adults whom they may consider to present a risk to children, or when they receive disclosures of past abuse. As mandated reporters, teachers are now required to provide mandatory assistance to Tusla when conducting assessments, which could mean providing further verbal or written information or attending a child protection conference.

The procedures require schools to appoint a deputy DLP although the role of the deputy is currently defined as acting as a substitute when the DLP is absent rather than providing ongoing support, leaving the DLP with sole responsibility for decision making in respect of reporting. Under the procedures, if a member of school staff reports a concern to the DLP which the latter believes is below the threshold for reasonable concern, the DLP is obliged to make a written response to the staff member. The member of school personnel shall also be advised by the DLP that if he or she remains concerned about the situation, they are free to consult with or report to Tusla. If the member of school personnel decides to report the concern to Tusla, the member of school personnel shall provide a copy of that report to the DLP. Where that report concerns a member of school personnel, the DLP shall inform the employer, (the board of management/ETB as appropriate). If the allegation involves the DLP, the reporter must report it to the chair of the board of management (or the CEO of the ETB if relevant) and the chair of the board of management then fulfils the reporting responsibilities of the DLP.

The oversight requirements including those of the board of management which were first contained in the 2011 procedures are considerably strengthened in the 2017 procedures which acknowledge that the ability of the board to fulfil its oversight obligation depends on the level and quality of information provided to it. Very specific advice is provided about the requirement for school principals to provide a Child Protection Oversight Report to each board of management meeting with details of allegations made either against members of school personnel or in respect of pupils, details of child protection concerns arising from alleged bullying behaviour amongst pupils and summary data in respect of reporting. The board of management must review the school's Child Safeguarding Statement every year and put in place an action plan to address any areas for improvement that are identified.

As in earlier editions, the 2017 procedures include a large section on dealing with abuse allegations in respect of school employees but in this document, there is a greater emphasis on data protection, the potential role of the Gardai and the limits to which Tusla can share information with schools. The procedures stipulate that if a concern is raised by a parent against a member of school personnel, the DLP must to write to the parent within 10 days to report the school's response to the concern and explain that allegations of abuse will be dealt with by Tusla rather than under the

school parental complaints procedures. The board of management has oversight of this process. Guidance is provided in respect of the information and documentation that the DLP/principal is required to provide to the board of management in the case of an allegation against an employee including the protection of records.

The board of management has specific responsibilities as the employer of school personnel and must hold emergency meetings when an allegation is made against an employee to decide on what, if any, disciplinary process is to be activated. Certain safeguards are built into the procedures to ensure that reports are passed on to the relevant authorities and do not drift, for example the chair has an obligation to follow up on any allegations against school employees where the DLP has either failed to seek the advice of Tusla or not reported it as advised by Tusla. Where the board of management fails to comply with this requirement, the patron needs to be informed. The procedures note that if a complaint against an employee is made directly to Tusla, Tusla will contact the relevant school employer when it considers there is a risk to children.

The procedures have made the Social, Personal and Health Education compulsory for primary and junior cycle classes, and all post primary schools are now required to have a Relationships and Sexuality Education programme at senior cycle. All primary schools are required to fully implement the Stay Safe Programme.

4.2.4   Revision of Procedures

The 2017 procedures were updated with effect from 1 September 2023 to take account of the Addendum to Children First (2019), General Data Protection Regulation (GDPR), the Child Protection and Safeguarding Procedures for Boarding Facilities associated with Recognised Schools 2023 and the Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023. The Department of Education plan to issue substantially revised child protection procedures for schools in 2024 which will incorporate a number of recommendations from an independent review of child protection commissioned by them and published in 2023. The 2024 procedures are likely to include an expanded role for the Deputy DLP in a school. Overall, it is anticipated that the 2024 procedures will contain significant changes and updates, with more of a focus on qualitative aspects of safeguarding and strengthened training requirements.

4.2.5 Safeguarding in boarding schools

In addition to the 2017 procedures, the Department of Education has for the first time in 2023 developed child protection procedures for the relatively small number of boarding facilities associated with recognised schools that operate in the jurisdiction. The procedures include specific advice from Tusla about the Child Safeguarding Statement (clearly identifying the name of the DLP and stating the fact that this is a boarding facility) and about identifying and listing additional mandated persons who may not be teachers. As a number of non-mandated school personnel will be employed in a boarding facility the procedures recommend that all staff undertake the online Tusla Children First training module.

The child protection procedures for boarding schools are based on those for primary and post primary schools but allow for additional factors, such as the possibility of separate DLPs and boards of management for day and boarding schools. They outline the specific responsibilities of each of these including the need for the management authority of the boarding facility to meet at least once a term. They also outline the requirements in respect of the presentation of a Child Protection Oversight Reports for the boarding facility should be presented at each meeting to the relevant management structure.

Although risk assessments are required of all schools, the safeguarding risk assessment in a boarding school is critically important in light of the fact that children will be away from their parents and families. The boarding school procedures contain a quality assurance checklist highlighting potential risks which include use of technology, collective bullying, use of substances, children being in the unsupervised company of older students, interpersonal relationships, inappropriate attachments and emotional vulnerability, the fact that some children may need to stay in schools over weekends, and that some may be international students with different languages and cultural backgrounds. The mandatory template for the Child Safeguarding Statement and Risk Assessment for Boarding Schools specifies all the above risks and outlines examples of procedures to address risks of harm.

4.2.6 Role of the Department of Education in safeguarding

In addition to producing and regularly reviewing child safeguarding procedures, the Department of Education has an overview role and some specific functions to strengthen safeguarding in schools, including training and inspection. The division with most responsibility is the Parents and Learners Unit, although there are other sections which are also associated with safeguarding.

4.2.6.1   Internal child protection procedures

The Department of Education has developed procedures for responding to child protection concerns that are made directly to its staff. The procedures cover instances where children made direct disclosures, where reports are made in respect of parents, school personnel and members of the Department. The procedures make it clear that the Department's responsibility is not to investigate but to refer to Tusla and if relevant, to a school or to the Gardai. Detailed guidance is given about how to respond to different ways in which reports may be made and there are clear directions about the process of recording and managing reports to ensure that anything of concern is appropriately passed on to the appropriate authority and not misplaced. The process for responding to an allegation made against a staff member of the Department is also detailed and the roles and responsibilities of principal officers are explained.

The only staff in the Department that are mandated to report are psychologists attached to the National Educational Psychological Service (NEPS) which means that they are statutorily obliged to follow the reporting requirements set out in the 2017 Children First guidance using the Tusla reporting portal. They are also required to bring any allegations to the attention of the DLP of the relevant school to be dealt with under the Department of Education child protection procedures for primary and post-primary schools. Copies of all notifications and correspondence must be submitted to the Parents and Learners section in the Department in line with the Department's internal child protection procedures.

4.2.6.2   Oversight within the Department

The Department has a Child Protection Oversight Group comprised of senior members of the Inspectorate, Parents and Learners Unit, NEPS and senior officials from relevant sections. Its key role is to oversee the implementation of the internal procedures and it also coordinates the Department's activities in cases where there are serious concerns regarding the compliance of school. It receives regular updates on the compliance of schools with child protection inspections and on the number and types of allegations received in the Department and it reports to the Management Board on a quarterly basis. The Department furnishes the reports to the Minister.

In addition to the above roles, the Department participates in the Children First Interdepartmental Implementation Group whose role is to promote consistent compliance by Departments of State with the Children First Act 2015.

4.2.6.3 Inspections

One of the most important safeguarding functions in the Department of Education is the inspectorate. While the inspectorate had included implementation of the child protection procedures in Level 1 and Level 2 school inspections during 2017 and 2018, the Department of Education instituted Child Protection and Safeguarding Inspections (CPSI) in schools starting in February 2019 with guidance published in January 2019. The process, which is categorised as a Level 3 inspection and focuses only on child protection and safeguarding, is comprised of two inspections, an initial and a final, several weeks apart. The inspections conclude with a meeting between the inspector and the school principal and DLP, possibly including the chairperson of the board. In this new inspection model, interviews are held with DLPs, board of management chairs and a sample of personnel. 'Focused discussions' are held with pupils, their parents' consent having been obtained and meetings are held with members of the parents' associations. An online survey is conducted with parents. The guide to inspections details the ten checks that are made, which are further divided into a number of sub-checks. They cover the requirements of the procedures and require inspectors to check the minutes of board meetings, record keeping, actual records and implementation of the SPHE curriculum and the RSE programme (post-primary) and the Stay Safe programme (primary). When a school is less than fully compliant the report provides evaluative comment and advises actions that may be required. Schools are given an opportunity to respond to drafts of both the initial and final reports, and their formal response to each report is published with the relevant report. Both reports are published simultaneously on the gov.ie website. If non-compliance with safeguarding requirements is noted at the final inspection, the inspectorate will continue to engage with the school until full compliance is achieved.

The Department has developed a framework for safeguarding inspections of boarding facilities which is very similar to the framework for inspecting schools and state that both boarding facilities and associated schools will be inspected simultaneously. The inspection process is committed to including the views of boarders (through focus groups) and their parents about the boarding experience, atmosphere and climate and their understanding of whom to approach with any concerns. Like the framework for school inspections, the boarding facility framework requires the facility to show how identified risks are mitigated.

It is difficult to estimate how often Level 3 inspections are carried out in schools but they are likely to be infrequent. Since the process was initiated in 2019, 170 inspections have been carried out from a total of 3,800 schools. Level 1 and Level 2 inspections take place in most post-primary schools annually, less frequently in primary schools and any child protection concerns are likely to elicit a full Level 3 safeguarding inspection. It has been pointed out by the Department that the

awareness that an inspection may take place acts as a strong incentive for schools to address child protection in schools. (See Section 4.2.6.6. below for planned revisions to the inspection model).

4.2.6.4   *Training in child protection for school staff*

Teacher Professional Learning (TPL) is provided by Oide, the new support service for teachers and school leaders, funded by the Department of Education. Currently, online training is provided for DLPs and deputy DLPs. The DLP module covers the legal and policy context and guidance on the implementation of the child protection procedures. A further presentation covers the specific duties of DLPs including liaison with Tusla, the process of informing parents, and the role of the DLP and the board of management when an allegation is made against an employee. The third part of the training module covers record keeping and oversight. As outlined, updated child protection procedures are currently being developed by the Department and will contain a revised suite of TPL opportunities to support these procedures, to follow. Tusla provides a Children First e-learning module and a Mandated Person e-learning module, both of which provide certification. These are useful to school staff, although Tusla supports are based on legislative frameworks and Children First and do not reference the child protection procedures for schools.

4.2.6.5   *Child Protection Resources made available to schools*

In addition to training materials, the Department has developed some templates to assist schools to implement the procedures, three of which are mandatory (covering the child safeguarding and risk assessment template, the checklist for review of the child safeguarding statement and the notification regarding the board of management's review of the safeguarding statement). The template for the Child Safeguarding Statement and Risk Assessment is very comprehensive, identifying the school context before, during and after school activities and outlining potential risks and the measures that may minimise them. The Department has also produced other templates and documents that are not mandatory which assist DLPs in recording their contacts with Tusla and with parents to convey whether or not a report had been made to Tusla as well as templates associated with the Child Protection Oversight Report.

A number of other supporting documents have been made available including FAQs and guidance on notes.

4.2.6.6   Ongoing developments

At a meeting held with the Parents and Learners Unit and the Inspectorate of the Department of Education to inform this paper, this author was informed of ongoing developments, some of which are almost complete and some of which are due for action in the near future. Many of the innovations follow the recommendations of the high-level independent review of child protection referenced above. As outlined, the child protection procedures were updated with effect from 1 September 2023 to reflect a number of changes and to bring the procedures into line with GDPR pending the publication of substantially revised procedures in 2024.

Plans are underway to rebalance the CPSI Level 3 model to provide a focus on both compliance related issues and more qualitative components relating to aspects of school culture. Various options are being considered to increase the number of inspections.

It is also intended to develop stronger links between the inspectorate and the training and support service which has been consolidated and is now called Oide. The Department has engaged with Tusla to discuss their views on bespoke training for mandated persons and any staff member with a special role. There are a number of plans for expanding training for DLPs and deputy DLPs who are currently limited to the online training originally provided during Covid-19. It is planned to bring back in-person training in line with the forthcoming procedures, and to provide refresher training.

The Department also has plans to update the anti-bullying procedures for schools as a priority and has already outlined a number of actions contained in Cineáltas: Action Plan on Bullying, including the establishment of a Student Participation Unit in the Parents and Learners Unit. Guidance for teachers in judging when a bullying incident needs to be addressed as a child protection matter will be clearer in the 2024 child protection procedures and the updated anti-bullying procedures.

In addition, the oversight role of the Parents and Learners Unit in relation to child protection within the Department has been strengthened. Training of all school personnel is also to be addressed and all schools are to be encouraged to set up Student Safeguarding Support Teams or equivalent structures.

Some current anomalies relating to the possibility of the re-employment of school staff who are currently on leave of absence due to allegations will be considered, and efforts will be made to engage with Tusla and the Gardaí towards more expeditious investigations where school personnel are involved.

4.2.7 Safeguarding in non-recognised/independent schools

Under the Constitution, parents are not obliged to send their children to any particular type of school; they can provide education in their homes, private independent schools or schools recognised or established by the State. The role of the state is to ensure a certain minimum level of education, and any education provided to a child must be subject to assessment.

Under Section 14 of the Education Act 2000, Children attending independent schools must be registered with Tusla, the Child and Family Agency. Prior to the establishment of the CFA, this function was carried out by the then National Educational Welfare Board. Independent schools are not registered per se, but are assessed by Tusla in respect of the children who apply for registration. The relevant directorate in the CFA is that of Children's Services Regulation and within that, registration of children is carried out by the Alternative Education Assessment and Registration Service (AEARS).

4.2.7.1 Assessment

To register a child, the CFA must be satisfied that the child will receive a 'certain minimum education'. The assessment is conducted under guidance which was issued in 2003 in line with the 2000 Education (Welfare) Act and is still current today. It is carried out by 'authorised persons' who are Tusla officers or others acting on behalf of the CFA who are qualified in assessment and inspection as well as teaching and learning. In the case of a school or centre of education setting, the assessment consists of a school-based interview with the principal and/or any other relevant person and examines core areas in line with the legislation. These include literacy and numeracy as well as areas related to social, emotional and moral development. The assessor will also visit the classroom to view the learning environment and resources. A draft report is then prepared by the authorised person/AEARS assessor to include findings, an evaluation of the provision of education and a recommendation for registration for children attending the school. It is sent to the school for consideration and feedback, following which the draft report and any feedback received are brough to the Tusla registration panel for a decision. Children are registered based on the outcome of the most recent assessment and the process of assessment is repeated at least every three years. In addition, schools are obliged to submit annual returns which confirm compliance with relevant requirements. An assessment could also be triggered if AEARS receive information which indicates that one may be required.

The 2003 guidance does not mention safeguarding, but under the 2015 Children First Act, independent schools are considered to be 'relevant services' and as such, are obliged to comply with the requirement to appoint a 'relevant person' to convey any child welfare reports to the CFA. Tusla staff confirmed to this author that all schools are compliant or are linked with the CSSCU (see below) working towards compliance. They also confirmed that the majority of schools appoint Designated Liaison Persons and Deputy DLPs although the requirement for a DLP is not specified as such and safeguarding arrangements for relevant services (in this case independent schools) under Children First legislation only obliges independent schools to appoint 'relevant persons'. Independent schools are also required, under the Act, to develop and display a child safeguarding statement which identifies the relevant person/designated liaison person, to have the staff and volunteers Garda vetted and the ensure that they have minimum child protection training. Their compliance with these requirements is examined when an assessment is being carried out and is also confirmed in their annual returns to AEARS.

4.2.7.2   *Tusla Child Safeguarding Statement Compliance Unit*

The Tusla Child Safeguarding Statement Compliance Unit (CSSCU) works with AEARS to ensure that the safeguarding statements produced by schools are compliant with the requirements of s.11 of the Children First Act. All child safeguarding statements have been provided to the CSSCU following a formal request from the unit as part of an overall audit of CSSCU. When a school is applying to be assessed, child safeguarding statements are provided to AEARS in the first instance and annually thereafter. AEARS refers to the CSSCU for guidance or a formal referral as required. The CSSCU can provide support to schools in the development of statements if necessary or requested, and also has the authority to withhold approval for a school if a statement is not up to standard. It can also receive concerns about services that do not appear to have developed or implemented one. The CSSCU has a memorandum of understanding with the Parents and Learners Unit in the Department of Education and has worked closely with them for example in the development of the Safeguarding Guidance for (recognised) Boarding Schools and assists in their scheduled reviews of the Department of Education Policy for Child Protection in recognised schools in operation pursuant to the Education Acts.

Section 5: Concluding Summary

The information presented in the foregoing chapters provides evidence of significant, if not fundamental, changes to the systems for safeguarding and protecting children over the past 50 years. Progress has evolved through a combination of deeper and more sophisticated understanding about children's developmental needs, the risks to which they may be subjected, the impact of child abuse and neglect, awareness of the extent of reported child sexual abuse, estimates of unreported abuse, exchange of knowledge between jurisdictions and increased standards of living and economic prosperity. A key factor has been political interest in the topic which has led to the commissioning of inquiries into failures by state organisations or the church. These in turn have served to expedite developments, some of which had already been in train.

Although it is well established that harm to children occurs mainly within their families and in community settings, evidence that it has occurred in situations where children and young people are in the care of allegedly trusted adults in residential, educational or recreational settings has incentivised governments to create safer structures based on legislation, policy and guidance. The purpose has been to minimise the possibility of child abuse occurring by instituting safer environments in children's services, including educational establishments, supported by clear pathways for identifying and reporting any suspicions of harm.

The first section of this report outlined the development of child protection systems since the 1970s and illustrated the trajectory from a legal framework which tended to protect society from delinquent children and relied on charities to provide interventions to one which confers the obligation to promote the welfare and protection of all children and provides for a range of services to achieve this. It has also demonstrated the paucity of formal safeguarding during the decades in which the majority of historical allegations against priests and religious were made. The second section reviewed the recommendations and observations made in the reports of inquiries into sexual abuse by priests and religious. It noted that while most of the recommendations were implemented in some fashion, by and large they fitted with the overall reform and developments that were occurring internationally in the child protection environment. The third and fourth sections reviewed current safeguarding arrangements in the catholic church and in the education sector and have illustrated robust regulation and oversight. It should be added here that in addition to the extensive guidance and materials available to schools, one of the major safeguarding strengths is the inclusion of SPHE as a compulsory subject and the efforts that are made to keep the different strands relevant and appropriate to various age groups. This not only provides information but can give children and young people confidence to identify and report situations that that they are not

comfortable with. Key informants endorsed the benefits of SPHE, but also emphasised the importance of prioritising this module, and ensuring that the persons delivering it are confident and positive about their role.

Section 4 has also reported on the role of Tusla in assessing independent schools and registering children who attend them. Although Tusla was able to provide a lot of information about the safeguarding elements of the assessment and registration process, as well as ongoing monitoring of compliance, it is notable that very little information on this particular process is publicly available on the Tusla website and that the guidance document is now 20 years old and precedes both the Children First Act and the establishment of Tusla.

This final section will reflect on the information provided in previous sections and note any remaining vulnerabilities in the education sector highlighted in research or during the course of discussions with key informants. It will cover both specific and general areas related to the both the education system and the catholic church, which continue to have relevance for child protection. First, it will consider recent Irish research on child protection in schools, focusing on the role of DLPs and pre-qualifying teacher training, which gives a sense of how recent developments are playing out day to day and whether the reality on the ground matches the rhetoric underpinning the procedures and policies.

5.1 Research on the role of DLPs in schools

As indicated in a previous section, research conducted in the early 2000's (INTO, 2008; Buckley and McGarry, 2011) revealed difficulties experienced by DLPs in schools. It is concerning to see that more recent research continues to highlight challenges. A later study, which examined child protection in primary schools from the perspective of DLPs (Nohilly, 2018) found many of the same issues that had been shown in the earlier study: a sense of isolation, challenges in dealing with 'newcomer' and culturally different families, difficulties dealing with families where child protection concerns had been reported and the judgement calls that were required. A further survey (Nohilly and Treacy 2022) was conducted following the implementation of the Children First Act 2015 and looked at the experiences of DLPs following the legislation and introduction of mandatory reporting for teachers. The research was carried out with 387 DLPs from different primary schools around the country. Supports that were identified included guidelines, other staff, professional networks, management bodies and Tusla. However, a significant number of challenges were also identified including: 'unending' paperwork, sense of being ill prepared and inadequately trained, lack of response from Tusla, the business of reporting families, pressure involved in making judgement calls, emotional toll, time constraints, isolation, and a sense of responsibility for other

staff's skills. The researchers recommended additional training, a dedicated support network for DLPs, a framework for interagency working particularly with Tusla and a review of the administrative burden to make it workable. A more recent, yet unpublished study by the same authors about DLPs understanding of the implications of mandatory reporting has indicated dissatisfaction with the quality of training which is repeated but not refreshed or differentiated in line with their experience and criticisms of the excessive 'box ticking' and bureaucracy associated with inspections (Nohilly and Treacy 2023, unpublished).

5.2 Research on pre-qualifying teacher training

A survey of teachers from 103 primary schools in their first year of teaching, conducted in 2009 by Buckley and McGarry looked at the amount and quality of child protection training on pre-qualifying courses. One third of the teachers interviewed, who had only recently trained, could not remember if they had any child protection input in their course. Of those that did remember it, 3/4 said that the total input had been between 1 and 4 hours in a two-year course. Unsurprisingly, 2/3 of those who had received this level of input found it to be inadequate. This finding was reiterated in a later empirical study conducted in 2013 by a doctoral student in Trinity College (R. Buckley, 2013), who found that pre-service child protection training was inadequate to instil a sense of professional responsibility in practitioners.

R. Buckley's study also revealed frustration on the part of teachers about the lack of post qualifying child protection training for teachers other than DLPs. Still on the topic of pre-qualifying training, a review of Irish and international research by Bourke and Mounsell (2015) noted the tendency for training at any level to focus on procedures and guidelines, to the exclusion of more qualitative aspects of safeguarding. The review identified implicit obstacles to reporting including teachers' individual belief systems, interpretations of what constitutes abuse or neglect, a sense that the harm of reporting outweighs the benefits, poor interagency cooperation, perceptions that the child protection system is not helpful and fears that the teacher-parent and teacher-child relationship will be damaged by reporting. Training addresses explicit issues such as legislation, policies and procedures but as two academics involved in teacher education, Bourke and Mounsell (2015) point out, a linear relationship between knowledge of these matters and the identification and reporting of suspected child abuse cannot be assumed. They concluded that in the Irish context, the benefits of mandatory reporting legislation would be limited in the absence of more holistic, comprehensive and extensive teacher education. They assert that teacher education should target the more implicit obstacles to reporting through a more reflective model of training that encourages them to reflect on their own attitudes and beliefs.

Some academics involved in graduate and post graduate teacher training courses provided information for this paper which indicates that training is still at a very basic level. Standards set by Céim, the Irish Teaching Council, require qualified teachers to

> '*show an understanding of and practise within the statutory framework pertaining to education, including child protection guidelines, and any other identified, relevant, national priorities'*.

Likewise, student teachers going on placement are expected to:

> '*Be familiar with the school's Code of Behaviour, Child Protection Policy and other relevant policies'*.

However, there is no requirement for a specific type of module or a substantial level of training in teacher education colleges. The Céim requirements mean that there will be a minimum, mainly information based, input to prepare students but it cannot be claimed that there has been or is currently a greatly increased focus on child protection in teacher education courses. Discussions with key informants indicated that while all students will complete the Tusla or Department of Education online child protection training session and are Garda vetted prior to placement, other child protection inputs in the colleges are left to the discretion of individual course directors and vary between institutions. There are some very impressive examples of child protection modules currently being delivered by very knowledgeable and committed staff but the fact that they are not a standard requirement implies that if particular personnel retire or move on, there could be a deficit in any individual training course.

While the Department of Education has provided online training for all school staff, there is no provision at this point for whole school in-person training and while the boards of management and inspections need to be satisfied that all school staff all avail of training, it is difficult to see how this can be established.

5.3   Remaining obstacles to safeguarding in the education sector

The above research findings provide evidence that safeguarding on the ground is more complex than may be apparent from the high-level solutions that have been put in place. A UK academic, Andrew Cooper, writing about the Victoria Climbie inquiry[6], identified what he called 'surface' and 'depth' issues in child protection work and argued that inquiries focus mainly on surface issues such as procedures and regulation but do not always engage with the emotional realities and practice dynamics in child protection work, pointing to the disconnect this can create between policy aims and practice reality. This paper has highlighted that despite positive reforms, some of which emanated from inquiries, a number of 'surface' issues may cause future problems. For example, data protection legislation is evidently impacting on the exchange of soft information; one of the findings from inquiries that caused so much distress to victims has been the amount of gossip and innuendo that was apparently circulating about perpetrators over the years during which they were abusing children. It now appears that efforts to address this have been negatively impacted by the way that GDPR is being interpreted and it is possible that it is also impacting on areas not considered in this paper. Other 'surface' issues identified here include the above referenced research finding about the paucity of child protection training, including in person training for teachers at pre and post qualifying levels. These may have a limiting effect on a schools' capacity to act protectively.

Relationships between schools and their local Tusla offices were highlighted in the research as supportive to good safeguarding practice when they worked and problematic when they did not. Interagency working is both a surface and a depth issue; it depends on structural arrangements, but its quality can be determined by more qualitative factors such as familiarity, local culture and pressure of work as well as the willingness of local managers to initiate cooperative ventures.

Other less tangible or 'in depth' issues include the more human dynamics, highlighted above in the Bourke and Mounsell research that may cause hesitancy in taking the first step to report child abuse. Although not specifically mentioned in the research, it may be assumed that taking the step of reporting a school employee or colleague presents a significant challenge. Key informants identified the difficulty in distinguishing between bullying and abuse. Reliance on the commitment and motivation of individuals is a matter which was identified in the Murphy report as a vulnerability. The earlier research by Buckley and McGarry (2011) identified lack of confidence, regular engagement with the family, poor communication between

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6   The Victoria Climbie Report (2003) resulted from a high profile inquiry and concerned a child who was murdered by a family member whilst known to local child protection services. It was responsible for a major policy shift at the time.

schools and Tusla, lack of feedback from social workers as factors which discourage reporting which are likely to have endured despite legal and policy changes. Finally, the nature of child sexual abuse, the manipulation and control exerted by perpetrators and the established reluctance of children to disclose abuse are factors external to the education sector which are made more challenging by the uncontrolled nature of online communication and social media. Overall, there are a number of tangible and less quantifiable issues that may still present as obstacles; the objective of identifying them is not to undermine the current efforts made to promote safeguarding but to demonstrate that caution must always be exercised when making claims about the effectiveness of new measures.

Although this author was not asked to make recommendations about the nature or scale of any prospective inquiry, the last section of the paper which reported on the relatively small amount of research on child protection in schools conducted in the Irish context highlights that, while the formal structures now in place are robust, the operationalisation of safeguarding is subject to a lot of variables particularly in the recognised schools. The independent school sector is small, and safeguarding appears to be well managed by Tusla.

The protection of children and young people from abuse by religious is the responsibility of three principal institutions, the education sector, the church and Tusla. While the NBSCCC audits can give reasonable confidence about the church at present albeit that the religious orders have opted out of reviews, HIQA and National Review Panel reports indicate that Tusla child protection services struggle at times to comply with all the protocols and policies that regulate its practice. The education sector has robust safeguarding procedures in place, but effective implementation is dependent on the ability of schools to resource compliance with them and on the Department to monitor them. Level 3 inspections in the education sector fulfil a useful role but are not frequent enough to really illustrate how well the safeguarding system is working. Rather than any weaknesses in the system, it is inconsistency in their application that may render children vulnerable in certain situation. For that reason, an inquiry which culminates in further recommendations about child protection structures is unlikely to add a great deal of value, but an exercise that seeks qualitative data about the factors which help or hinder the institutions identified above to fulfil their safeguarding roles could prove constructive.

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Appendix 5:
Report on Restorative Justice for the Scoping Inquiry by the Centre for Effective Services

Acknowledgements

1. Defining Restorative Justice

Restorative justice has been cited as "one of the most significant innovations in the administration of criminal justice to have arisen in the modern era."[1] The application of restorative justice has brought about much change in response to the harm caused by both criminal and non-criminal acts. The purpose of this chapter is to define restorative justice and outline its aims, values, processes, and outcomes, as well as present criticisms of the practice. This section tracks the emergence of restorative justice as a viable and increasingly popular response to harm. For this report, due attention will be given to the role and position of the harmer and the survivor within restorative practices.

Development of Restorative Justice

Before examining restorative justice, it is necessary to consider the justice system most commonly in use across a large number of jurisdictions especially within westernised and anglophone countries. In starting with a brief discussion of the justice system the report allows for later comparison between it and restorative justice.

Retributive Justice

The focus on guilt and punishment has resulted in most current criminal justice systems being built upon the premise of retributive justice.[2] In response to criminal behaviour, retributive justice pursues a form of justice that focuses on:

- Assessing the state of the law.

- Assessing who violated the law; and

- Punishment of offenders, usually in the form of incarceration of some form and sanctions.[3]

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1   Christopher D Marshall, 'Restorative Justice', in Paul Babie and Rick Sarre (eds), *Religion Matters* (Springer Singapore 2020).

2   Michael Wenzel & Tyler G. Okimoto, 'Retributive Justice' in Sabbagh, C. and Schmitt, M. (eds) Handbook of Social Justice Theory and Research (Springer 2016)

3   Charles Barton, 'Empowerment and Retribution in Criminal Justice' (1999) 7 Professional Ethics, A Multidisciplinary Journal 111.

Retributive justice is a complex and widely debated concept within the fields of criminal justice and legal philosophy, whose proponents argue that it is an essential element of a just society. Retributive justice relies on procedures and processes delivered by officials working within a formal criminal justice system to determine the punishment for a specific crime. However, it also faces significant criticism and scrutiny:

- Proportionality: Retributive justice is grounded in the principle of moral dessert, where individuals should receive punishment commensurate with their wrongdoing. The severity of the punishment is considered proportionate to the seriousness of the crime and the extent of the harm inflicted. Achieving an exact measure of proportionality can be challenging and there are different views on what constitutes a proportional punishment which in turn can lead to potential disparities in sentencing.

- Accountability: Retributive justice places a strong emphasis on individual responsibility. Underlining the idea that individuals are responsible for the consequences of their choices aligns with the sense of justice that many people hold. However, reliance on individual agency of a person as a motivator for crime presupposes a sense of rational choice that is formed entirely without any consideration of the external factors that contribute to crime. It is becoming increasingly recognised that factors such as mental health, poverty, and other societal issues can influence a person's decision to commit crime. It is also suggested by critics that the retributive approach can have a negative impact on rates of recidivism.

- Just Desserts: Inherent in retributive justice systems is that the just dessert's philosophy rejects any perspectives that focus on the outcomes of punishment. While it ensures that punishment is not contingent on achieving a specific rehabilitative or deterrent goal, a focus on the past wrong can be criticised for failing to consider the potential benefits of rehabilitation. Thus, a retributive approach may miss opportunities for rehabilitation and societal reintegration, in turn, this could fail to reduce recidivism rates or enhance public safety.

- Legal Procedures: Within retributive justice it is argued that due process and fair legal procedures are critical for protecting individuals' rights and preventing miscarriages of justice. Bias, socioeconomic disparities, and inadequate legal representation can still result in unjust outcomes and there are numerous examples of injustices.[4]

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4   Janine Natalya Clark, 'The three Rs: retributive justice, restorative justice, and reconciliation' (2008) 11 Contemporary Justice Review 331.

In his seminal 1977 paper, "Conflicts as Property," Norwegian criminologist Nils Christie challenges conventional perspectives on conflicts within the criminal justice system[5]. Grounded in the shortcomings of the retributive justice approach, there was a growing recognition of the need for an alternative approach to administering justice that moved away from punishment and deterrence as well as the stigma and shaming that is generated as a result.[6] It is this context that restorative justice has gained popularity and traction as either a complementary or alternative approach to repairing the harm done by offending. In relation to sexual offences, Naylor, an Australian criminologist, argues that the conventional, adversarial justice system in place throughout the English-speaking world has failed to address sexual assault and that it is time to consider what can be learned from alternatives such as restorative justice.[7]

The next section examines restorative justice in more detail, identifies the emergence of the approach and discusses the values, processes, and outcomes.

Emergence of Restorative Justice

The use of restorative justice in the Global North/westernised/English speaking countries during the 1970's and 1980's was motivated by a desire to develop an approach to harm and offending that encompassed the ideas of social justice and moved away from the adversarial approach of establishing guilt and then punishing.[8] Restorative justice offered a solution by focusing on repairing harm, fostering empathy, and reintegrating harmers into society. Secondly, as use of restorative approaches increased, empirical research began to provide strong evidence of the effectiveness of restorative approaches. This empirical support lent credibility to the approach and encouraged its adoption in various jurisdictions.[9] This emergence of restorative justice is based upon ideas of conflict resolution from non-westernised cultures and the practices of the Indigenous peoples of North America, Australia, and New Zealand.[10] Values such as respect, equality, accountability, unilateral participation, rehabilitation, and reintegration are cornerstones of Indigenous societies.[11] These values form the basis for restorative theory and practice.

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5   Nils Christie, 'Conflicts as Property' in Declan Roche (ed) *Restorative Justice* (Routledge 2017).

6   Ibid.

7   Bronwyn Naylor, 'Effective justice for victims of sexual assault: taking up the debate on alternative ways' (2010) 33 UNSW Law Journal 662.

8   Randy E Barnett, 'Restitution: A New Paradigm of Criminal Justice' (1977) 87 Ethics 279.

9   Ibid.

10 Jon'a F. Meyer, 'History Repeats Itself' (1998) 14 Journal of Contemporary Criminal Justice 42.

11 Michael Wenzel et al. 'Retributive and restorative justice' (2008) 32 Law and Human Behavior 375.

Furthermore, restorative justice's emphasis on collaboration and community engagement resonated with many communities and policymakers seeking alternative approaches to conflict resolution. Grassroots movements, advocacy organisations, and dedicated restorative justice practitioners played pivotal roles in advocating for and implementing restorative justice practices at the local, national, and international levels.[12] Schools, workplaces, and various community settings have also embraced its principles to address conflicts and build more harmonious relationships.[13] Initial research found that restorative approaches were effective in promoting healing and reducing recidivism, the spread and adoption continued, reshaping approaches to conflict resolution. However, as the use of restorative approaches has grown, so has the discussion and definition of what constitutes restorative justice practice.

Definition and aims of Restorative Justice

Restorative justice is a term that can be understood and defined differently, and its use may vary depending on its intended purpose. Ireland has accepted and adopted the Council of Europe Recommendations on Restorative Justice. Given the wide ranging and varying definitions of restorative justice, this document uses the definition provided by the Council of Europe recommendations.

> *"Restorative justice refers to any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party."*[14]

The focus on the process of restorative justice is to enable those who have been directly or indirectly affected by the harm caused to participate actively in the response to the harm.[15] As such, restorative justice is a collaborative process where communication between those impacted is fundamental to resolving the conflict and achieving a resolution. It also addresses the damage caused by the harm and then seeks to reach a point of reparation for the harmed person. Allowing all parties involved to benefit from the process provides a balanced approach that emphasises accountability, harm repair, and rehabilitation. This requires a balance to be struck

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12 Carol A Hand, Judith Hankes, and Toni House, 'Restorative Justice: The Indigenous Justice System' (2012) 15 Contemporary Justice Review 449.

13 John Braithwaite, 'Setting Standards for Restorative Justice' (2002) 42 British Journal of Criminology 563.

14 Council of Europe, *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters* (2018).

15 Steve Kirkwood, 'A Practice Framework for Restorative Justice' (2022) 63 Aggression and Violent Behaviour; Nils Christie, 'Conflicts as Property' in Declan Roche (ed) *Restorative Justice* (Routledge 2017).

between accountability and healing, as well as between process and justice. In doing so, restorative approaches and practices can be inclusive and flexible while meeting the needs of those involved. In short, restorative justice is an approach to conflict resolution and justice that has several aims. In its aim to repair harm, it recognises that when an offence occurs, harm is inflicted not only on the survivor but also on the harmer and the broader community. Restorative justice aims to address this harm by actively involving all affected parties in the resolution process. Restorative justice also seeks to hold harmers accountable for their actions and behaviour, then actively work towards making amends.

A critical element of restorative justice is the promotion of understanding. Using a facilitator, parties can share their experiences and perspectives with the aim of fostering greater empathy and comprehension of one another's needs and motivations. Restorative justice looks to enable reconciliation if the parties so desire, aiming to restore relationships that may have been strained or broken by the harm done. It encourages healing, forgiveness, and the reintegration of harmers into their communities. Finally, restorative justice involves the community in the process, recognising the broader impact of harm and conflict on society.[16]

Principles of Restorative Justice

The core principles of restorative justice are positioned around enabling active participation in the resolution and addressing of any harm caused. These principles include stakeholder participation, repairing harm, voluntarism, respectful dialogue, equal concern for the needs of those involved, procedural fairness, collective agreement, a focus on reparation and reintegration, achieving mutual understanding, and avoiding domination. These principles aim to create a safe and respectful space for all participants, regardless of their background, and to empower individuals to make informed choices and find solutions that best meet their needs.

It was noted above that shame and stigma are a potential by-product of the retributive justice approach. Shame and guilt are central to the theoretical and practical functioning of restorative justice, however, are mobilised in a way that can reintegrate harmers. Originally developed by Braithwaite[17] in relation to restorative justice, he considers that guilt is what we feel following an action that is out of step with social convention, and shame is the emotion that guilt drives. Therefore, the shame becomes not about the action but about being found out as the perpetrator

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16   Chelsea J Mainwaring, Anat Bardi and Rosie Meek, 'A Glimpse into the Role of Personal Values within the Restorative Justice Process: A Qualitative Study with Restorative Justice Facilitators' (2019) 22 Contemporary Justice Review 60.

17   John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

or survivor of that action, which leads to self-blame.[18] This accounts for the guilt and shame that survivors of historical abuse may feel following being abused.[19] In acknowledging the use of shame in restorative justice, Braithwaite asserts that shame can be reintegrative when used as a means for survivors to receive forgiveness, let go of their own guilt, and reform social bonds with those close to them.[20] In this way, it can be said that reintegrative shaming is not a restorative value but a mechanism for reintegration.

Restorative Processes

There are several processes that can be used in restorative justice.[21] 'Restorative processes' refer to any process in which the harmed person and the harmer or any other appropriate parties affected by a harm actively participate in resolving matters. This is generally aided by a facilitator. Restorative processes can include survivor-harmer mediation, reparation boards, conferencing, and circles.[22] Restorative justice processes aim for an agreement regarding how the harm done can be addressed. Central to restorative justice processes or approaches are a range of deeply personal outcomes for those involved. The process of healing is central to these outcomes. Survivors often find solace in having their needs acknowledged and addressed, which can aid in their emotional recovery. Restorative justice processes provide the opportunity to face the harmer, ask questions, and share their feelings in a safe space. This can allow them to regain a sense of control over their lives and the traumatic events they have experienced.[23] Harmers have an opportunity for self-reflection, growth, and redemption. Through acknowledging their wrongdoing and actively participating in making amends, harmers can begin their journey towards reintegration into society as responsible and empathetic individuals.[24]

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18 John Braithwaite, 'Shame and Modernity' (1993) 33 The British Journal of Criminology 1; Anne-Marie McAlinden, 'Apologies as "Shame Management": The Politics of Remorse in the Aftermath of Historical Institutional Abuse' (2022) 42 Legal Studies 137.

19 This involves understanding the various sources of shame, which can include families, culture, and religion.

20 John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

21 Daniel W Van Ness, 'An Overview of Restorative Justice Around the World' (2005) Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

22 Liam J Leonard, 'Can Restorative Justice Provide a Better Outcome for Participants and Society than the Courts?' (2022) 11 Laws 14.

23 Tinneke Van Camp, 'Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others' (2017) 14 European Journal of Criminology 679.

24 Lois Presser and Patricia Van Voorhis, 'Values and Evaluation: Assessing Processes and Outcomes of Restorative Justice Programs' (2002) 48 *Crime & Delinquency* 162.

However, it is important to note that the outcomes of restorative processes are dependent on various variables; for example, the extent and willingness of all parties to engage, the severity of the offence, and the effectiveness of facilitators. Levels of engagement and cooperation from all participants can significantly impact the success of the process and, in turn, reduce the potential for healing and reconciliation. The nature of the offence can also play a role. Restorative justice is often more effective in cases of non-violent incidents and offences where the harm caused is primarily emotional or psychological. In cases of acts associated with deep trauma the process can be more challenging. This will require specially trained and experienced facilitators and the effectiveness of facilitators and the quality of the restorative justice programme itself will strongly affect the outcome. Skilled facilitators create a safe and productive environment for dialogue, and poorly managed programmes may hinder the overall process of repairing the harm done.[25]

In summary, there are some **commonalities within restorative justice processes** that reflect the underlying aims and values:

- They all involve bringing together the survivor, harmer, and other stakeholders to address the harm caused by the offense and find ways to repair it. Where a harmer is dead, those representing the harmer need to hear point of view of the survivor and respond in a well-informed and genuinely compassionate way.

- They all aim to provide a safe and respectful environment for dialogue and understanding between the survivor and harmer.

- They all prioritise the needs and perspectives of the survivor, while also holding the harmer accountable for their actions.

- They all seek to promote healing, reconciliation, and restoration of relationships between the survivor, harmer, and community.

- They all require the active participation and engagement of all parties involved and emphasise the importance of community involvement and support.

There are advantages and disadvantages to the restorative process and approach. The next section will briefly discuss some of them.

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25   Courtney Julia Burns and Laura Sinko, 'Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review' (2023) 24 *Trauma, Violence, & Abuse* 340.

Exploring the Advantages and Disadvantages of Restorative Justice

The Advantages of Restorative Justice

Restorative justice offers several advantages and has gained recognition as an alternative approach to conflict resolution and justice administration. Advocates of restorative justice argue that it offers unique benefits, including the potential for healing and repairing harm, fostering personal accountability, promoting empathy and understanding, and survivor satisfaction.

> *"A restorative justice-based alternative can address at least some feminist and therapeutic goals. It can provide clear and fair incentives to offenders to accept responsibility and engage in a restorative procedure."*[26]

However, it is important to acknowledge its limitations as well as the need for specific implementation for it to be effective in particular contexts.[27] In this discussion, we explore some of the perceived advantages of restorative justice.

Survivor-centeredness

The restorative process places the survivor at the centre and the use of restorative justice practices has been shown to alleviate post-traumatic symptoms in survivors. While restorative justice approaches do not guarantee a stress-free experience for survivors, they do hold out the possibility of much less stress, provided the process is handled skilfully.[28] This reparation between the survivor and the harmer can also positively extend to the community.[29]

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26   Liz Kelly, *Surviving sexual violence* (University of Minnesota Press 1988).

27   Randy E Barnett, 'Restitution: A New Paradigm of Criminal Justice' (1977) 87 Ethics 279; Jeff Latimer, Craig Dowden, and Danielle Muise, 'The Effectiveness of Restorative Justice Practices: A Meta-Analysis' (2005) 85 *The Prison Journal* 127; Mark Umbreit, *The Handbook of Victim Offender Mediation* (Wiley 2001); Steve Kirkwood, 'A Practice Framework for Restorative Justice' (2022) 63 Aggression and Violent Behaviour.

28   Caroline M Angel et al, 'Short-Term Effects of Restorative Justice Conferences on Post-Traumatic Stress Symptoms among Robbery and Burglary Victims: A Randomized Controlled Trial' (2014) 10 Journal of Experimental Criminology 291; Courtney Julia Burns and Laura Sinko, 'Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review' (2023) 24 Trauma, Violence, & Abuse 340; Alex Lloyd and Jo Borrill, 'Examining the Effectiveness of Restorative Justice in Reducing Victims' (2020) 13 Post-Traumatic Stress. Psychol. Inj. and Law 77.

29   Jennifer Llewellyn and Robert Howse, 'Restorative Justice: A Conceptual Framework' (1999) Prepared for the Law Commission of Canada.

The Reconceptualisation of the 'Victim' to 'Survivor'

In recent years, much thought has been given to the terming of those who have experienced sexual harm, by moving away from terming someone who experienced sexual harm as a victim and rather as a survivor of sexual harm.[30] The term 'victim' is, for some, associated with passivity and retains the person in a state of victimhood, by which it means the person who experienced harm is considered only in relation to the harm that was done to them.[31] Whereas, for others, 'survivor' is associated with strength, power, and hope, and signals that they are not only defined by the harm that was done to them and are instead wilful and resilient agents.[32]

However, in recent years, this categorisation has been questioned. It has been suggested that people who have suffered sexual harm cannot be easily divided into 'survivors' and 'victims.' A study by Boyle and Rogers (2020)[33] found that of those who suffered sexual assault, the majority identified as both a 'victim' and a 'survivor'. The finding was more prominent for men specifically, as the term 'victim' was particularly damaging for their emotional state, and so they may choose to endorse 'survivor' in response to the perceived emasculation of sexual assault.[34] In many cases, those who suffer sexual abuse see themselves as a 'survivor' in an attempt to regain strength.[35] However, this is highly specific to the person who suffered the harm. For the purpose of this report, we will use the term survivor.

Restitution

Restorative justice contributes to the overall satisfaction of the healing process for the survivor.[36] As a result of restorative processes, the survivor has a greater likelihood of receiving compensation for the harm suffered because the harmer has actively accepted responsibility for the harm caused. Therefore, the harmer is more likely to comply with restitution agreements.[37] This is in contrast to research specific

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30   Jericho M Hockett and Donald A Saucier, 'A Systematic Literature Review of "Rape Victims" versus "Rape Survivors": Implications for Theory, Research, and Practice' (2015) 25 Aggression and Violent Behavior 1.

31   Joel Best, 'Victimization and the Victim Industry.' (1997) 34 Society 9.

32   Michael Papendick and Gerd Bohner, '"Passive Victim – Strong Survivor"? Perceived Meaning of Labels Applied to Women Who Were Raped' (2017) 12(5) PLoS ONE.

33   Kaitlin M Boyle and Kimberly B Rogers, 'Beyond the Rape "Victim"– "Survivor" Binary: How Race, Gender, and Identity Processes Interact to Shape Distress' (2020) 35 Sociological Forum 323.

34   Janine Natalya Clark, 'A Crime of Identity: Rape and its Neglected Victims (2014) 13 Journal of Human Rights 146.

35   Aliraza Javaid, 'The Role of Alcohol in Intimate Partner Violence: Causal Behaviour or Excusing Behaviour?' (2015) 13 British Journal of Community Justice 75.

36   Courtney Julia Burns and Laura Sinko, 'Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review' (2023) 24 Trauma, Violence, & Abuse 340.

37   Lode Walgrave, 'Restoration in Youth Justice' (2004) 31 Crime and Justice 543.

to Ireland's approach to managing mass damages through tort law. A 2020 study found that survivors are subjected to poor procedures and where the State is responsible for compensation payments, these don't reflect the impact of the suffering and are generally of low monetary value and homogenised.[38] Finally, a study of Norwegian redress schemes found that financial compensation was the most common outcome, however the findings also stated that survivors should have the opportunity for their story to be told.[39]

Cultural Sensitivity

Restorative justice can be adapted to be culturally sensitive, respecting the values and traditions of the parties involved. See cases in Chapter 3 for examples of possible approaches. Thus, the cultural aspects and make up of a participant's heritage can be reflected in the restorative process. In contrast with other systems of justice where the dominant culture influences and restricts the responses to justice.

Accountability

In most cases of restorative justice, the harmer must take responsibility and agree the basic facts of the harm caused with the harmed. This can lead to a greater understanding of the consequences of their behaviour and promote accountability. The Council of Europe Recommendations on Restorative Justice includes recommendations in relation to the operation of criminal justice in relations to restorative justice. Section 30 states:

> *"The basic facts of a case should normally be acknowledged by the parties as a basis for starting restorative justice. Participation in restorative justice should not be used as evidence of admission of guilt in subsequent legal proceedings."*[40]

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38   Kim Watts, 'Managing Mass Damages Liability via Tort Law and Tort Alternatives, with Ireland as a Case Study' (2020) 11 Journal of European Tort Law 57.

39   Ingunn Studsrød and Elisabeth Enoksen. 'Money as Compensation for Historical Abuse: Redress Programs and Social Exchange Theory' (2020) 13 The Journal of the History of Childhood and Youth 288.

40   Council of Europe, *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters* (2018).

From the survivor's perspective, accountability can be more important than punishment.[41] Survivors may be seeking other outcomes from a justice process, such as an admission and acknowledgement of the harm done. In the restorative process, this is achieved through the genuine remorse, apology, and willingness of the harmer to make amends and is directed at the survivor. However, in some cases, it is not possible for the harmer to be present, and in these cases, a tertiary person or organisation can represent the harmer. For example, it is the focus on agreeing basic facts, harm reparation, truth telling with the representative of the harmer, and participation that allows for the restorative process to still go ahead even though the harmer may be deceased.[42]

Cost-Effective

Restorative justice programmes can be more cost-effective than other traditional processes, as they often require fewer resources. This was highlighted in the 2009 report by the National Commission for Restorative Justice, where they dedicated a chapter of the report to examine the cost implications of restorative justice intervention in Ireland and then drew comparisons with other jurisdictions.[43] In short, the Commission found that restorative justice offered a more cost-effective approach than other resolutions offered through the justice system and that, as the restorative justice response was scaled up, the cost per case was reduced. While noting this finding from the Commission, it is beyond the scope of this report to provide a detailed economic comparison between restorative justice and other interventions, and there may be other barriers to the process such as the availability of appropriate facilitators.

Diverse Solutions

Restorative justice is flexible and can offer a wide range of solutions tailored to the specific needs of the parties involved. This can result in more creative and satisfying outcomes for all parties.[44] See Chapter 2 for examples of a variety of restorative approaches.

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41   Judith Herman, *Truth and Repair: How Trauma Survivors Envision Justice* (Hachette UK 2023); Courtney Julia Burns and Laura Sinko, 'Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review' (2023) 24 Trauma, Violence, & Abuse 340.

42   Daniel Van Ness, 'Accountability' in D. Philpott (ed), *Restorative Justice, Reconciliation, and Peacebuilding*. (Oxford University Press 2014).

43   National Commission on Restorative Justice, *Final Report* (2009) https://www.drugsandalcohol.ie/13955/1/NCRJ_Final_Report%5B1%5D.pdf

44   Randy E Barnett, 'Restitution: A New Paradigm of Criminal Justice' (1977) 87 Ethics 279.Jeff Latimer, Craig Dowden, and Danielle Muise, 'The Effectiveness of Restorative Justice Practices: A Meta-Analysis' (2005) 85 The Prison Journal 127; Mark Umbreit, *The Handbook of Victim Offender Mediation* (Wiley 2001).

Criticisms of Restorative Justice

Restorative justice has also garnered criticism. Critics argue that while restorative justice offers several advantages, it has limitations. The effectiveness of restorative justice can vary depending on the severity of the offence, with more violent crimes posing challenges to the reconciliation and healing process. Critics also raise concerns about the potential for unequal power dynamics during face-to-face meetings between harmer and survivor. It is essential to understand the limitations of restorative justice, as well as its advantages, to determine its appropriateness in different contexts.[45]

There is one concern in particular that is most relevant to the context of this report, which is discussed below.

Revictimisation

Restorative justice has attracted criticism for its use in relation to particular types of crime, particularly those of a violent or sexual nature, involving children or young people.[46] The impact on, and outcome of, the restorative process differs greatly depending on the type of crime restorative processes are being used to address. Concerning the survivor, it has been shown that for sexual offences, particularly child sexual abuse, restorative processes such as conferencing can retraumatise a survivor,[47] and raises the concern of secondary victimisation as a possibility within these processes.[48] This criticism highlights the need to ensure that skilled facilitators are essential to prepare all participants in order to utilise restorative justice most appropriately, beneficially, and effectively.

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45   Kathleen Daly, 'Restorative Justice and Sexual Assault: An Archival Study of Court and Conference Cases' (2006) 46 The British Journal of Criminology 334.

46   Alice Hwang, 'Restorative Justice: A Better Alternative for Reducing Recidivism?' (2020) 6 (1) Sociological Imagination: Western's Undergraduate Sociology Student Journal; Clare McGlynn, Nicole Westmarland and Nikki Godden, '"I Just Wanted Him to Hear Me": Sexual Violence and the Possibilities of Restorative Justice.' (2012) 39 Journal of Law & Society 213.

47   A Cossins, 'Restorative Justice and Child Sex Offences: The Theory and the Practice' (2008) 48 British Journal of Criminology 359.

48   Jo-Anne Wemmers, Isabelle Parent and Marika Lachance Quirion, 'Restoring Victims' Confidence: Victim-Centred Restorative Practices' (2023) 29 International Review of Victimology 466.

Conclusion

In conclusion, restorative justice represents a significant innovation in repairing harm. It emphasises respect, accountability, and rehabilitation, and has gained traction in various settings, from criminal justice to schools and workplaces. Restorative justice is a values-driven approach, prioritising accountability, open dialogue, empowerment, respect, and collaboration among participants. It seeks to repair harm, promote empathy, and restore relationships. The advantages of restorative justice include survivor-centeredness, a greater likelihood of restitution, cultural sensitivity, accountability, cost-effectiveness, and diverse solutions. However, it is not without its limitations, particularly in more severe cases, and the potential for revictimisation in certain contexts.

In light of these advantages and disadvantages, it is essential to recognise that restorative justice is not a one-size-fits-all solution but rather a valuable tool in addressing the harm caused by others. Its success depends on factors such as the willingness of participants and the nature of the harm. By addressing its limitations and continually refining its practices, restorative justice can continue to play a significant role in promoting healing, accountability, and reconciliation in various societal contexts.

2. Standards within Restorative Justice

While there is no commonly agreed "gold standard" for applying restorative justice, there are key characteristics that frequently appear in different standards. As such, this chapter will identify common approaches to practice and standards within restorative justice. There are a variety of principles reflected in the standards across the different jurisdictions and these have been consolidated below. It should be noted that some of these have been discussed in Chapter 1.

During analysis of the standards, it was noted that the standards fell into two distinct categories:

1 What the process should be – reflecting key characteristics of delivering restorative justice approaches.

2 What the process should build or promote – the characteristics that restorative justice aims to support and foster for participants.

In identifying standards in restorative justice, this chapter analysed standards from the following jurisdictions and international bodies:

- The United Kingdom[49]
- Canada[50]
- Australia[51]
- The European Forum for Restorative Justice[52]
- The Council of Europe Recommendations for Restorative Justice.[53]

Key Elements in Delivering Restorative Justice

Voluntariness

The elements of voluntariness and informed consent were the most consistent across the jurisdictions.

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49 The Restorative Justice Council 'The RJC Practitioners Handbook' (2016) https://restorativejustice.org.uk/sites/default/files/resources/files/Practitioners%20Handbook_0.pdf

50 Canadian Intergovernmental Conference Secretariat, 'Principles and Guidelines for Restorative Justice Practice in Criminal Matters' (SCICS 2018).

51 Victorian Association for Restorative Justice, *Best Practice Standards for Restorative Justice Facilitators* (Victorian Association for Restorative Justice 2009).

52 Tim Chapman, Malini Laxminarayan and Kris Vanspauwen (eds), *EFRJ Manual on Restorative Justice Values and Standards for Practice*. (European Forum for Restorative Justice 2021).

53 Council of Europe, *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters* (2018).

Inclusion

Inclusivity and concerns of inclusion were universally reflected in the standards despite some differences about who is to be included and what the idea of inclusion extends to.[54]

Safety

In restorative justice, safety can be viewed in two ways: as risk reduction and as creating a safe space for dialogue.[55] Safety was noted in all jurisdictions and was present in all the standards examined. There was a concern that no further harm results from participation in restorative justice.

Collaboration and Cooperation

Collaboration and cooperation are foundational in restorative justice and underpin a number of key principles.[56]

Proportionate and Appropriate

In the context of selecting a restorative justice approach and any agreement reached, "proportionate" and "appropriate" refer to the fairness and suitability of the approach and its outcomes in relation to the specific circumstances of the case. Proportionate and appropriate restorative justice approaches and agreements are key elements in ensuring fairness, effectiveness, and responsiveness in addressing harmful behaviour.[57]

Not About Establishing Guilt or Apportioning Blame

These two concepts are linked and are key factors in restorative justice approaches that speak to the primary focus of restorative justice to address the harm caused by the offence. Promoting healing is achieved when steps are taken to resolve any harm caused in a non-adversarial manner.

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54   Gerry Johnstone (ed), *A Restorative Justice Reader: Texts, Sources, Context* (Willan 2003); Gerry Johnstone and Daniel W Van Ness, *Handbook of Restorative Justice* (Willan 2006).

55   John Braithwaite, 'Setting Standards for Restorative Justice' (2002) 42 *British Journal of Criminology* 563; Braithwaite J., 'Restorative Justice' in M Tonry (ed), *Handbook of Crime and Punishment* (Oxford University Press 2015).

56   H Zehr, H Mika and M Umbreit, 'Restorative Justice: The Concept.' (1997) 59 *Corrections Today*.

57   John Braithwaite, 'Setting Standards for Restorative Justice' (2002) 42 British Journal of Criminology 563.

Future focused

Any Restorative justice approach should be future-focused, and all the jurisdictions examined used restorative justice approaches that align with this. Restorative justice looks to a time when the harmer is no longer engaging in harmful activity and the survivor has been able to go some way to reconciling the emotional hurt of the harm.[58]

Reparation

Reparation is important in restorative justice as it seeks to acknowledge and repair the causes and consequences of human rights violations and inequality, aiming to restore justice and make amends for wrongs committed. Reparations are essential in addressing historical injustices, as they hold governments, citizens, churches, and private organisations accountable for past wrongful acts, seeking to redress harm and injustices perpetrated.[59]

Confidential

Confidentiality in restorative justice refers to the protection of sensitive information shared during the restorative justice process. Confidentiality is essential to ensuring that all parties involved in the process feel safe to express their opinions and concerns without fear of criticism, rejection, or punishment.

Neutral Facilitation and Process

Neutral facilitation is considered best for restorative justice because it ensures impartiality, equal support for all participants, and a safe environment for open communication.

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58   Liam J Leonard, 'Can Restorative Justice Provide a Better Outcome for Participants and Society than the Courts?' (2022) 11 Laws 14.

59   Antonio Buti, 'The Notion of Reparations as a Restorative Justice Measure' in Jorge Oliveira and Paulo Cardinal (eds) *One Country, Two Systems, Three Legal Orders – Perspectives of Evolution* (Springer 2009).

Key Elements that Restorative Justice Builds and Promotes in Individuals, Organisations, and Communities

Respect and Equity

In restorative justice, respect refers to valuing the inherent worth of all individuals and recognising their interconnectedness. This is reflected in the inclusive and collaborative decision-making process. Equity in restorative justice involves ensuring fairness and impartiality in the treatment of all parties involved, including survivors, harmers, and others affected.[60]

Empowerment

Empowerment in restorative justice involves giving those impacted by the harm the opportunity to actively participate in a justice process, make decisions, and have a voice in addressing the harm caused. Empowerment appears in the standards in most of the jurisdictions and is framed as participants being provided and facilitated with a platform and a voice.

Healing (repairing harm) and Transformation

All reviewed jurisdictions and international bodies noted that healing and transformation are foremost in restorative justice because they aim to repair the harm caused by harmful behaviour.

Empathy and Understanding

Empathy and understanding are fundamental in restorative justice as they foster compassion, healing, and transformation and are represented in all jurisdictions. Empathy allows participants to recognise the pain, suffering, and needs of all involved, creating an environment where individuals can truly listen to one another's experiences, perspectives, and emotions without judgement or prejudice.

Honest, Open Communication and Transparency

Honest, open communication, and transparency are required to acknowledge the facts of what happened, and to promote trust, understanding, and resolution among the parties involved. Allowing all participants to openly share their experiences and take active accountability for what happened helps with the healing process.

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60   Gerry Johnstone (ed), *A Restorative Justice Reader: Texts, Sources, Context* (Willan 2003).

Accountability

Accountability is evident in all the standards examined. It is a key concept in restorative justice as it shifts the focus from punishment to taking active responsibility for one's actions and making amends. Accountability is defined as taking responsibility for one's behaviour and taking action to repair the harm caused which moves the harm resolution beyond a question of punishment and into one of making amends. (See Chapter 1 for more detail).

Agency

By emphasising healing, rehabilitation, and the involvement of survivors and harmers in resolving conflicts, restorative justice promotes and builds agency. By engaging survivors and harmers in a safe and facilitated way, restorative justice aims to empower them and promote healing and reconciliation. The approaches and principles applied across all the jurisdictions evidenced in this report support the development and promotion of individual, organisational, and community agency.

Flexibility

Flexibility is important in restorative justice as it allows the process to adapt to the diverse needs of the individuals involved, the nature of the harm, and the specific circumstances of each case.

Table 1: Consolidated Standards

		Voluntary	Inclusive	Safety	Collaboration and Cooperation	Proportionate and appropriate	Not about establishing guilt or apportioning blame	Focused on a better future	Reparation	Confidential	Neutral
The process should be:	Canada	✓	✓	✓			✓		✓		✓
	Australia	✓	✓	✓	✓					✓	✓
	New Zealand	✓	✓	✓							✓
	UK	✓	✓	✓	✓	✓	✓	✓		✓	✓
	European Forum	✓	✓						✓	✓	✓

The process should build or promote:		Respect and equity	Empowerment	Healing (repairing the harm) and transformation	Empathy and understanding	Honest, Open communication and transparency	Flexibility	Agency	Accountability
	Canada	✓	✓	✓	✓			✓	✓
	Australia	✓	✓		✓	✓	✓	✓	✓
	New Zealand	✓	✓		✓		✓	✓	✓
	UK	✓	✓	✓		✓		✓	✓
	European Forum			✓		✓			

Commonly Used Restorative approaches

There are several approaches to resolving conflict that can be classified as restorative and could be used in a restorative justice context.[61] These include:

- Survivor Empathy Programmes

- Reparation Programmes

- Survivor-Harmer Mediation

- Survivor Impact Panels

- Restorative Justice Conferences

- Restorative circles

- Restorative Inquiry

- Bespoke models of practice.

From the discussion with the religious orders, there were three main approaches identified. They are outlined below.[62]

Restorative Justice Conferencing

Conference facilitators begin by contacting the survivor(s) and the harmer(s) to gather information about the incident and gauge its impact. Conference facilitators will also meet with the participants, talk them through the process, and ensure that they are able to take part in the conference.

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61   Marian Liebmann, *Restorative Justice: How It Works* (Jessica Kingsley Publishers 2007).

62   The description of the approaches here is from the literature, rather than the descriptions of the orders activities.

At a mutually agreed time, the conference is convened with all invited participants seated in a circle facing each other. During the conference, all parties can share their perspectives on the incident, its impact on themselves and others, and what they would like to see happen as a result. Eventually, the group will begin to identify actions required to repair the harm that has been done. This can involve the development of a restorative agreement outlining specific actions to be taken by the harmer(s).

Central to the process is the facilitated dialogue that is used by facilitators to guide the parties. Facilitators will start by asking questions such as "What happened from your perspective?" "How have you been impacted?" "What impacts or harms have you contributed to?" and "What can be done to make things as right as possible?" Those who experienced harm can share how they were impacted, and those who caused the harm have the opportunity to accept accountability and work towards making things as right as possible.

At the conclusion of the conference, a written agreement is drafted by the facilitators, while participants have an opportunity to interact informally if they wish to do so. Once the drafted agreement is signed, the conference is considered complete. If required, the facilitator(s) may report back to the referring organisation that the conference was or was not successful. However, details of the conference dialogue will not be shared with anyone outside the conference.

Survivor-Harmer Mediation

Survivor-harmer mediation is a restorative justice process that brings together the individuals who have committed harm and the survivors to resolve the conflict in a constructive and empathetic manner. The process is similar to conferencing; however, typically only the harmed and harmer will attend.

The mediation process begins with a thorough preparation stage, where the mediator meets with the survivor and the harmer separately to explain the mediation process, assess their readiness, and address any concerns or fears they may have. During the mediation session, the survivor and harmer meet face-to-face, allowing them to express their feelings, thoughts, and experiences in a safe and supportive environment. The mediator facilitates the conversation, helping both parties understand each other's perspectives and work towards a mutually acceptable agreement. Once the parties have reached an understanding of each other's needs and concerns, they develop a restitution plan that addresses the harm caused by the crime. Apologising for the harm caused will be a fundamental part of any restitution plan.

Once both parties are happy with the plan, the mediator will make arrangements to monitor its progress. In some cases, the mediator may offer support to both the survivor and the harmer to help them navigate any challenges they encounter and ensure that they stay committed to the plan.

Restorative Circles

A restorative circle typically involves bringing together affected individuals and stakeholders in a facilitated, structured conversation. The goal is to foster understanding, accountability, empathy, and healing rather than punishment. Initially common in education settings, circles are becoming frequently used in other settings and are particularly suited to resolving conflicts with larger groups or communities.

In practice, the circle is initiated by a facilitator or trained mediator who prepares the participants for the circle, outlining the process, setting guidelines, and establishing a safe and respectful environment. Participants, including those directly involved in the conflict and sometimes affected community members, are invited to join the circle, and there are no barriers, such as tables, as a way of signifying equality and open communication. Using a symbolic object (known as a talking piece) participants share their thoughts, feelings, and experiences related to the issue. The aim of sharing helps to build understanding and empathy among the participants. Unique to this restorative approach is that only the person holding the talking piece can speak. This ensures that everyone has a chance to be heard and helps the facilitator guide the dialogue of larger groups as they encourage active listening, ask clarifying questions, and ensure respectful communication.

The focus is on understanding the impact of actions, acknowledging feelings, and exploring potential solutions. As with the other approaches outlined above, the end goal is for participants to work towards a resolution or agreement that addresses the harm caused, often involving commitments to repairing relationships, making amends, or taking actions to prevent similar conflicts in the future. The circle is closed with a reflection on the process, expressing gratitude for participation, and discussing any follow-up actions or ongoing support needed.

Conclusion

While there is no commonly agreed "gold standard" for applying restorative justice, there are key characteristics that frequently appear in different applications. By examining and collating principles and standards across five jurisdictions and international bodies where restorative justice is established, this section has identified the commonly occurring standards – covering both the process and what restorative justice promotes in participants. Standards around processes include being voluntary, inclusive, and safe with a view to reparation and the future, and the process should build healing, agency, respect, and accountability. The breadth of these standards means that any developing restorative justice approach needs to provide guidelines, standards, and principles that guide practice for practitioners and set expectations for participants.

A variety of approaches can be used in this process. The approaches of Restorative Justice Conferencing, Survivor-Harmer Mediation, and Restorative Circles were highlighted. The next section will examine how restorative justice and the principles outlined have been used in restorative inquiries from other jurisdictions.

3. Restorative Justice Use Cases: A Comparative Analysis.

This section presents the use of restorative justice approaches in response to historical sexual abuse. There is a lack of literature surrounding restorative justice and its use in the cases of historic sexual abuse and therefore this section presents cases on interrelated themes, such as sexual abuse, child abuse, and gender-based violence, to capture the use of restorative justice in cases of wider harm and trauma. We present three international cases in which restorative justice has been used as a means of seeking healing. We then look at how a restorative justice approach both positively and negatively impacts the survivor.

International Examples of Restorative Justice in Cases of Institutional Harm and Trauma: Cases of US, Canada and New Zealand

While the use of restorative justice in inquiries into harm and abuse is limited, and even more so within religious settings, there are a number of examples of case studies centred on institutional harm and abuse from the US, Canada, and New Zealand that have adopted a restorative justice approach. These case studies are described below.

St. Joseph's Orphanage Restorative Inquiry (SJORI)

Background to the Inquiry

The *St. Joseph's Orphanage Restorative Inquiry (SJORI)* was launched in 2019. St. Joseph's Orphanage operated between 1854 and 1974. It was established as an affiliate to the Burlington Roman Catholic Diocese and was located in Burlington, Vermont, USA. The Orphanage was a temporary home to more than 13,000 children in its 120-year history. In September 2018, a task force was convened by the Vermont Attorney General's Office because of allegations of historical abuse at the Orphanage. It included the Vermont State Police as well as the mayor's office to investigate the allegations.

> *"Task Force members recognized the inherent limits to their investigation, particularly given the expiration of the statute of limitations on most of the potential Orphanage crimes. The Task Force, however, also recognized the Orphanage's pernicious legacy of abuse and neglect, and the long-ignored-obligation to attend to the needs of the harmed".*[63]

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63   St Joseph's Orphanage Restorative Inquiry, *Final Report,* 16, December 2023.

As a result, the Task Force also established a Restorative Inquiry. The Inquiry sought to

> *"understand and document the events of the orphanage through the voices, experiences, and stories of those most impacted (former residents); and then facilitates inclusive processes of accountability, amends-making, learning, and change".*[64]

As part of the restorative aspect of the task force, the Restorative Inquiry team worked with a core group of former Orphanage residents, now formally recognised as *Voices of St. Joseph's Orphanage (VSJO)* to identify, facilitate, and coordinate their goals.

The *SJORI* team comprised restorative justice professionals and survivor advocates. They sought to ensure a well-facilitated, survivor-centred, transparent, individual, flexible, and inclusive process. The *SJORI* team conducted regular outreach to all participants regardless of their level of participation. The Inquiry consistently used the Circle process as their primary restorative structure for their internal group meetings, and 'listening sessions' with external stakeholders to the Inquiry process.

Key Learnings

The five key learnings are outlined in the final report and are discussed below:

1. Building a Restorative Container
2. Impacted Parties Engagement
3. Responsible Parties Engagement
4. Community Engagement
5. Process Facilitation

Building a Restorative Container

The survivor-centred process was based on the participants sharing the impact of the trauma and abuse they had suffered. Initially, the conversations were individual, and drawing on these conversations, the team formulated a guiding set of restorative principles and values that were attuned to the individual experience and needs of the survivors. These foundational principles became the operational framework for the Inquiry. As a result, the process moved to group meetings held in person and later online due to the COVID-19 pandemic. The aim was to work collaboratively to design the restorative processes, decision making processes, and

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64   Ibid, 3.

personalised guidelines. These meetings also helped to build familiarity and trust in Circles as a restorative justice process. The commitment to survivor-centeredness demonstrated by way of the co-creation is credited as strengthening the participants' engagement and continued commitment to the Inquiry process overall.

Impacted Parties Engagement

In the next stage, the *SJORI* invited participants to say what a successful inquiry would look like. These sessions were valuable and helped to identify both individual and group goals. These goals included:

• validation,

• access to information,

• restitution,

• apology,

• and work to ensure that such harms never happen again.

This dialogue also meant that the facilitators were then accountable to meet the needs of these "primary stakeholders." While engagement with impacted parties was an enduring commitment, 'closing the circle' is an important part of the process. At the conclusion of the Inquiry, a final reflection circle was held to hear and record to participants' experience with the Restorative Inquiry.

Responsible Parties Engagement

Contact was made with representatives from institutions and other agencies directly or indirectly responsible for the care and supervision of the children, as well as engaging with agencies and elected officials who could enable the needs of the survivors to be met. Several agencies and parties engaged in facilitated discussion with participants. The participants' voices and detailing of their experiences are credited with positively impacting actions and follow-through. This model was used throughout the inquiry with public and private stakeholders. Despite formal invitations and requests to engage from the facilitators and the *VSJO*, the two local institutions that were primarily responsible for the operation and supervision of the Orphanage, the Roman Catholic Diocese of Burlington, and Vermont Catholic Charities, refused to engage with the Restorative Inquiry. The Final Report notes that this was "a source of profound disappointment"[65] to the survivors and the Inquiry Team.

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65   Ibid, 7.

Community Engagement

The *SJORI* sought to have the voices of survivors heard first-hand by the public and there was a 'Voices of St. Joseph's Orphanage Exhibition' and a project website. Spokespeople from the *VSJO* were nominated to share group approved statements. Each member's willingness to share their story and engage publicly was respected and this was a voluntary process.

Process Facilitation

The operational principles formulated at the initial stage of the process supported the facilitators in their role and purpose. The facilitators were further supported by an informal advisory board. These supports ultimately focused on the core obligation of the *SJORI* process, which was to centre, support, and hear the voice of the survivors. A difficulty arose when the formal inquiry and facilitated process ended, as the survivors wanted to continue their work together. This transition proved challenging. The value of the *SJORI* to our learning is in its well facilitated process, which encouraged high engagement and promoted and prioritised the well-being, needs, and agency of the survivors. This example is interesting particularly in the use of the formal justice system to identify offences in combination with a restorative approach.

This case provides a valuable example of a restorative justice approach where the directly responsible parties refuse to engage and how the restorative justice process can be flexible and enable actions that pursue the stated needs of survivors. In this case, the engagement of other institutions and agencies with responsibility for the care and supervision of children supports the survivors' stated need of working to ensure such harm never happened again.

Nova Scotia Home for Colored Children (NSHCC)

Background to the inquiry

The Nova Scotia Home for Colored Children Restorative Inquiry was established under the authority of the Public Inquiries Act (c.372 RSNS 1989, as amended 2015, c.50)[66] in response to allegations of abuse and neglect at the Nova Scotia Home for Colored Children (NSHCC) in Halifax, Nova Scotia, opened in 1921. The public inquiry into the NSHCC had a comprehensive mandate aimed at addressing the home's historical legacy of abuse and systemic racism in Nova Scotia. From the outset, the whole inquiry process was conducted with a restorative approach. It focused on understanding the home's role in systemic racism, examining the experiences of former residents, assessing the broader impacts on African Nova Scotian communities, and promoting systemic changes and healing. The Inquiry was grounded in the experiences of former residents and broader societal contexts, aiming to initiate long-term goals and social transformation. As such, there was a broad mandate for the inquiry which was initiated and supported by the Government of Nova Scotia.[67] The information below is taken from the report of the inquiry.[68]

The Inquiry had several objectives. The overall objective was to establish and examine the abuse at the NSHCC within the context of historical and current systemic racism in Nova Scotia. This meant that the Inquiry would focus on the broader impact and meaning of the events at NSHCC to African Nova Scotians, as well as the wider Province. In turn, the broader focus expanded the remit of the Inquiry to examine the role of other systems and institutions in the abuse, such as education, justice, and health. While acknowledging the broader context, the Inquiry also focused on the institutional abuse and experience of the residents of the home, as well as their families. The involvement of former residents was crucial to understanding and repairing the extent of the harm that had been done. A focus on the future was evident as the Inquiry engaged in public education programmes and aimed to shed light on institutional abuse and to promote social change. Finally, the inquiry was committed to strengthening and upholding the culture of the African Nova Scotian community. By employing a restorative approach, the inquiry was able to demonstrate an alternative way of resolving conflict and repairing harm.

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66   Under that Act, Commissioners have the power and authority of a Supreme Court Judge in civil matters to compel witnesses and the production of evidence. Commissioners also enjoy the same privileges and immunities as Supreme Court Judges. Nova Scotia Home for Colored Children Restorative Inquiry, *Final Report of the Restorative Inquiry*, (2019) 34.

67   Further details regarding the scope of the mandate can be found at: https://restorativeinquiry.ca/

68   Nova Scotia Home for Colored Children Restorative Inquiry, *Final Report of the Restorative Inquiry* (2019). https://restorativeinquiry.ca/

The Inquiry was envisioned as a starting point for comprehensive and restorative change, grounded in the experiences of former residents and broader societal contexts. It included facilitated dialogue and Restorative Circles to develop mutual understanding and collaboration aligned with culturally appropriate traditions and involving various parties at various levels for specific issues. The Inquiry produced and publicly shared three reports to inform the public about its ongoing work.

The Process

From the outset the inquiry was embedded in a restorative philosophy and approach that was underpinned by collaboration with former residents. A key aim of the Inquiry approach was not just establishing guilt or finding fault but to examine how various systems, such as health, justice, and education, had contributed to the abuse directly or indirectly. The inquiry process was not focused on apportioning blame in the sense of a retributive process, but as a journey of healing and learning where facts were established, and lessons taken from them. Therefore, the former residents had a key part in designing and deciding the approach that all aspects of the inquiry would take. A design team was established that comprised a broad range of stakeholders, and an acknowledged expert in the field of restorative justice was appointed to guide and facilitate the design process (See Appendix A). The design process lasted ten months and focused not only on the inquiry process and structure but also on trust, relationship building, honesty, and openness. Following the design phase, the team produced a mandate and Terms of Reference for the Inquiry[69] that detailed the scope and focus of the inquiry.

The inquiry was divided into three phases:

1. Relationship building

   Here the inquiry was focused on building relationships that were concerned with the social, structural, and systemic levels that the inquiry operated at. However, as a corollary of this interpersonal relationships would be established, and trust built on an individual level.

2. Learning and understanding

   In this phase the inquiry team divided the task into two distinct parts. Firstly, examining happened at the Care Home by examining the history and experiences to gauge the central issues and what mattered most. By developing a common understanding, the inquiry team were then able to focus on what lessons needed to be learnt for the future.

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69   Ibid.

3. Planning and action

   This phase drew on the understandings and learning from phase two and was designed to allow the various groups to work together to identify what was required to make a difference on the central issues.

A focus on relationships was fundamental for the restorative approach adopted by the Inquiry and allowed for an iterative approach that assembled, interpreted, and then acted on the knowledge to progress the aims and objectives of the Inquiry. Overseeing the process were three key groups. Initially, a group of former residents was convened with the purpose of supporting and advocating for survivors but also to collaborate on the design and implementation of the Inquiry methodology. This group was not just the 'study group' but key stakeholders during the Inquiry process.

Following consultation with stakeholders, a Council of Parties group was appointed to facilitate and oversee the Inquiry. A key learning from this group was that establishing and running the Inquiry took more time and resources than anticipated. To support the Council of Parties, a Reflection and Action Task Group was created with a primary function of ensuring collaboration and engagement across Government departments. Finally, a team of staff drawn from the African Nova Scotian community were employed to support the administrative and reporting processes. It was felt that drawing staff from the community would bring an increased understanding and connection with the community. One issue noted in the report about this approach was the time and resources required to upskill staff in working restoratively.

The Restorative approach

Unlike many inquiries, this one used a restorative process selected to meet the nature of the issue, the needs of the parties involved, and the phase of the work. Circles were the predominant restorative approach used. The report mentions other restorative approaches, but there is limited information as to what they are. What is, however, made clear in the report is that all the inquiry processes, including administrative, were underpinned by restorative values. The report also notes the time taken in preparing the Circles especially in identifying and preparing those individuals involved.

Key Learnings identified in the report

The actions, plans, commitments, and recommendations from the Restorative Inquiry into the NSHCC focus on three central issues: systemic and institutionalised racism, the experience of the care system, and responding to institutional abuse and care system failures. However, the actions and recommendations are not structured strictly along the three central issues due to their interrelated nature.

1. **Understanding context:** An important aspect of the integrated approach adopted by the inquiry was its ability to look at the historical context of the abuse from the perspective of all those involved and especially the survivors. Adopting this lens allowed for the inquiry to not apply the standards, procedures, and attitudes of the current time but those of when the abuse occurred. Seeing the whole picture in this way supports a deeper understanding of the complex relationships between systems, people, and impact. A number of social theorists, Bourdieu, Elias, and Foucault in particular, have written about the benefits of this approach that is known as historicity.

2. **Human-Centred Focus:** The Inquiry advocated for a shift to a human-centred approach, emphasising justice and equality for African Nova Scotians and improving care for young people, families, and communities across the province. Engaging with survivors and the wider African Nova Scotian community ensured that peoples experiences of abuse and systemic racism were placed at the centre of the inquiry and any resulting outcomes or recommendations. It was noted in the report that survivors and community members appreciated the opportunity to have their voice heard.[70] Hearing these accounts give perspective on how people interact with systems and how one system may not fit all people. As referenced in Chapter 1, restorative justice can be flexible in its response to cultural needs of participants and it is demonstrated in the approach taken by the inquiry in this case.

3. **Beyond Traditional Structuring:** This aspect of the inquiry combines the preceding two aspects to facilitate an understanding of the issues raised from the inquiry to not only look at the physical acts of abuse but also how the system supported those acts both consciously and unconsciously. Bringing the findings together helps an understanding of how the system shaped and determined the actions of those working within it. There is a tendency, highlighted by the report, to consider situations and then respond within the framework of the system to meet or resolve the situation. In adopting the three responses, the inquiry is advocating responses that do not negate current systems but that ensure the system does not dictate the way or the 'why' of how people react to issues.

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70   Ibid, 498.

Adopting a restorative approach to the whole of the inquiry is noted by the report authors to be a Canadian, and possibly a world, first and a move away from the usual modus operandi of an inquiry. Using restorative justice as a mechanism to achieve the objectives and aims of the inquiry when dealing with such a sensitive issue as racial abuse allowed, in this instance, for the voice of all participants to be heard. The inquiry has been able to examine the systemic causes of the harm and support survivors in the healing process, thereby establishing the facts of what happened while situating the harm within the historical context within which it occurred.

There are parallels here with the historical sexual abuse in Ireland, which is covered extensively in other sections of the Scoping Inquiry Report. Timeframes are also similar, meaning that the majority of harmers are deceased.[71]

'Healing After Harm'-Hearing and Responding to the Stories of Survivors of Surgical Mesh

Background to the Inquiry

Surgical mesh has been a recognised medical procedure for treating incontinence or pelvic floor issues in women. The mesh had been used as a way of supporting the pelvic floor where reconstructive surgery was required. However, the use of mesh can lead to complications requiring further surgery or ongoing medical treatment.[72] New Zealand's Ministry of Health commissioned the 'Hearing and responding to the stories of survivors of surgical mesh: *Ngā korero a ngā mōrehu – he urupare'* project to evaluate the restorative approach used to understand and address the experiences of New Zealanders affected by surgical mesh harm. The following section is drawn from the evaluation report of the Inquiry.[73]

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71 Claire McLoone-Richards, 'Say nothing! How pathology within Catholicism created and sustained the institutional abuse of children in 20th century Ireland' (2012) 21 Child Abuse Review 394; Raftery M, O'Sullivan E, *Suffer the Little Children: The Inside Story of Ireland's Industrial Schools* (New Island Books 1999).

72 Health Service Executive 'Diagnosis and Management of Mesh Complications: plain language summary' (2023) https://www.hse.ie/eng/about/who/acute-hospitals-division/woman-infants/clinical-guidelines/plain-language-summary-mesh-complications-2023-.pdf

73 Jo Wailing, Jill Wilkinson, and Chris Marshall, *Healing after harm: An evaluation of a restorative approach for addressing harm from surgical mesh. Kia ora te tangata: He arotakenga i te whakahaumanu* (New Zealand Ministry of Health 2020).

The Process

The Inquiry was established after a grassroots campaign from women who suffered complications due to surgery[74]. There is little detail in the report that identifies the process for establishing the Inquiry or how it was run and governed. A short paragraph at the outset of the report states that the inquiry response was restorative from the outset and included co-design and a focus on the individuals and relationships affected. The inquiry was divided into three phases:

1. Listening and understanding

    (a) The co-design team comprising of stakeholders from various state agencies, the Department of Health, advocacy groups and the restorative justice team met to plan a framework the engagement.

    (b) The agreed process involved Restorative Circles of 10 to 20 people coming together to tell their stories. These comprised a range of stakeholders including survivors, their families, and friends as well as medical professionals, representative bodies, the Department of Health, and state agencies.

    (c) Some people were unable to attend the circles and individual meeting were held with those people. There was also bespoke software where participants could tell their story through video or audio.

2. Planning and acting

    (a) Following the design and storytelling phase, Circles were reconvened with the aim of deciding how the harm could be repaired and promote positive change in the future.

3. Reporting and evaluating

    (a) Throughout the process the team gathered data to report on the process and capture the voice of those involved.

    (b) As a part of the final phase, nineteen actions were identified for implementation.

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74 Isaac Davison, 'Mesh Surgeries to be halted in New Zealand because of safety concerns' *The New Zealand Herald* (22 August 2023).

The Restorative approach

The Project used a restorative approach for understanding the impact of surgical mesh harm and to guide reparative actions and future harm prevention. This consisted of a relational approach with a focus on reacting to existing harm and establishing trusting relationships to prevent future harm. The methods chosen were non-adversarial, including facilitated conversations among all affected parties for collective insights into restoration, and risk mitigation. The project used Circles, facilitated meetings, and restorative conversations centred on storytelling, empathy, and collaborative problem-solving. For those unable to attend the facilitated conversations, a 'story database' was established with options for private meetings and contribution.

Overall, the inquiry approach demonstrated a desire to engage with all those involved in a way that was inclusive. The use of video conferencing (via the 'story database') is of particular interest as this approach is logistically less demanding than in-person meetings. In total, 600 people took part in the conversations broken down as follows:

Table 2: Engagement by method

Listening Circles	249
Story Database	462
Individual Meetings	7

Key Learnings

Drawn from the report, these learnings focus on the positive outcomes of the project including rebuilding trust and collaboration between mesh-injured individuals, government agencies, and health professionals, balancing the dynamic between less powerful individuals and organisations through independent facilitation, understanding the impacts of harm and including different approaches, such as storytelling methods, to address varying needs. However, the report notes there were areas where more work was needed; post-circle resources did not consistently meet the diverse needs of all parties. There was also a need for bespoke emotional and follow-up support, particularly for those experiencing intense psychological challenges. Additionally, there was burnout among facilitators and responsible parties due to the intensity and frequency of the Circles.

The surgical mesh project demonstrates the effectiveness of a restorative approach in addressing the complex challenges of healthcare harm. It highlights the importance of relational methods, inclusiveness, and the humanising power of storytelling. While showing significant strengths, the project also points to the need for further research and adaptation, particularly in improving post-event support and trust restoration.

Recommendations from the inquiry are informing the New Zealand Ministry of Health's approach to the use of surgical mesh[75].

The Use of Restorative Justice in Ireland

Restorative justice is still in its infancy in Ireland compared to some other jurisdictions. Initially much of the focus was placed on its use within the criminal justice system. However, the primary reason for its use was not based on the perceived or evidential benefits of the approach but because it was seen as: "an invaluable cost-effective option for the criminal justice system in responding to and combating crime in Irish society".[76]

Over the past 10 years there has been a surge of interest in restorative practices in Ireland, mainly within the justice and education sectors. It is also being used to address the harms caused by sexual offences and more detail about this is given below. Of note, is the adoption of restorative justice by agencies such as the Probation Service, An Garda Síochána and the Irish Prison Service which contributes to the mainstreaming of the approach. Increasingly, schools are using restorative justice approaches[77]. The use of Circles and Restorative Conferences is growing with a large community of restorative practice being established in some schools in Tallaght (a suburb of Dublin).

While justice and education are the principal areas for the use and development of restorative justice, of relevance to this report is the work of 'One in Four', an organisation dedicated to assisting adults who have suffered childhood sexual abuse, their families, and individuals who have displayed sexually harmful behaviour.

75   New Zealand Ministry of Health, 'Surgical mesh statement from the Director-General of Health,' effective 23 August 2023 https://www.health.govt.nz/our-work/hospitals-and-specialist-care/surgical-mesh

76   National Commission on Restorative Justice, (2009) https://www.drugsandalcohol.ie/13955/1/NCRJ_Final_Report%5B1%5D.pdf

77   Gillean McCluskey et al 'I was dead restorative today': from restorative justice to restorative approaches in school (2008) 38 Cambridge Journal of Education 199.

Their aim is to address and halt the cycle of sexual violence. The organisation uses survivor-harmer dialogue and family conferences where suitable. Staff from the clinical and advocacy teams at One in Four are trained in Restorative Justice with specialised training focused on trauma and complex cases. One in Four offers several restorative justice and restorative practice services, including survivor-harmer mediation, restorative justice conferences, restorative circles, and advocacy. they run two main therapeutic programmes:

1. **Family Support Programme:** This programme aids those indirectly affected by the revelation of childhood sexual abuse by a relative or friend.

2. **Prevention Programme:** This focuses on sex offenders, supporting them in acknowledging the damage they have caused and assisting them in leading lives without sexually harmful behaviours. The programme integrates the Good Lives Model and risk management principles to minimise recidivism. Survivor-harmer dialogues and family conferences are also utilised when suitable.

In their 2019 report[78], One in Four recommend further research into restorative justice as a possible alternate model to the existing justice system for certain cases. There are further requirements,

> *"The offender should have completed a treatment programme and exhibit genuine remorse and that a substantial period of preparation be available to all parties would be required."*[79]

One in Four note the need for appropriate resourcing and facilitated. In particular, One in Four flagged that these facilitators should have an understanding of the complexity of sexual abuse as well as restorative justice.

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78   One in Four, *Only a Witness: The experiences of clients of One in Four in the criminal justice system*, (2019) https://www.oneinfour.ie/one-in-four-rearch

79   Ibid, page 93.

Considering the Survivor in the Use of Restorative Justice in Cases of Sexual Harm and Abuse

The use of restorative justice processes in cases of sexual harm is controversial.[80] It is highly contested as to whether restorative justice approaches cause additional victimisation and trauma resulting from meeting and recounting their experiences to the person who harmed them (See Chapter 1).[81] As previously highlighted in this report, there are a number of recognised benefits of restorative justice for the survivors of sexual harm. These have been recognised in recent years when used as an alternative or complementary mechanism to criminal justice.[82]

Considering the Needs of the Survivor

It was highlighted in Chapter 1 that there is acknowledgement in the literature and that the needs of sexual violence survivors are diverse, and oftentimes complex, and can conflict and change over the course of time.[83] There are several needs specific to survivors of historical sexual abuse that are not served by the formal justice system[84] and these are identified as essential elements for survivors to achieve what they would see as justice.[85] The elements are shown in the table below and matched against the standards identified earlier in the report, which were categorised as those things that a restorative justice approach should be and what a restorative justice approach should build or promote. Using the definitions from those categories the needs of the survivor – identified by survivors – have been matched against them. This has been done to provide the reader with some indication of how the restorative justice standards meet the needs of the survivor.

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80   Ibid; Vince Mercer et al, 'Doing Restorative Justice in Cases of Sexual Violence: A Practice Guide' (University of Leuven 2015).

81   Kathleen Daly and Julie Stubbs, 'Feminist Engagement with Restorative Justice' (2006) 10 Theoretical Criminology 9.

82   Mary P Koss, 'The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes.' (2014) 29 Journal of Interpersonal Violence 1623; Estelle Zinsstag and Marie Keenan, *Restorative Responses to Sexual Violence: Legal, Social and Therapeutic Dimensions* (Routledge 2017).

83   Clare McGlynn, Nicole Westmarland and Nikki Godden, '"I Just Wanted Him to Hear Me": Sexual Violence and the Possibilities of Restorative Justice.' (2012) 39 Journal of Law & Society 213.

84   Natalie Hadar and Tali Gal, 'Survivors' Paths Toward Forgiveness in Restorative Justice Following Sexual Violence.' (2023) 50 Criminal Justice & Behavior 911; Judith Rafferty, '"I Wanted Them to Be Punished or at Least Ask Us for Forgiveness": Justice Interests of Female Survivors of Conflict-Related Sexual Violence and Their Experiences with Gacaca.' (2018) 12 Genocide Studies and Prevention 95.

85   Jennifer M Balboni and Donna M Bishop, 'Transformative Justice: Survivor Perspectives on Clergy Sexual Abuse Litigation.' (2010) 13 Contemporary Justice Review 133.

Table 3: Meeting the needs of the survivor using restorative justice. (Adapted from Balboni and Bishop, 2010)

	Voluntary	Respect/ equity	Inclusive	Empower	Safe	Heal/ Transform	Collaborative	Empathy/ understanding
An open, independent, and fair investigation	✓	✓	✓		✓		✓	
Having a voice in the justice process and establishing a rebalance of power.				✓	✓		✓	
Share the impact of the abuse with the responsible person or religious order.					✓	✓		✓
Validation of their abuse and suffering			✓	✓	✓	✓		✓
Confronting organization, having them be accountable and remorseful								
Being informed if the person responsible for the harm is alive and where they are.					✓			
Procedures are in place to ensure that harm is prevented from happening to others.							✓	
Financial compensation						✓		
Vengeance and retribution against the church						✓		
Support and services from the church relating to their healing and treatment.				✓		✓		✓
Be made aware of the scale of the abuse perpetrated by the member.					✓			
Restoration of their faith in the Church.						✓		

Proportionate	Honest, open communication	No guilt/ blame	Flexibility	Reparation	Agency	Confidential	Accountability	Forward focus	Neutral
✓	✓	✓	✓						✓
			✓		✓				
	✓						✓		
	✓	✓				✓			
	✓						✓		
							✓	✓	
				✓					
					✓				
			✓	✓				✓	
	✓							✓	
								✓	

In cases of sexual abuse, it is put forward that restorative justice, when implemented carefully and in a well-prepared manner, can meet the justice needs of survivors. As noted earlier in the report, restorative justice is premised upon the idea of healing and reparation. However, given the harm context of sexual violence, it is paramount to see restorative justice as facilitating a continuous healing process. Therefore, it should not be assumed that having engaged in restorative justice that survivors are healed and that their needs have been met.[86] For the restorative justice process to be successful it is important that the needs of survivors are clearly identified and that the scope of these needs may be addressed through the restorative process.[87]

Advantages of a Restorative Justice Approach for Survivors

The use of restorative justice in cases of historical sexual abuse is said to offer processes that are respectful, non-adversarial, fair, and promote a personal sense of justice and reparation.[88] The benefits of restorative justice to the survivor come in a variety of forms. Firstly, Umbreit and Armour propose that the high intensity of emotions associated with the harm experienced can lead to emotional transformation and a heightened emotional intelligence in the areas of empathy and forgiveness.[89] Forgiveness following harm and wrongdoing has been shown to reduce signs of depression, improve quality of life, and promote positive self-esteem, mental health, and social wellbeing of the survivor.[90]

Secondly, restorative justice processes can reduce the feelings of shame and guilt that affect survivors of sexual violence.[91] As noted in Chapter 1, shame and guilt are central to the theoretical and practical functioning of restorative justice. When shaming is done in a reintegrative manner, it avoids the negative consequences that stigmatisation brings and support the survivor accept forgiveness and release their feelings of guilt about what happened to them.[92]

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86 Tom Johnson et al, 'The Role of Restorative Justice in Addressing Clergy Sexual Abuse and Helping Its Survivors' (2020) 17 University of St. Thomas Law Journal 133.

87 Clare McGlynn, Nicole Westmarland and Nikki Godden, '"I Just Wanted Him to Hear Me": Sexual Violence and the Possibilities of Restorative Justice.' (2012) 39 Journal of Law & Society 213.

88 Douglas E Noll and Linda Harvey, 'Restorative Mediation: The Application of Restorative Justice Practice and Philosophy to Clergy Sexual Abuse Cases', *Understanding the Impact of Clergy Sexual Abuse* (Routledge 2014).

89 Mark S Umbreit and Marilyn Peterson Armour, 'Restorative Justice and Dialogue: Impact, Opportunities, and Challenges in the Global Community' (2011) 36 Wash. UJL & Pol'y 65.

90 Sadaf Akhtar and Jane Barlow, 'Forgiveness therapy for the promotion of wellbeing: A systematic review and meta-analysis' (2018) 19 Trauma Violent Abuse 107; Robert D Enright and Suzanne Freedman, 'The Use of Forgiveness Therapy with Female Survivors of Abuse' (2017) 6(3) Journal of Women's Health Care.

91 Vince Mercer et al, 'Doing Restorative Justice in Cases of Sexual Violence: A Practice Guide' (University of Leuven 2015).

92 John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

Studies have found some evidence that survivors of sexual harm were positively affected by taking part in restorative processes.[93] In one meta-analysis of 22 restorative justice studies involving 35 programmes it was found that participants were generally satisfied with having participated in these processes.[94] This satisfaction was related to several elements such as:

- Acknowledgement and validation of harm.

- Accountability and an apology from the person who caused harm.

- Opportunity to be heard and learn more by asking questions of the person who harmed.

- A sense of emotional healing and closure.

- The gaining of some measure of justice.

- The experience of being an active, key participant in the justice process.

- Offering greater control over 'naming their experience' compared to court or adversarial approaches.[95]

Specifically referring to historical sexual abuse, a restorative approach of open dialogue and accountability may help to account for the spiritual aspect of the survivor's trauma experience[96]. For those whose faith and spirituality were negatively affected, restorative justice may help to reconcile this. Traditional criminal justice processes may not facilitate reparation in this area, whereas restorative justice addresses interpersonal relationships and can facilitate a platform where the survivor and the person/representative of the order responsible for the harm come together to reconnect the survivor with their spiritual needs.[97]

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93   Ana M Nascimento, Joana Andrade and Andreia de Castro Rodrigues, 'The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review' (2023) 24 Trauma Violence Abuse 1929.

94   Jeff Latimer, Craig Dowden, and Danielle Muise, 'The Effectiveness of Restorative Justice Practices: A Meta-Analysis' (2005) 85 *The Prison Journal* 127.

95   Clare McGlynn, Nicole Westmarland and Nikki Godden, '"I Just Wanted Him to Hear Me": Sexual Violence and the Possibilities of Restorative Justice.' (2012) 39 Journal of Law & Society 213; Douglas E Noll and Linda Harvey, 'Restorative Mediation: The Application of Restorative Justice Practice and Philosophy to Clergy Sexual Abuse Cases', *Understanding the Impact of Clergy Sexual Abuse* (Routledge 2014); Mark S Umbreit and Marilyn Peterson Armour, 'Restorative Justice and Dialogue: Impact, Opportunities, and Challenges in the Global Community' (2011) 36 Wash. UJL & Pol'y 65.

96   Barbara R McLaughlin, 'Devastated Spiritually: The Impact of Clergy Sexual Abuse on the Survivor's Relationship with God and the Church.' (1994) 1 Sexual Addiction & Compulsivity 145; Joseph J Guido, 'A Unique Betrayal: Clergy Sexual Abuse in the Context of the Catholic Religious Tradition' (2008) 17 J Child Sex Abus. 255.

97   Theo Gavrielides and Dale Coker, 'Restoring Faith: Resolving the Roman Catholic Church's Sexual Scandals Through Restorative Justice (Working Paper I).' (2005) 8 Contemporary Justice Review 345.

Criticism of the Use of Restorative Justice in Cases of Sexual Violence

Despite the positive potential of restorative justice, there are several criticisms surrounding the use of restorative justice in the context of sexual violence. Significant critiques centre on the significant power imbalances particularly in the case of historical institutional child sexual abuse.[98] Although it has been said in the context of historical sexual abuse that the use of restorative. justice "eliminates any type of power differential," there may still be a symbolic power imbalance.[99] Despite best efforts to promote fairness and equality in the restorative process, the church wields far more power, influence, and moral capital in the interaction. The concept of symbolic power refers to the ability to exert influence or control over others through cultural means, such as language, social habits, and cultural practices. What can be gathered from the concept of symbolic power is that it helps to understand the tacit and unconscious modes of cultural and social domination that shape religious practices and power dynamics.[100]

Criticisms of restorative justice processes in the cases of sexual trauma and harm are also on account of the risk of re-victimisation to the survivor.[101] Having to recount the abuse suffered can cause mental/emotional distress for the survivor; however, it should be noted that survivors have control over what they disclose in relation to what happened. This can be especially exacerbated in instances of high imbalances of power, in the presence of the person who caused them harm, and in cases where the account of the survivor is disbelieved, challenged, or belittled.[102] Survivors may also experience manipulation, or a pressure to participate, or in fact, not participate. This raises key concerns over the safety and security of the survivor.[103] In this vein, scholars have stated the importance of developing a restorative justice process that is inherently survivor-centred and can allow for a personalised approach for each survivor.[104]

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98   Natalie Hadar and Tali Gal, 'Survivors' Paths Toward Forgiveness in Restorative Justice Following Sexual Violence.' (2023) 50 Criminal Justice & Behavior 911.

99   Tom Johnson et al, 'The Role of Restorative Justice in Addressing Clergy Sexual Abuse and Helping Its Survivors' (2020) 17 University of St. Thomas Law Journal 133.

100   Erwan Dianteill, 'Pierre Bourdieu and the Sociology of Religion: A Central and Peripheral Concern' (2003) 32 Theory and Society 529.

101   Clare McGlynn, Nicole Westmarland and Nikki Godden, '"I Just Wanted Him to Hear Me": Sexual Violence and the Possibilities of Restorative Justice.' (2012) 39 Journal of Law & Society 213.

102   Natalie Hadar and Tali Gal, 'Survivors' Paths Toward Forgiveness in Restorative Justice Following Sexual Violence.' (2023) 50 Criminal Justice & Behavior 911.

103   Kathleen Daly and Julie Stubbs, 'Feminist Engagement with Restorative Justice' (2006) 10 Theoretical Criminology 9.

104   Courtney Julia Burns and Laura Sinko, 'Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review' (SAGE Publications 2021) 340; Meredith Rossner and Miranda Forsyth, 'Is now the time for restorative justice for survivors of sexual assault?' (Koninklijke Boom uitgevers, 2021) 365.

While forgiveness has been hailed as a therapeutic tool of sorts as mentioned above, the idea of 'forgiveness' in sexual violence and harm has been critiqued.[105] Forgiveness is defined as the "willingness to abandon one's right to resentment, negative judgment and indifferent behaviour toward one who unjustly hurt us, while fostering the undeserved qualities of compassion, generosity, and even love toward him or her".[106] It is thought that restorative processes can conversely urge the survivor towards forgoing their feelings of hurt and trauma, and therefore questions the appropriateness of restorative justice in cases of sexual violence and harm. However, proponents of restorative justice argue that forgiveness does not mean excusing or justifying the harm that was caused to them.[107] Instead, forgiveness is regarded as contributing to emotional restoration, which positively impacts the survivor's wellbeing, which supports the healing purpose of restorative justice.[108]

105   Natalie Hadar and Tali Gal, 'Survivors' Paths Toward Forgiveness in Restorative Justice Following Sexual Violence.' (2023) 50 Criminal Justice & Behavior 911.

106   Robert D Enright and Suzanne Freedman, 'The Use of Forgiveness Therapy with Female Survivors of Abuse' (2017) 6(3) Journal of Women's Health Care.

107   Julie Juola Exline et al, 'Forgiveness and Justice: A Research Agenda for Social and Personality Psychology' (2003) 7 Personality and Social Psychology Review 337.

108   Mark S Umbreit and Marilyn Peterson Armour, 'Restorative Justice and Dialogue: Impact, Opportunities, and Challenges in the Global Community' (2011) 36 Wash. UJL & Pol'y 65.

Conclusion

Inquiries are a familiar and much used response to systematically investigating events of significant public concern. Usually, the inquiry is conducted by an individual or team of people charged with gathering evidence, hearing testimony, and making findings. While the inquiry provides a platform for voices to be heard, rarely do they involve those affected by the event in the way demonstrated by the three examples above. While dependent on the terms of reference, inquiries are often concerned with establishing facts, apportioning blame and making recommendations for the future. However, the examples above show that a restorative approach can meet these outcomes of an inquiry and by conducting the process in a collaborative and co-produced manner healing can be promoted and answers are provided to questions not normally addressed by inquiries. Deploying restorative justice in inquiries can have positive effects on survivors, such as making them feel more empowered and validated. However, it also has its critics, especially when it comes to using restorative justice in cases of sexual harm and violence. When it comes to historical sexual abuse, there are many aspects that need to be carefully considered as they can affect the restorative process and the relationships involved. These aspects include power imbalances and the risk of the survivor being victimised again. It is important to fully and impartially consider both the positive and negative outcomes in these situations. This means that the potential impact on the survivor should be carefully, and subjectively evaluated, and restorative justice should be used appropriately in such cases. Keeping all of this in mind, the next part of this report looks at how some religious orders in Ireland have developed processes to respond to allegations of historical sexual abuse.

4. Implementing Restorative Justice Responses to Historical Sexual Abuse

Drawing on the findings from interviews with ten religious orders in the Republic in Ireland, this chapter will present an overview of some of the current reparative efforts relating to restorative processes in addressing historical abuse. The information given here is not exhaustive and does not include all reparative or safeguarding actions by the orders and their safeguarding offices, as the focus was on restorative processes. The approaches will be described considering the standards of good practice identified in Chapter 2. Particular attention is given to how the survivor is considered within these approaches and processes. Key areas of learnings that emerged from the interviews will then be detailed. This may prove useful in informing the development of future frameworks or implementation plans in terms of supports required or areas of further consideration.

Methodology and Approach

Ten religious orders were contacted following direction from the Scoping Inquiry Team, based on survey responses from the orders indicating that they had a process. The orders were asked to participate in an interview which would explore their response to claims of historical sexual abuse. All the religious orders contacted agreed to take part. The religious orders were all male and are listed below:

- Society of Jesus (Jesuits)
- The Brothers of the Blessed Virgin Mary of Mount Carmel (Carmelites)
- Congregation of the Holy Spirit (Spiritans)
- Irish Capuchin Franciscans
- Missionaries of the Sacred Heart
- Irish Franciscan Order (OFM)
- Salesian Society of Don Bosco
- Irish Province of the Dominican Order
- Order of the Marist Brothers
- Presentation Brothers

Semi-structured research interviews are a versatile and widely used qualitative research method that strikes a balance between structured and unstructured approaches. In these interviews, researchers develop a set of open-ended questions or topics to guide the conversation while allowing flexibility for in-depth exploration. Researchers can adapt their questions in real-time, probing deeper into responses and following unanticipated leads (See Appendices B, C and D for further information.

A date and time was arranged for an interview to take place with representatives from the religious order. Interviews were carried out by telephone or video call. Each interview was recorded, and the recording was later transcribed and then analysed. The information gathered from this process provides the evidence that this chapter is based on. Respondents in the interviews took part on the understanding that the name of the religious order would be cited, but their own personal identity would be anonymised. Each interview lasted between 30 and 45 minutes.

Presentation of Empirical Findings

How the Religious Orders Engage with Survivors

Each religious order detailed some form of direct engagement with survivors. The main method of engaging survivors took the form of a face-to face meeting. Overall, these engagements were described as survivor-centred and focused on the promotion of survivor healing and reparation. Two approaches were identified: some religious orders followed a highly structured mediation process facilitated by an independent facilitator. Other orders held a pastoral meeting with survivors, in which the safeguarding officer from the order is tasked with the oversight of running of the meeting. Importantly, both approaches have similar outcomes and goals although the mechanism through which these are achieved differs. We have broadly divided the orders into two approaches, although there may be elements common to both. Many orders take a blended approach, tailored to individual requests and needs.

Pastoral Approach

Several of the orders explained that they engaged with survivors using a pastoral approach based on Christian values. Further exploration of this concept during interviews led to the following understanding of a pastoral approach: In the context of engaging with survivors of historical sexual abuse, a pastoral approach involves providing care, counselling, and support to the survivors, acknowledging the profound physical, spiritual, and emotional damage caused by the abuse. It also entails addressing the betrayal of trust and the sexual exploitation that will have occurred because of the contact with the religious professional.

Facilitated Approach

A facilitated approach is defined here as one where survivors meet with a neutral facilitator who is a lay person not connected with the order. It should be noted that some orders used facilitators from the Towards Healing service and this is discussed below. Where this approach is used in cases of historical sexual abuse, independent facilitators facilitate a safe dialogue to share experiences and perspectives. Primarily, the aim is to address the harm caused by members of the religious orders and promote healing. In some cases, mediation is used as a way to negotiate compensation. The process also involves applying restorative justice practices, such as account-making or storytelling, apology, forgiveness, and procedural justice, to ensure a fair and transparent process that provides a safe environment for all parties involved. Orders may also conduct elements of the pastoral approach in addition to the facilitated approach.

Categorising the Responses by Order

The approaches adopted by the religious orders can be categorised as either being pastoral or facilitated, although those following facilitated processes also offered pastoral processes.

Table 4: Processes of the religious orders

Facilitated Processes	Pastoral Processes
The Jesuits	Carmelites
The Spiritans	Irish Capuchin Franciscans
Missionaries of the Sacred Heart	Irish Franciscan Order (OFM)
Salesians of Don Bosco	Dominican Order of Ireland
	Presentation Brothers
	Marist Brothers

The Process of Engagement

All the orders followed a structured approach to responding to allegations and disclosures of child abuse in the form of policies and procedures in accordance with national legislation, such as *Children First*, *Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016* developed by *The National Board for Safeguarding Children in the Catholic Church in Ireland*'s safeguarding children policy, and/or within internal manuals and policies.

This section will continue by detailing the facilitated mediations and pastoral meeting processes and reflect on how the best practice principles relating to the process are embodied. For reference as described in Chapter 2, these include, respect and equity, empowerment, healing (focusing on repairing the harm) and transformation, honest, open communication and transparency, flexibility, agency, and accountability. Novel examples of these best practice principles will be described in both the processes of facilitated mediation and pastoral meetings.

Facilitated Processes

Facilitated mediations were carried out by the Spiritans, the Jesuits, the Salesians of Don Bosco, and the Missionaries of the Sacred Heart. In these cases, the facilitation was carried out by neutral and independent facilitators. It is noteworthy that both the Spiritans' and the Jesuits' facilitated process came about as a result of engaging with survivors to understand and prioritise their needs. Specifically, the Spiritans are piloting a survivor-centred process as it was the survivors themselves who had advocated for a restorative justice approach. There were two main reasons for this:

- They desired a process that centred the survivor.

- The survivors sought a way of communicating the harm they experienced where there was a facilitator who could act as a first point of contact.

The facilitated process provided by the Spiritans, the Jesuits, the Salesians of Don Bosco and the Missionaries of the Sacred Heart was managed by expert facilitators who are experienced in handling sensitive issues and/or had received training in restorative justice practices. This use of expert facilitators was intended to ensure the process was conducted in a supportive and well-prepared manner. The approaches taken by the orders can be further broken down into two categories:

1. A facilitated process that takes a holistic approach to repairing the harm caused and includes answering questions, the acceptance of accountability by the order, formal apology, measures that can help repair the harm done and, in some cases, financial compensation. The Jesuits, the Spiritans and the

Missionaries of the Scared Heart adopted this approach and demonstrated a flexible approach that met survivors' needs. Pastoral responses are also offered to survivors depending on their needs.

2. A facilitated approach that is more formal in its process and focused on financial compensation. This approach was organised by lawyers and facilitated by an external mediator. In most cases, the survivor is required to take a psychological or psychiatric assessment to gauge the 'level' of harm caused by the abuse. This approach was used by Salesians Don Bosco and takes the route followed by mediation processes commonly found in the workplace or in dispute resolution, while also offering a pastoral response depending on the needs of survivors.

Once a survivor has contacted the order, the process moves swiftly, although time is taken to prepare and understand and respect the needs and wants of the survivor. This means that the pace of the process was directed by the survivor, according to the orders. For example, in collaboration with the survivor, the lead facilitator devises a plan prior to the facilitated mediation, or they may use other circles or work directly with the individual. This ensures that the process is flexible and can be adapted to meet the needs and wants of the survivor. The aim of this is that they are empowered and treated with agency in deciding on how the process will be directed. While the survivor can choose the location of the meeting, it is recommended that it is a neutral venue. The survivor's wishes and needs also have control over who is present at the meeting. For example, many survivors request that the Provincial be present as a way of providing accountability on behalf of the religious order for the historical sexual abuse they endured. The survivor can bring along a support person (for example, a counsellor, a spouse, or a family member). Other survivors may choose to only work with the facilitator without other meetings. A number of available supports are outlined to the survivor, mainly in the form of counselling, which the religious orders finance. This counselling can be accessed in three ways:

1. Through the organisation *Towards Healing*, funded by the congregations. While *Towards Healing* is an independent organisation, it is funded by the Catholic Church in Ireland[109]. The organisation states on its website that it is impartial[110] and offers an independent service to survivors. *Towards Healing* does not report back to the Orders on the details of their support to survivors. Safeguarding officers explore other options with survivors if a need arises.

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109   https://towardshealing.ie/funding/

110   https://towardshealing.ie/independence/

2. Through the use of National Counselling Service. In some cases this pathway was working well, but there have been issues with unequal access due to geographical disparaties and long waiting lists. As a result many orders are reluctant to recommend this due to delays. For example, the Missionaries of the Sacred Heart have no record of offering this service to any survivor due to long delays and waiting lists.

3. Through the use of a survivor chosen accredited counsellor which is paid for by the congregation or the survivor depending on the needs of the survivor.

The facilitated process is structured. For example, the Spiritans, as part of their restorative justice pilot, have an organised programme which consists of:

- Introductions;
- The survivor tells their story;
- Response by the Provincial;
- Discussion of the justice needs of the survivor;
- Response to the justice needs by the Provincial.

In this structured example, the interviewee from the order reported that respect, thought, and consideration is shown to the pace at which the survivors share their story. Time is allowed throughout for the survivor to open up and share their story at a rate and level of detail comfortable for them. The survivors are empowered to share their story verbally, or they may have notes, or a written piece prepared. Breaks may be taken if the process becomes upsetting for the survivor.

Having shared their story, the facilitator then asks the Provincial to respond. The Provincial is accompanied by the order's safeguarding officer to the meeting. By actively listening to and validating the survivor's experiences, the process seeks to restore the survivor's dignity and agency, key aspects of relationship restoration. Oftentimes, the survivor may ask questions of the Provincial and, the interviewees report that this constitutes an important aspect of healing to many survivors. For instance, the survivor may want to know details surrounding the widespread extent of the abuse or details of institutional facilitation of the abuse. The Provincial's main role is to be accountable for the actions of the harmer within the religious order. In this context, honest, open communication and transparency are foundational to healing and repairing the harm.

In focusing on repairing the harm and healing, the survivors were asked what they want from the process to support their healing. The justice needs recalled by the orders have varied to include:

- Seeking spaces for collective solidarity in terms of forming support groups;

- Simply wanting to have the abuse recorded/ make the order aware of the abuse;

- Seeking answers. For instance, the survivor may want to know details surrounding the widespread extent of the abuse or details of institutional facilitation of the abuse;

- An apology by the Provincial in the format (oral or written, or personal or public) desired by the survivor;

- The provision of counselling and therapy;

- Financial redress and compensation.

The response from the orders can include one, all, or a combination of the elements of the justice needs of the survivor. This speaks to the flexible and personalised response. However, sometimes the survivor has been unsure of what they want from the process and the form(s) of redress are discussed with the survivor allowed time to consider. If a written apology is desired, it is made afterwards based on the notes from the facilitator. The notes are written up in draft form and shared with the Provincial, the safeguarding officer, and the survivor, and are provided to ensure that everything was captured accurately. This is in line with normal procedures of transparency. The Provincial bases the apology on these notes and in doing so aims to provide a tailored response for each survivor. The Spiritans demonstrate a commitment to improvement and seek formal feedback from survivors who engaged in restorative justice process for the purpose of future improvement. The Jesuits also stated that they place great emphasis on consolidating knowledge and taking forward learnings from previous actions in refining their future approaches. While other religious orders, such as the Missionaries of the Sacred Heart, indicate that feedback is essential for evaluating their progress when asked there was no evidence from the interviews that a formal process was in place. (See Appendix B for the format of the semi structured interviews)

Both the Jesuits and the Spiritans have engaged with their members to gauge the impact of the allegations of abuse on them. While not directly impacted by the abuse suffered by survivors there are questions and feelings of guilt that they may have. Some question how they did not spot the abusive behaviour whilst others have wider existential questions regarding faith and beliefs. In considering the impact of the abuse and actions of their own members, both religious orders reported that they are extending the restorative process to those within the order.

In summary, the facilitated processes engage the survivor through a neutral trained facilitator who has experience of working with survivors of traumatic incidents or sexual abuse. The processes used by the orders are not all restorative in their nature, but are on a continuum ranging from fully engaged with restorative values to a limited engagement.

Pastoral Processes

The orders that do not use an external facilitator largely described their approach as pastoral, through the creation of a compassionate space in which to meet that can promote healing. The pastoral approach is favoured by these Orders as it is felt that open communication is the best route to healing. This was strongly upheld across all the religious orders using the pastoral approach but particularly by the Marist Brothers and The Irish Franciscan Order (OFM). Many orders, such as The Irish Franciscan Order (OFM) and The Irish Capuchin Franciscans would consider an externally facilitated process if requested by a survivor. The Dominican Order of Ireland expressed the view that the idea of redress has changed and has moved beyond solely compensation, and that survivors are seeking sincere apologies.

The pastoral meeting process is initiated when the survivor contacts the safeguarding officer. Although it must be noted that orders have very different experiences in terms of survivors choosing to engage with the order directly as opposed to pursing criminal or civil justice processes. Some orders have parallel processes that can run while civil proceedings are underway. This includes The Irish Franciscan Order (OFM), The Dominican Order of Ireland, Irish Capuchin Franciscans and Carmelites. In such cases, while civil proceedings are ongoing, counselling support is still offered, and intermediary support is offered. For example, The Dominican Order of Ireland are open to engaging with the survivor in helping them understand a component of the process if they are approached to do so. Contact is made with the religious order usually through the safeguarding website or email, with particular time and attention given to building a level of trust through ongoing correspondence. The Marist Brothers' policy is also to engage fully with all survivors and to offer support and counselling, however their experience is that some survivors do not engage pastorally during civil processes. All of the religious orders acknowledged that it was important and necessary to allow the survivor to progress at their own pace. The overall level of contact by the religious orders is guided by the survivors' preferences. For example, The Irish Franciscan Order (OFM), The Irish Capuchin Franciscans and Carmelites maintain communication with survivors notifying them of the passing of the harmer and offering support.

An invitation to meet is generally offered in response to this initial contact. Preparatory meetings are held between the safeguarding officer and the survivor to explore the needs and wants of the survivor. Survivors have varying needs and wants; some may want to share their story, meet with the Provincial, or take legal action. There may also be other needs, or survivors may look for a combination of these. Taking the needs and wants into account demonstrates a commitment to empowering the survivor and promoting their agency. By respecting these choices and providing options for how the survivor wishes to proceed, the religious orders are building flexibility into the response and demonstrating a personalised and supportive approach to handling such sensitive issues. The needs of the survivors are consistent with those within facilitated mediation. Unique needs that have emerged in the pastoral meeting processes include:

- Funding for courses (for example in art, as a form of therapeutic response for dealing with abuse).

- Accompanied visits or 'walk-throughs' of the site of the abuse.

- Visiting the grave of the harmer.

- Facilitating family reunification and contact.

However, several orders referenced the changing nature of survivor needs over time and there may be a re-engagement with the survivor as needs change. Changing needs were identified as being linked to the healing process, which was acknowledged as being lengthy and, as a result, the response by the religious orders has to be responsive and flexible. For example, The Irish Franciscan Order (OFM) acknowledged the importance of availability to respond to or reengage with survivors when they approach at any time.

The pastoral meeting occurs in an agreed location. The survivors can bring a support person if they wish. In pastoral meetings, the religious orders' safeguarding officers, who are professional safeguarding practitioners and not necessarily members of the congregation, play a larger role compared to the facilitated mediation, where there is an external facilitator. Their role, as described in the interviews, is to believe and support the survivor throughout the process. They are also tasked with facilitating the meeting. It is advocated by the religious orders that the meetings should be transparent. Equally as in facilitated mediation, in pastoral meetings there is respect for the survivor's pace in sharing their story. The encounter is described by the religious orders as delicate, and great importance is placed in supporting the survivor and promoting their agency. Within the meeting, it is stated as key that the survivor is heard, believed, and they are informed about what supports are available, namely in the form of counselling through *Towards Healing,* or an alternative structure based on the survivor's preference. Counselling may take

the form of therapeutic, spiritual, or psychotherapeutic, as was indicated by Dominican Order of Ireland. Admitting responsibility and being accountable was identified by the orders as pivotal in efforts of repairing the harm. The Provincial takes accountability on behalf of the order and demonstrates a willingness to accept responsibility for past abuses. It is standard that the Provincial offers an apology to promote healing. Further to this the survivor may have questions they want answered to which the Provincial responds.

Assessing the Processes in Terms of Restorative Values

Based on the interviews, it has been identified that there are two distinct approaches adopted by the religious orders in response to allegations of historical sexual abuse. In this next section, we will examine how restorative the two approaches to historical sexual abuse are and discuss any commonalities and divergence.

Commonalities

There were a range of commonalities across the approaches, and it was evident that all the orders taking part in this study have a stated aim of providing a means of reconciliation that was survivor-centred and responsive to their needs. What is of note is that the standards are reflected in both processes, but it appears from the interviews that advocates of each process have come from different directions in adopting them. Whilst it can be argued that restorative values and standards are not unique and reflect a humanistic attitude to conflict resolution, it is interesting to note that there is convergence between the pastoral approach and the facilitated approach. The commonality of the standards was expressed in the language used by advocates of the differing approaches in interview with those using a facilitated approach describing the approach as restorative while the pastoral process was described as humanistic, human rights based and reflecting Christian/Catholic values.

Both approaches recognise that there is a power imbalance between the survivor and the harmer (represented by the religious order) which has to be addressed. It is unlikely that this power imbalance can ever be reduced to extent that both parties are equal in the process. This is mainly due to the symbolic power that the Catholic Church holds in Ireland and stems from deeply embedded historical cultural and social values of the Catholic Church[111], However, both approaches are aimed at reducing the power gap through empowering and promoting agency in the survivor.

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111   Tony Bennett, 'The Historical Universal: The Role of Cultural Value in the Historical Sociology of Pierre Bourdieu' (2005) 56 The British Journal of Sociology 141. Tony Fahey, 'The Catholic Church and Social Policy' (1998) 49 The Furrow 202; Tom Inglis, 'Catholic Identity in Contemporary Ireland: Belief and Belonging to Tradition1' (2007) 22 Journal of Contemporary Religion 205.

In terms of operationalising the approaches both follow a set procedure. Following a structured procedure in handling historical sexual abuse offers advantages. It ensures consistency, fairness, and transparency in addressing cases. It also has a role in supporting the prevention of future abuse, guides clergy and staff, and promotes healing and restoration for affected parties. Importantly, it preserves the institution's integrity, fostering trust and credibility within the community; an aspect that is very important considering the context.[112]

Divergence

The key area of divergence in the two approaches is that the facilitated approach is conducted by independent and neutral facilitators, trained in working with survivors of abuse and trauma, while the pastoral approach relies on staff and clergy connected to the religious order. The pastoral approach may be facilitated by professional safeguarding practitioners from the safeguarding offices of the orders. While their training and expertise is extremely valuable, independence and neutrality are important aspects of restorative justice approach.

In Chapter 3, there was a discussion of how other inquiries into abuse had engaged with survivors and these highlighted the importance of collaboration and co-production in the responses to abuse. Achieving this requires engagement with the survivors on an ongoing basis and having their input on all stages of the process. Some orders interviewed had set out to do this and were still in contact with survivor representative groups, where they exist. Engaging with survivors provides opportunity for meaningful engagement and deeper understanding of the enablers and barriers that face survivors in discussing and reconciling the trauma of historical sexual abuse.

Assessing the approach in terms of restorative justice

By examining the commonalities and divergence in the two identified approaches it has been possible to further categorise them into aligning with restorative justice approaches or partially aligning with restorative justice approaches. Other jurisdictions have used restorative justice approaches to address issues of historical and other abuse to some degree of success. Using the restorative approach can facilitate healing on an individual and community level, produce a response that is collaborative and co-produced and build trust between participants. However, this is not to dismiss the pastoral approach adopted by the religious orders as it

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112   Mary Raftery and Eoin O'Sullivan, *Suffer the Little Children: The Inside Story of Ireland's Industrial Schools* (New Island Books 1999); Bruce Arnold, *The Irish Gulag: How the State Betrayed Its Innocent Children* (Gill & Macmillan 2009).

encompasses the majority of the standards identified in Chapter 2. Trust and relationship building are clearly important to the process as is the empowerment and agency of the survivor in this approach. By the process remaining internal to the religious order there is a lack of external, impartial approach, core to restorative justice. The values demonstrated in the processes followed by the religious orders interviewed were consistent and largely in line with restorative values. However, this is not to say both approaches could be described as restorative justice approaches as encapsulated the restorative standards identified in Chapter 2 of this report.

There are clear deviations from the definition in Chapter 1 and the standards outlined in Chapter 2. We defined restorative justice in the first part of this report.

> *"Restorative justice refers to any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party."*[113]

While parts of their approach may be restorative, we find that key elements are missing from the pastoral approaches outlined by the orders to be wholly aligned with a restorative justice approach, such as not always using external facilitators, and not always having the sustained, ongoing engagement with survivors in designing the process. Many of the orders noted that they would offer external facilitation if it was requested by a survivor.

Noting the discussions in Chapters 1 and 2, the facilitated approach taken by the Spiritans and the Jesuits can be described as a restorative justice approach and would align with restorative conferencing and survivor-harmer mediation. Other orders have used independent mediation when it was requested but have primarily engaged in a pastoral approach. This hybrid approach has an aspect of restorative justice. However, the pastoral process could not be described as wholly in line with restorative justice as it does not use external facilitation.

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113   Council of Europe, *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters* (2018).

Conclusion

This chapter has examined the restorative process elements of the reparative efforts of ten religious orders in Ireland to address historical sexual abuse, focusing on survivor-centred approaches and adherence to best practice principles. Two primary engagement strategies are identified: facilitated approach and pastoral approach. A facilitated approach involving external facilitators and a pastoral approach led by professional safeguarding practitioners working within the orders. Both methods aim to promote healing and reparation. In examining these approaches, the chapter highlights their structured approach and survivor-centred nature, reflecting many of the standards explored in earlier chapters.

5. Conclusions and Recommendations

Findings in relation to the responses to historical abuse

All the religious orders interviewed have engaged in reflecting on their approach to survivors, which has led to an acknowledgement that there are areas for improvement and development. This transparency reflects a commitment to address these issues. All the orders have child protection policies, safeguarding statements and carry out training in recognising and reporting abuse. This is in line with the Children First Act 2015 and the associated guidelines.[114] At a systemic level, the Catholic Church has established the 'National Board for Safeguarding Children in the Catholic Church in Ireland' to provide advice, training, and resources to support the orders. Some of the orders have employed safeguarding officers to coordinate responses to historical sexual abuse and ensure that best practice is followed in policy and practice. Of the orders interviewed, seven had a safeguarding officer who was not a member of the congregation.

As a corollary of the activities above, there is now more formal and informal contact between the orders interviewed in relation to the challenges and responses to historical sexual abuse. There was recognition from the orders that there was more to do in relation to working with survivors in the interviews conducted with the orders. Many of the orders indicated that the pastoral process developed out of responses to individual requests from survivors, and it was described as a safe, compassionate space for survivors. They could perhaps benefit from exploring other approaches. Four of the orders had engaged external processes that were facilitated by neutral facilitators. As noted above, these are not all based fully on restorative justice values but are on a continuum of values. As noted in the description of the processes used by the orders, one approach in particular involves the use of psychological or psychiatric assessments to help assess how much compensation a survivor receives.

On balance, it is clear that the religious orders interviewed for this report have moved towards a survivor-centred approach.

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114 Tusla Child and Family Agency 'Children First Guidance and Legislation'
https://www.tusla.ie/children-first/children-first-guidance-and-legislation/

Areas for Future Improvement and Development

There are still areas that can be improved or developed, across all organisations who engage with survivors on this issue.

Scale of survivors and preparedness

Similar to other types of abuse, it is unclear how many survivors of historical sexual abuse are in the community and have not come forward. Raising awareness of historical sexual abuse could, bring forward many more survivors. As such, an adequate response should be established.

Generating awareness of alternative processes

It was considered important to raise public awareness of redress pathways that do not include civil/criminal processes and promote direct approaches that centre on healing and reparation.

Developing pathways to reconciliation that overcome the stigma of abuse, as well as the procedural issues around lack of awareness and being believed, are crucial to allow survivors to come forward.

Awareness-raising efforts

Several religious orders highlighted the role of awareness-raising and education in helping people (particularly those in the order) recognise and understand past harm and respond to it. The impact of this harm was echoed by those within the orders the Spiritans, the Dominican Order of Ireland, and the Jesuits. All of the orders all expressed empathy with survivors. As such, the restorative approach was seen as being a way to address the harm caused in the wider community.

Promoting healing and future transformation

All the religious orders signalled their commitment to implementing the learning from past to ensure a safer environment. Being proactive in reducing the potential for abuse by focusing on implementation of safeguarding policies and procedures will foster safer environments.

Formal evaluation of processes

A formal evaluation of how well the approaches were working should be co-designed with survivors. The report team found a limited amount of research evaluating processes that focused on the experiences of survivors. Similarly, it would be useful to have formal evaluations of the survivors' experiences from the international use cases outlined in Chapter 3.

Challenges in addressing cases of deceased responsible persons

A fundamental component of restorative justice is the meeting of the survivor and the harmer. As can be the case with historical sexual abuse, and as discussed in Chapter 1, the harmer is often deceased. This presents a challenge to delivering restorative justice by strict definition. In addressing this issue, the Jesuits uphold that truth and reconciliation are the key takeaway principles in their restorative approach, while the Spiritans termed their adaptation to this fact as being a 'hybrid form of restorative justice'. If the harmer is dead, then the Provincial is assigned responsibility and accountability for the harm and abuse suffered.

Accountability in a restorative process can be complex and layered. In some cases, the harmer may be directly involved, in other cases the harmer is represented by others.

The criminal/civil justice system

Many survivors have chosen to engage in civil/criminal justice processes. Some orders do engage with the survivor but there may be complexity between the legal and restorative processes. There may be a need for the Council of Europe Recommendations on Restorative Justice and its relationship to civil or criminal proceedings to be addressed and operationalised.

Interconnectivity with other orders for purpose of learning

Learning is facilitated by the informal connections between safeguarding officers within the same order and outside of the order. In this way, safeguarding officers have valuable knowledge that they may share at training opportunities and meetings between safeguarding officers/Designated Liaison Person (DLP).

The National Board for Safeguarding Children in the Catholic Church in Ireland

The National Board is highlighted by all orders as having considerable influence for safeguarding children in the Catholic Church. They provide the primary policy and procedures surrounding safeguarding.

Forums for survivors to engage in peer support

One of the key issues in the SJORI Inquiry described in Chapter 3 was that when the work ended, survivors wished to continue meeting and sharing their experiences. There was no mechanism in place to facilitate this and therefore the transition was challenging. The use of peer support groups may provide safe spaces for survivors to share their experiences. This could be an area for consideration for the processes developing in Ireland.

Importance of skilled, independent facilitation

The role of an impartial, trained third party is core to restorative justice, and included in the definition from the Council of Europe Recommendations.[115] Burns and Sinko emphasize that skilled facilitators create a safe and productive environment for dialogue.[116] One in Four flag that facilitators must also have an understanding of the complexity of sexual abuse as well as restorative justice approaches. The crucial role of skilled facilitators was also flagged in the discussion around potential revictimization. In Chapter 3 we looked at the limitations around the use of restorative justice approaches in cases of sexual violence, which particularly flagged power imbalances as a significant factor. Having independent facilitators assists in addressing the imbalance of power, giving survivors a more equal footing.

Collaboration and co-design

Allowing those harmed to participate actively in the resolution is another core part of Restorative Justice. Many of the orders mentioned that their approaches emerged from the requests and needs of individual survivors. There is the potential for a more systematic engagement with survivor groups in the design and structure of these processes.

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115   Council of Europe, *Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters* (2018).

116   Courtney Julia Burns and Laura Sinko, 'Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review' (2023) 24 *Trauma, Violence, & Abuse* 340.

Known unknowns

There are several gaps in our knowledge that make it difficult to see the full feasibility of taking a restorative justice approach for historical sexual abuse.

These include:

- Scale of the abuse and number of survivors.

- Whether there are enough skilled restorative justice practitioners available with appropriate training to work with historical sexual abuse survivors.

- Costs and cost effectiveness of a restorative justice approach.

- Time required to prepare each survivor for engaging with the restorative justice process.

- Evaluations of restorative inquiries covered in this report in Chapter 3, and the satisfaction and impact on the survivors who took part in them.

- Evaluation of experience of survivors who took part in restorative responses in Ireland.

- The relationship between restorative justice practices and criminal justice procedures. While included in the Council of Europe Recommendations on Restorative Justice, this has yet to be operationalised.

Recommendations

Detailed feasibility study

Conducting a feasibility study would be fundamental when deciding on an approach to addressing the issues of historical sexual abuse in Ireland. Given the complex and sensitive nature of the issue, a feasibility study would allow for a comprehensive assessment of the practicality, viability, and potential impact of different approaches, ensuring that resources are allocated effectively, and interventions are tailored to the specific needs of survivors and the community. Engaging with survivors would be paramount in this process and their insights, experiences, and perspectives would be instrumental in shaping the approach and ensuring that it is survivor-centered and trauma-informed. The steps required for a feasibility study would include conducting a thorough review of existing literature and best practices, identifying key stakeholders, assessing available resources, evaluating potential risks and challenges, and developing a detailed plan for engaging with survivors in a respectful and empowering manner. Additionally, establishing clear communication channels and mechanisms for feedback and input from survivors throughout the feasibility study is essential to ensure their voices are heard and their needs are prioritised in the decision-making process. The process of co-production and collaboration suggested here would shape the future form of any response. Considering the

evidence in this report from the establishment of other inquiries, it is recommended that the feasibility study be conducted in a restorative manner.

The service design, implementation phase and the scaling and sustainability of any centralised approach will take time. It should be conducted by implementation professionals with experience in the areas of Service Design and Implementation Science.

Implementation planning

Following the feasibility study and before any steps are taken to initiate the implementation of a response restorative justice approach to historical sexual abuse, it is recommended that a high-level implementation plan is produced. Implementation is more likely to be successful if there is a structured plan in place to guide a new intervention. An implementation plan outlines valuable information required to achieve desired outcomes, closing the gap between theory and practice. A plan will usually map the implementation of interventions across four stages:

1. Exploring and Preparing

2. Planning and Resourcing

3. Implementing and Operationalising

4. Full Implementation

An implementation plan details the objectives of the initiative, outlines necessary tasks and activities, lays out who is responsible for delivering activities, and sets out time frames and milestones. It can also outline governance and accountability structures, articulate the inputs, outputs, and outcomes of the implementation process, consider risk and risk management strategies, and identify monitoring and reporting processes. An implementation plan is a flexible, living document and as such it should be reviewed and updated throughout the stages of implementation to reflect changing contexts and circumstances. Initially, a high-level plan should be adopted from which more detailed planning can be completed. A high-level implementation plan contains broad, macro-level guidance for implementing the strategy framework. It provides a general overview of the implementation process and does not capture more specific details.

The implementation planning process would identify the resources required to implement a response, the operation of the response, how the response would link with other aspects of the process especially where it would fit with existing policy, procedures and practice within the legal system.

A centralised response

We recommend a coordinated or collective restorative response to any survivors and their families, relatives or anyone impacted by the experience of the survivor.

As a result of the above this report recommends that the feasibility of using coordinated restorative justice as an approach should be explored further. Some practical aspects highlighted in Chapter 3 should be considered:

1. The process should adopt restorative values from the outset and survivor groups should be established to provide guidance and allow the voice of the survivor to be heard.

2. Following the models used in the Saint Joseph's and Nova Scotia inquiries those delivering the response should work and model restorative values, approaches, and processes in all aspects.

3. Leadership from the state at the highest level is required to ensure the success of any response. It may be the case that legislation is required to ensure engagement by all stakeholders although this does not necessarily mean that stakeholders would have to take part in any restorative process. Again, the inquiry approach adopted by the Nova Scotia inquiry is recommended and a group similar to the Council of Parties would fulfil this requirement.

Responses to historical sexual abuse are still evolving in Ireland and it should be noted that any response should established with reference to the cultural and contextual factors that exist in Ireland. Hopefully this report contributes to understanding that context.

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Appendices

Appendix A: Members of the Design Team in The Nova Scotia Home for Colored Children Restorative Inquiry

Stakeholders by function

Legal Expert/Former Resident Counsel

African Nova Scotian Community Member

Nova Scotia Government

Member former Board NSHCC/AUBA

Restorative Process/Facilitation Expert

Former Resident NSHCC

African Nova Scotian Community/Legal Expert

Chief Judge Nova Scotia Provincial Court

Deputy Minister of Justice

Deputy Minister of Health and Wellness (including Senior Leadership of the Nova Scotia Health Authority and the IWK Health Centre)

Deputy Minister of Community Services

Deputy Minister of Education and Early Childhood Development

Deputy Minister of Labour and Advanced Education

Deputy Minister of Communities, Culture and Heritage

Appendix B: Semi structured interview format

Interviews with Religious Orders for the Purpose of Scoping Inquiry into Historical Sexual Abuse in Day and Boarding Schools run by Religious Orders

Please find below the topic areas that we will be discussing through the interview. For these interviews we are using a semi-structured approach. Semi-structured research interviews are a versatile and widely used qualitative research method that strikes a balance between structured and unstructured approaches. In these interviews, researchers develop a set of open-ended questions or topics to guide the conversation while allowing flexibility for in-depth exploration. Researchers can adapt their questions in real-time, probing deeper into responses and following unanticipated leads. Therefore, the questions you see below are for opening a topic area and other questions could follow.

1. Introduction

   (a) Could you all please briefly introduce yourself and the religious order you are representing?

2. Approaches, Policy, and Procedures to Responding to Historical Abuse

   (a) Could you provide me with information about the policies and procedures your organisation has in place for addressing historical child abuse cases?

3. Support for Survivors

   (a) What is the typical path of the victim of engaging process? Can you provide any examples?

4. Evaluations/Outcomes of the process

   (a) *What do you think those involved in the process take or get from the process?*

5. Is there anything else you would like to add before we finish up?

Appendix C: Information Sheet for interviews

Restorative Justice Approaches to Historical Sexual Abuse in Schools run by Religious Orders

Information sheet and consent form

Introduction

The Centre for Effective Services (CES) has been commissioned by the Department of Education (DoE)as part of the 'Scoping Inquiry into Historical Sexual Abuse in Day and Boarding Schools run by Religious Orders', to compile a report on restorative justice. The goal of this report is to get a sense of what is currently being done within religious orders to address historical sexual abuse. We are particularly interested in any restorative approaches and processes, but also in any other approaches taken. This will help to provide the Department with an evidence base that will shape Government's response to revelations of historical sexual abuse in schools run by religious orders.

Understanding more about current policies, programmes, and processes of addressing this harm is an important part of this report, and we are eager to gather insight from within the religious orders. Therefore, we are running a series of interviews with relevant people from/representing a number of religious orders to learn more about their response to historical sexual abuse in more depth.

Why have I been invited to take part?

You have been invited to take part because you are a Designated Liaison Person (DLP), a member of staff, or have been assigned a role that is primarily concerned with and responsible for the safeguarding of children, within a relevant religious order.

Do I have to take part? Can I change my mind later?

Taking part is completely voluntary.

If you choose to take part, you can change your mind at any point in the study, even after you participated in an interview, up until the final report is written. You don't have to give a reason for withdrawing.

About the Interview

The interviews will be one-on-one interviews with a member of the CES research team. The interviews will last approximately 30-45 minutes.

The interviews will be semi-structured, meaning there are some aspects we are keen to focus on and learn more about, but it's ok if we veer a little outside of that.

The main areas of focus include,

1. Approaches, Policy, and Procedures to Responding to Historical Abuse
2. Support for Survivors
3. Evaluations/Outcomes of the process

With your consent, the interview will be recorded for the purpose of analysis. This recording along with any other identifying personal information will be destroyed once the final report has been complete.

What will happen with the information and personal data I provide?

The information you provide is **strictly confidential** and will only be accessible by members of the CES research team. We will only collect personal data that is necessary and relevant to this report. We can guarantee **personal anonymity**, but for the purpose of the report, religious orders may be identified in any the reports, and any presentations or publications arising from this report.

The information you provide will be compiled alongside data collected from other religious orders in order examine the approaches to address historical sexual abuse and the outcomes of these approaches. These findings will be analysed and written up into a report for DoE.

Under the General Data Protection Regulations (GDPR), you have certain rights as a data subject. These include: the right to have information about you deleted and the right to be fully informed of what's happening to your data. If at any stage you want to exercise one of your rights, just contact the research team. You can read your rights in full on the GDPR website, here: https://gdpr-info.eu/chapter-3/

About CES

The Centre for Effective Services is a not-for-profit organisation that works with government departments and service providers to design, develop, implement, and evaluate public policies and services.

Who should I contact for further information on this study?

Contact details.

Consent Form

If you are happy to participate, please access and sign the consent form below:

Appendix D: Consent form

The consent forms for the interviews were administered through Microsoft forms. This is the text from that form.

CES-Religious Orders Interviews for the Purpose of Scoping Inquiry

Interviews with Religious Orders

As part of CES' work for the 'Scoping Inquiry into Historical Sexual Abuse in Day and Boarding Schools run by Religious Orders', we ask kindly that you include your details, indicate that you have read and understood the information provided about this report, and consent to being interviewed by clicking 'yes' at the bottom of this form.

Personal Details

1. Full name

2. Email address

3. Name of Religious Order

Consent information

4. I understand that my role in this interview will be to share about the approaches/policies/procedures that are being taken to address historical sexual abuse within the religious order that I am speaking on behalf of.

5. I understand that the data gathered from this interview will be used in a report, commissioned by the Department of Education, as part of the Scoping Inquiry into Historical Sexual Abuse in Day and Boarding Schools run by Religious Orders.

6. I understand that there is no obligation for me to participate in this interview, and that my participation is entirely voluntary.

7. I understand that I may stop the interview, at any time, for any reason.

8. I understand that this recording will be stored securely, kept private, and only accessed by the members of the research team from CES, for the purpose of analysis.

9. I understand that this recording, along with all accompanying personal data, will be destroyed after the research has been completed.

10. I understand that I can withdraw my data, by contacting the research team, at any point, until the production of the final report.

11. I understand that I will NOT be named personally, but the religious order/institute that I am affiliated with may be named in any report, publication or presentation that is produced from this research.

12. By ticking this box, I agree to take part in an interview under the above conditions

This report should be cited as follows

Bray, A., Scott, J., O'Connell, O., and Brophy, M. (2024). *Research Report on Restorative Justice and Other Initiatives Implemented by Religious Orders in Response to Reports of Historical Sexual Abuse.* Dublin: Centre for Effective Services.

Appendix 6:
Meaning of Terms Used by the Scoping Inquiry

The Scoping Inquiry is applying the following working definitions and meanings in going about its work pursuant to its Terms of Reference. These may change or develop over time as the Scoping Inquiry progresses, and more insight is gained as to the extent of issues arising under the Terms of Reference. Where necessary, the Scoping Inquiry will advise you of any material change to the working definitions and meanings of the terms set out below:

Day or Boarding Schools Run by a Religious Order

This term refers to a day or boarding school in the Republic of Ireland (excluding industrial or reformatory schools), whether a primary or a secondary school, run by a Religious Order at the time the abuse was alleged to have taken place.

Run by a Religious Order

This term includes circumstances where the Religious Order concerned currently or previously ran a school or schools, whether day or boarding, where it is alleged abuse occurred.

Religious Order

A Religious Order includes a religious order, congregation, or missionary society.

Member of a Religious Order

For the purpose of the Scoping Inquiry, this includes any member of a Religious Order, past or present, or deceased, or "on loan to" another Religious Order or Diocese.

Member of the Clergy or Cleric

For the purpose of the Scoping Inquiry this includes any ordained individual, past or present, or deceased, other than a member of the Religious Order running the school in question. It can include, for example, a diocesan priest or a member of another Religious Order associated with the school.

Historic Sexual Abuse

This term concerns sexual abuse that is not recent, occurring when the individual was a pupil in a day or boarding school and reported when the individual concerned was a child or an adult.

Sexual Abuse

Sexual abuse refers to the use of a Pupil, by an alleged abuser associated with the school, for the sexual arousal or sexual gratification of the alleged abuser or another person. For the purposes of the Scoping Inquiry sexual abuse includes grooming.

Grooming

This term refers to the process by which a Pupil is befriended by a would-be abuser in an attempt to gain their confidence and trust, enabling them to get the Pupil to acquiesce to abusive activity.

Pupil/Complainant

For the purposes of the Scoping Inquiry, the complainant was a pupil at a school run by a Religious Order at the time the alleged historic sexual abuse took place and the alleged abuser was associated with the school. Allegations made by pupils who were 18 years or over when the alleged sexual abuse occurred are included, provided the complainant was attending the school as a pupil at that time and the alleged abuser was associated with the school.

Persons against whom allegations are made – Alleged Abusers

For the purposes of the Scoping Inquiry the category of Alleged Abusers includes persons who had a relationship with the pupil concerned by virtue of that person's position in the school where the alleged victim was a pupil. This may include:

- a lay person,
- a member of a Religious Order, or
- a cleric or member of Clergy
- other pupils of the school

where the alleged abuser was associated with the school.

Associated with the School

To properly consider historic sexual abuse in schools, the Scoping Inquiry will include incidents of alleged sexual abuse by alleged abusers (including a would-be abuser in the context of grooming) who were associated with a relevant school. Such persons include other pupils of the school, teachers, employees, and persons who regularly attended or frequented the school. It includes people external to the school, such as doctors and other professionals, casual employees, a cleric who may have been "on loan" from a Diocese or another Religious Order, a lay or clerical volunteer, and/or a lay or clerical person who was remunerated. The purposes for which the alleged abuser attended at the school includes carrying out activities such as taking pupils for outings or holidays, coaching, teaching, mentoring, providing training, extracurricular activities, supervision, or counselling to pupils or similar.

Alleged abusers, who lived in or near the school in accommodation provided by the school, which allowed them access to the pupils, whether or not the person occupied a formal position in the school Scoping Inquiry into Historical Sexual Abuse in Schools Run By Religious Orders or carried out activities on behalf of the school, also fall into the category of persons associated with a school.

Sexual Abuse in Day or Boarding Schools

Sexual abuse alleged to have occurred in any of the following circumstances is included within the meaning of sexual abuse in a day or boarding school for the purpose of the Scoping Inquiry:

- In the school premises or on the school's grounds or campus.

- At off-campus facilities used or owned by the school – for example, swimming pools, sports grounds, outbuildings or similar.

- Where the alleged sexual abuse takes place away from the environs of the school or its facilities, following the grooming of the pupil in the school by an alleged abuser.

- Where sexual abuse takes place while the pupil concerned was attending at, assisting in, or carrying out activities or events associated with the school, such as sports events, activities, competitions, retreats, school trips or similar, regardless of the location of the alleged abuse.

- Any other activity or circumstance where the relationship between the alleged abuser and the pupil concerned arose from the complainant's position as a pupil in the school concerned and where the alleged abuser was associated with the school.

Appendix 7:
Religious Order Records Schools Table

The figures presented in the table below were supplied to the Scoping Inquiry by the religious orders in response to requests for a breakdown of numbers of allegations of abuse and number of abusers by schools. Not all orders supplied a school-by-school breakdown, and in some cases did not name the affected schools. These have been highlighted in the table below.

It is possible that some schools appear on this table more than once under different names, as schools sometimes were known by both an Irish and English name, or were known under different names locally. There may also be some instances where a primary and a secondary school have the same name, and so it may appear that the same school is listed twice.

In some cases, the number of allegations listed for a particular order below may be higher than the number given for that order's overall total in the main body of the report. This is because the number presented in the main body of the report is the overall total supplied by the order in its verification form to the Scoping Inquiry, in which orders have sought to eliminate duplication at the request of the Scoping Inquiry. The figures presented below giving a school by school breakdown are as we have received them. Any differences in the figures for allegations may be due to duplication where orders have gathered information from both their own records and those of individual schools. The number of alleged abusers on a school by school breakdown may be larger than the overall number of alleged abusers for any given religious order as individual alleged abusers may have been associated with more than one school, or due to possible duplication. It has not been possible to cross-check or verify all figures and it should be noted that the Scoping Inquiry is not making findings of fact but setting out the information provided.

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Augustinians	St. Augustine's College, Town Centre, Dungarvan, Waterford (Post-Primary)	2	2
Augustinians	Good Counsel College, New Ross, Co Wexford (Post- Primary)	1	1
Benedictine Nuns	Scoil Aine, Kylemore Abbey, Galway (Post-Primary)	2	2
Benedictines	Glenstal Abbey School, Murroe, Limerick (Post- Primary)	6	4
Carmelite Fathers (Ocarm)	Terenure College, Templeogue Road, Dublin 6 (Primary and Post-Primary)	89	11
Carmelite Fathers (Ocarm)	Carmelite College, Moate, Westmeath (Post-Primary)	11	3
Christian Brothers	Creagh Lane CBS amalgamated with St. Senan's CBS, Limerick (Primary)	55	5
Christian Brothers	Sexton Street CBS, Limerick (Primary)	51	7
Christian Brothers	Scoil Cholim CBS, Crumlin, Dublin (Primary)	49	23
Christian Brothers	Scoil Mhuire, Marino, Dublin (Primary)	37	15
Christian Brothers	Tralee CBS, Kerry (Primary)	27	6
Christian Brothers	Westland Row/ Baggot St CBS, Dublin (Primary)	24	11
Christian Brothers	Scoil Lorcain CBS, St. John's Park, Waterford (Primary)	20	1
Christian Brothers	North Monastery CBS, Cork (Secondary)	19	10
Christian Brothers	Brunswick Street CBS, Dublin (Primary)	18	15
Christian Brothers	Drimnagh Castle CBS, Dublin (Primary)	18	6
Christian Brothers	Synge Street CBS, Dublin (Primary)	17	6
Christian Brothers	Waterpark College CBS, Waterford (Secondary)	17	5
Christian Brothers	Kilkenny CBS, Kilkenny (Primary)	17	4
Christian Brothers	James's Street CBS, Dublin (Primary)	16	7
Christian Brothers	Blarney Street CBS, Cork (Primary)	16	5
Christian Brothers	Drimnagh Castle CBS, Dublin (Secondary)	14	6
Christian Brothers	St. Joseph's CBS, Drogheda, Louth (Primary)	14	6
Christian Brothers	Mullingar CBS, Westmeath (Primary)	14	2
Christian Brothers	St. David's CBS, Artane, Dublin (Primary)	12	7

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Christian Brothers	Synge Street CBS, Dublin (Secondary)	11	6
Christian Brothers	St. Vincent's CBS, Glasnevin, Dublin (Primary)	11	4
Christian Brothers	Colaiste Ignaid Ris, Carriglea Park, Dun Laoghaire, Dublin (Secondary Boarding)	10	7
Christian Brothers	Monkstown CBC Junior, Dublin (Primary)	10	7
Christian Brothers	Nenagh CBS, Tipperary (Primary)	10	6
Christian Brothers	Naas CBS, Kildare (Primary)	10	4
Christian Brothers	St. Canice's CBS, North Circular Road, Dublin (Primary)	9	6
Christian Brothers	Dundalk CBS, Louth (Primary)	9	5
Christian Brothers	Midleton CBS, Cork (Primary)	9	4
Christian Brothers	Tuam CBS, Galway (Primary)	9	4
Christian Brothers	Wexford CBS, Wexford (Primary)	9	4
Christian Brothers	North Monastery CBS, Cork (Primary)	8	5
Christian Brothers	Scoil Iosagain CBS, Aughavanagh Road, Dublin (Primary)	8	5
Christian Brothers	Gaeltact (Primary)	8	4
Christian Brothers	O'Connell Schools CBS, Dublin (Primary)	7	5
Christian Brothers	Youghal CBS, Cork (Primary)	7	4
Christian Brothers	Colaiste Phadraig CBS, Lucan, Dublin (Secondary)	7	2
Christian Brothers	Monkstown CBC, Dublin (Secondary)	6	6
Christian Brothers	Caherciveen CBS, Kerry (Primary)	6	5
Christian Brothers	St. Joseph's Baldoyle, Dublin (Secondary Boarding)	6	5
Christian Brothers	Colaiste Mhuire, Cearnog Pharnell, Dublin (Secondary)	6	4
Christian Brothers	Eblana Avenue CBS, Dun Laoghaire, Dublin (Primary)	6	4
Christian Brothers	Scoil Treasa CBS, Donore Avenue, Dublin (Primary)	6	4
Christian Brothers	Oatlands CBS, Mount Merrion, Dublin (Primary)	6	3
Christian Brothers	O'Connell Schools CBS, Dublin (Secondary)	6	3

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Christian Brothers	St. Munchin's CBS, Hassett's Cross, Limerick (Primary)	5	5
Christian Brothers	Mount Sion CBS, Waterford (Primary)	5	4
Christian Brothers	Sullivan's Quay CBS, Cork (Primary)	5	3
Christian Brothers	Francis Street CBS, Dublin (Primary)	5	3
Christian Brothers	St. Fintan's CBS Junior, Dublin (Primary)	5	3
Christian Brothers	St. Joeseph's CBS, Fairview, Dublin (Secondary)	5	3
Christian Brothers	Enniscorthy CBS, Wexford (Primary)	5	2
Christian Brothers	St. Kieran's CBS, Galvone, Limerick (Primary)	5	1
Christian Brothers	Gorey CBS, Wexford (Primary)	5	1
Christian Brothers	Scoil Chiarain CBS, Donneycarney, Dublin (Primary)	4	4
Christian Brothers	St. Mary's CBS, Clonmel, Tipperary (Primary)	4	4
Christian Brothers	Dundalk CBS, Louth (Secondary)	4	3
Christian Brothers	James's Street CBS, Dublin (Secondary)	4	3
Christian Brothers	St. John the Baptist CBS, Limerick (Primary)	4	3
Christian Brothers	Mitchelstown CBS, Cork (Primary)	4	2
Christian Brothers	Colaiste Chaoimhin CBS, Parnell Road, Dublin (Secondary)	4	2
Christian Brothers	Callan CBS, Kilkenny (Primary)	4	2
Christian Brothers	St. Mary's CBS, Drogheda, Louth (Secondary)	4	2
Christian Brothers	Thurles CBS, Tipperary (Secondary)	4	2
Christian Brothers	Ardscoil Ris, North Circular Road, Limerick (Secondary)	3	3
Christian Brothers	Athy CBS, Kildare (Primary)	3	3
Christian Brothers	Carrick-on-Suir CBS, Tipperary (Primary)	3	3
Christian Brothers	Christian Brothers College, Cork (Secondary)	3	3
Christian Brothers	St. Declan's CBS, Cabra, Dublin (Secondary)	3	3
Christian Brothers	Thurles CBS, Tipperary (Primary)	3	3
Christian Brothers	Carlow CBS, Carlow (Primary)	3	2

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Christian Brothers	Doneraile CBS, Cork (Primary)	3	2
Christian Brothers	St. Joseph's CBS, Fairview, Dublin (Primary)	3	2
Christian Brothers	Strand Street CBS, Dublin (Primary)	3	2
Christian Brothers	Ballinrobe CBS, Mayo (Secondary)	3	2
Christian Brothers	Wexford CBS, Wexford (Secondary)	3	2
Christian Brothers	Abbey CBS, Tipperary Town, Tipperary (Primary)	3	1
Christian Brothers	Plas Mhuire CBS, Dorset Street, Dublin (Primary)	2	3
Christian Brothers	Ballygall Road CBS, Dublin (Secondary)	2	2
Christian Brothers	Callan CBS, Kilkenny (Secondary)	2	2
Christian Brothers	Charleville CBS, Cork (Primary)	2	2
Christian Brothers	Clonkeen College, Dublin (Secondary)	2	2
Christian Brothers	Colaiste Chiarain, Bray, Wicklow (Secondary Boarding)	2	2
Christian Brothers	Dorset Street CBS, Dublin	2	2
Christian Brothers	Drogheda CBS, Louth (Primary)	2	2
Christian Brothers	Ennis CBS, Clare (Primary)	2	2
Christian Brothers	Enniscorthy CBS, Wexford (Secondary)	2	2
Christian Brothers	Kilkenny CBS, Kilkenny (Secondary)	2	2
Christian Brothers	Kells CBS, Meath (Primary)	2	2
Christian Brothers	Kilrush CBS, Clare (Primary)	2	2
Christian Brothers	Mount Sion CBS, Waterford (Secondary)	2	2
Christian Brothers	Oatlands CBS, Mount Merrion, Dublin (Secondary)	2	2
Christian Brothers	St. Laurence O'Toole, Dublin (Primary)	2	2
Christian Brothers	St. Michael's, Inchicore, Dublin (Primary)	2	2
Christian Brothers	St. Peter's & St. Paul's CBS, Clonmel Junior School, Tipperary (Primary)	2	2
Christian Brothers	St. Vincent's CBS, Dublin (Secondary)	2	2
Christian Brothers	Tuam CBS, Galway (Secondary)	2	2
Christian Brothers	Ennistymon CBS, Clare (Secondary)	2	1
Christian Brothers	Sullivan's Quay/Deerpark CBS, Cork (Secondary)	2	1
Christian Brothers	Crumlin CBS, Dublin (Secondary)	2	1

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Christian Brothers	Portarlington CBS, Laois (Primary)	2	1
Christian Brothers	Dungarvan CBS, Waterford (Primary)	2	1
Christian Brothers	Tramore CBS, Waterford (Primary)	2	1
Christian Brothers	Gorey CBS, Wexford (Secondary)	2	1
Christian Brothers	Ennistymon CBS, Clare (Primary)	1	1
Christian Brothers	An Mhainistir Thuaidh, Gaelcholaiste, Cork (Meanscoil)	1	1
Christian Brothers	Charleville CBS, Cork (Secondary)	1	1
Christian Brothers	Christian Brothers College Junior School, Cork (Primary)	1	1
Christian Brothers	Doneraile CBS, Cork (Secondary)	1	1
Christian Brothers	Fermoy CBS, Cork (Secondary)	1	1
Christian Brothers	Brunswick Street CBS, Dublin (Secondary)	1	1
Christian Brothers	Donore Avenue CBS, Dublin (Primary)	1	1
Christian Brothers	St. Aidan's CBS Whitehall, Dublin (Secondary)	1	1
Christian Brothers	St. Fintan's CBS, Dublin (Secondary)	1	1
Christian Brothers	Westland Row CBS, Dublin (Secondary)	1	1
Christian Brothers	Caherciveen CBS, Kerry (Secondary)	1	1
Christian Brothers	Tralee CBS, Kerry (Secondary)	1	1
Christian Brothers	Naas CBS, Kildare (Secondary)	1	1
Christian Brothers	Portlaoise CBS, Laois (Primary)	1	1
Christian Brothers	Portlaoise CBS, Laois (Secondary)	1	1
Christian Brothers	Adare CBS, Limerick (Primary)	1	1
Christian Brothers	Doon CBS, Limerick (Primary)	1	1
Christian Brothers	Sexton Street CBS, Sexton Street, Limerick (Secondary)	1	1
Christian Brothers	St. Joseph's CBS, Drogheda, Louth (Secondary)	1	1
Christian Brothers	Westport CBS, Mayo (Secondary)	1	1
Christian Brothers	Kells CBS, Meath (Secondary)	1	1
Christian Brothers	Gaeltact (Secondary)	1	1
Christian Brothers	Tullamore CBS, Offaly (Secondary)	1	1
Christian Brothers	Tullamore CBS Junior, Offaly (Primary)	1	1
Christian Brothers	Carrick-on-Suir CBS, Tipperary (Secondary)	1	1

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Christian Brothers	Templemore CBS, Tipperary (Secondary)	1	1
Christian Brothers	Dungarvan CBS, Waterford (Secondary)	1	1
Christian Brothers	St. Brendan's CBS, Bray, Wicklow (Secondary)	1	1
Cistercians Mount Melleray	Mount Melleray College (Closed 1974), Waterford (Post-Primary)	3	5
Cistercians Mount St. Joseph	Cistercian College, Roscrea, Tipperary (Post-Primary)	2	2
Congregation of Dominican Sisters Cabra	St. Dominics Secondary School, Ballyfermot, Dublin 10	4	4
Congregation of Dominican Sisters Cabra	St. Gabriels Primary School, Ballyfermot, Dublin 10	1	1
Congregation of the Presentation Sisters	Colaiste Iosagain Secondary School, Portarlington, Laois	3	3
Congregation of the Presentation Sisters	Presentation Secondary School, Ballingarry, Tipperary	2	2
Congregation of the Presentation Sisters	Our Lady Queen of Peace, Janesboro, Limerick (Primary)	2	1
Congregation of the Presentation Sisters	Presentation Primary School, Terenure, Dublin	2	1
Congregation of the Presentation Sisters	Presentation College, Askea, Carlow (Secondary)	1	1
Congregation of the Presentation Sisters	South Presentation Primary School, Cork	1	1
Congregation of the Presentation Sisters	North Presentation Primary School, Cork	1	1
Congregation of the Sisters of Mercy	* Total for all Congregation of the Sisters of Mercy schools, as breakdown per school not provided below	44	33
Congregation of the Sisters of Mercy	Unnamed School 1	*	*
Congregation of the Sisters of Mercy	Unnamed School 2	*	*
Congregation of the Sisters of Mercy	Unnamed School 3	*	*
Congregation of the Sisters of Mercy	Unnamed School 4	*	*
Congregation of the Sisters of Mercy	Unnamed School 5	*	*

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Congregation of the Sisters of Mercy	Unnamed School 6	*	*
Congregation of the Sisters of Mercy	Unnamed School 7	*	*
Congregation of the Sisters of Mercy	Unnamed School 8	*	*
Congregation of the Sisters of Mercy	Unnamed School 9	*	*
Congregation of the Sisters of Mercy	Unnamed School 10	*	*
Congregation of the Sisters of Mercy	Unnamed School 11	*	*
Congregation of the Sisters of Mercy	Unnamed School 12	*	*
Congregation of the Sisters of Mercy	Unnamed School 13	*	*
Congregation of the Sisters of Mercy	Unnamed School 14	*	*
Congregation of the Sisters of Mercy	Unnamed School 15	*	*
Congregation of the Sisters of Mercy	Unnamed School 16	*	*
Congregation of the Sisters of Mercy	Unnamed School 17	*	*
Congregation of the Sisters of Mercy	Unnamed School 18	*	*
De La Salle Brothers	Mount La Salle. Ballyfermot NS	11	8
De La Salle Brothers	De La Salle NS Wicklow	9	4
De La Salle Brothers	De La Salle NS, Kilkenny	8	3
De La Salle Brothers	St. Declan's De La Salle NS, Waterford	6	3
De La Salle Brothers	Beneavin De La Salle College, Finglas (Secondary)	6	3
De La Salle Brothers	De La Salle NS, Cavan	5	2
De La Salle Brothers	St. Nicholas Monastery School, Dundalk NS	4	3
De La Salle Brothers	De La Salle College, Ballyshannon NS (Closed in 1973)	3	3
De La Salle Brothers	De La Salle NS, Churchtown	3	2
De La Salle Brothers	De La Salle BNS, Finglas East D11	3	1
De La Salle Brothers	De La Salle College, Dundalk (Secondary)	2	2

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
De La Salle Brothers	De La Salle NS, Hospital. Co Limerick	2	2
De La Salle Brothers	Ardscoil La Salle, Raheny (Secondary)	2	1
De La Salle Brothers	Benildus Kilmacud NS (Prep school for St. Benildus College, Kilmacud)	2	1
De La Salle Brothers	De La Salle NS, Manorhamilton	2	1
De La Salle Brothers	Scoil Mhuire NS, Navan	2	1
De La Salle Brothers	St. Stephen's De La Salle NS, Waterford	2	1
De La Salle Brothers	St.Gerard's De La Salle, Castlebar (Secondary)	1	1
De La Salle Brothers	St. Benildus College, Kilmacud (Secondary)	1	1
De La Salle Brothers	De La Salle, Ballaghderreen (Secondary)	1	1
De La Salle Brothers	De La Salle Ramsgrange NS	1	1
De La Salle Brothers	De La Salle Mallow (Secondary)	1	1
De La Salle Brothers	St. John's De La Salle Ballyfermot (Secondary)	1	1
De La Salle Brothers	De La Salle NS, Kildare	1	1
De La Salle Brothers	De La Salle College, Newtown, Waterford (Secondary)	1	1
De La Salle Brothers	De La Salle NS, Ardee	1	1
De La Salle Brothers	De La Salle BNS, Castlebar	1	1
De La Salle Brothers	De La Salle BNS, Macroom	1	1
De La Salle Brothers	St. Brendan's BNS, Loughrea	1	1
Discalced Carmelites	St. Therese College, Castlemartyr, Cork (Post- Primary)	2	2
Dominicans	Dominican College, Newbridge, Kildare (Post- Primary)	30	9
Franciscan Brothers (OSF)	St. Anthony's College, Clara, Offaly (Post-Primary)	11	7
Franciscan Province of Ireland (Franciscan Friars)	Franciscan College, Gormanston, Meath (Post- Primary)	19	2
Jesuits	Belvedere College, Dublin (Post-Primary)	64	11
Jesuits	Clongowes Wood College, Kildare (Post-Primary)	19	12
Jesuits	Belvedere Junior School (Closed 1999), Dublin (Primary)	15	3
Jesuits	Crescent Comprehensive (previously Sacred Heart College until 1969/70), Limerick (Post-Primary)	12	6

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Jesuits	Mungret (Closed 1974), Limerick (Post-Primary)	6	3
Jesuits	Gonzaga College, Dublin (Post- Primary)	5	4
Jesuits	Colaiste Iognaid, Galway (Post- Primary)	3	1
Jesuits	Scoil Iognaid, Galway (Primary)	2	2
Legionaries of Christ	Dublin Oak Academy (Post- Primary)	2	2
Legionaries of Christ	Woodlands Academy (Post- Primary)	1	1
Loreto Sisters	Loreto Abbey, Rathfarnham, Dublin 14 (Post-Primary)	1	1
Marist Brothers	St. John's NS, Temple Street, Sligo	20	10
Marist Brothers	St. Paul's NS Castlerea, Roscommon	11	1
Marist Brothers	Scoil Mhuire Buachailli NS, Westmeath	5	1
Marist Brothers	Marian College, Ballsbridge, Dublin 4 (Secondary)	2	2
Marist Brothers	Our Lady's Hermitage, Retreat Road, Athlone, Westmeath (Boarding)	1	1
Marist Brothers	Moyle Park College, Clondalkin, Dublin 22 (Secondary)	1	1
Marist Fathers	Catholic University School, 89 Lower Leeson Street, Dublin 2 (Post-Primary)	11	6
Marist Fathers	St. Mary's College, Dundalk, Louth (Post-Primary)	9	4
Marist Fathers	Chanel College, Coolock, Dublin 5 (Post-Primary)	1	1
Mill Hill Missionaries	St. Joseph's College, Freshford, Kilkenny (Post-Primary)	7	3
Missionaries of the Sacred Heart (MSC)	Colaiste an Chroi Naofa, College Road, Carrignavar, Cork (Post-Primary)	42	4
Missionary Oblates of Mary Immaculate	Belcamp College, Malahide Road, Dublin 17 (Post-Primary)	2	2
Norbertines	St. Norbert's College, Kilnacrott Abbey, Co. Cavan (Secondary)	3	1
Order of St. Camillians	St. Camillus Juniorate, Killucan, Westmeath (Post- Primary)	1	1
Patrician Brothers	** Total for all Patrician Brothers schools, as breakdown per school not provided below	21	18
Patrician Brothers	Mount St. Joseph, Tullow, Carlow (Secondary)	**	**
Patrician Brothers	Monastary Boys NS, Tullow, Carlow	**	**

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Patrician Brothers	St. Patricks NS, Mallow, Cork	**	**
Patrician Brothers	St. Patricks NS, Galway City	**	**
Patrician Brothers	Patrician Brothers School, Newbridge, Kildare (Secondary)	**	**
Patrician Brothers	Ballyfinn College, Ballyfin, Portlaoise, Laois (Secondary)	**	**
Patrician Brothers	St. Joseph's NS, Carrickmacross, Monaghan	**	**
Patrician Brothers	Patrician Brothers School, Fethard, Tipperary (Primary)	**	**
Presentation Brothers	Presentation Brothers Boarding School, Bray (No longer Exists), Wicklow	8	8
Presentation Brothers	St. Joseph's NS, Cork City	8	5
Presentation Brothers	Scoil Chriost Ri (Now Bunscoil Chriost Ri), Cork	5	3
Presentation Brothers	Scoil Mhuire Na Ngras NS, Greenmount, Cork	4	4
Presentation Brothers	Pres Primary School, Glasthule (No longer exists), Dublin	3	3
Presentation Brothers	Scoil Ioseaf Naofa, Cobh, Cork	3	3
Presentation Brothers	St. Brendan's NS, Birr, Offaly	3	3
Presentation Brothers	Scoil Cholmcille, Letterkenny, Donegal	3	2
Presentation Brothers	Carrick-on-Shannon Leitrim	1	1
Presentation Brothers	Colaiste Muire, Douglas (No longer exists), Cork	1	1
Presentation Brothers	Collaiste Therese, Greenmount (No longer exists), Cork	1	1
Presentation Brothers	Presentation College, Cork	1	1
Presentation Brothers	Scoil Mhuire, Milltown (Amalgamted with the girls school Nagle-Rice NS), Kerry	1	1
Presentation Brothers	Scoil Mhuire Na Mainistreach, Killarney, Kerry	1	1
Religious Sisters of Charity	Rosary College, Armagh Road, Crumlin, Dublin 12 (Post-Primary)	7	7
Religious Sisters of Charity	St. Mary's Post-Primary School, Baldoyle, Dublin 13	2	2
Religious Sisters of Charity	Scoil Mhuire na nAingeal, Mary St. Clonmel, Tipperary (Primary)	1	1

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Religious Sisters of Charity	Stanhope Street Primary School, Manor Street, Dublin 7	1	1
Religious Sisters of Charity	St. Agnes' Primary School, Crumlin, Dublin	1	1
Religious Sisters of Charity	St. Anne's Primary School, Milltown, Dublin 6	1	1
Religious Sisters of Charity	St. Vincent's Primary School, St. Mary's Road, Cork	1	1
Rosminians	St. Michael's College, Omeath (Closed 1986 according to Google), Louth (Post-Primary)	5	3
Rosminians	Rosmini College, Drumcondra, Dublin (Post-Primary)	1	1
Salesians of Don Bosco	Salesian College, Ballinakill (became Heywood community school 1990), Laois (Post- Primary)	4	1
Salesians of Don Bosco	Salesian College, Pallaskenry, Limerick (Post-Primary)	2	2
Sisters of Charity of St. Paul the Apostle	Kilmallock Secondary, Limerick (Now known ad Colaiste Iosaef) Community/Comprehensive School	2	2
Sisters of St. Joseph of Cluny	Scoil Mhuire Primary School, Ferbane, Offaly	3	3
Sisters of St. Louis	St. Louis Secondary School, Balla (Sisters of St. Louise withdrew un the late 70's), Mayo	1	1
Sisters of St. Louis	St. Louis Primary School. Clones, Co Monaghan	1	1
Sisters of the Holy Faith	St. Mary's Haddington Road, Ballsbridge, Dublin 4 (1901 -2007) (Post-Primary)	1	1
Society of African Missions	Sacred Heart College, Ballinafad, Belcarra, Mayo (Post-Primary)	1	1
Spiritans	Willow Park Junior School/ Willow Park first year, Rock Road, Blackrock, Dublin (Primary)	130	24
Spiritans	Rockwell College, Cashel, Tipperary (Post-Primary)	60	18
Spiritans	Blackrock College, Rock Road, Blackrock, Dublin (Post- Primary)	55	13
Spiritans	St. Mary's College, Rathmines, Dublin 6 (Primary and Post- Primary)	32	6
Spiritans	St. Michael's, Ailesbury Road, Dublin (Primary and Post-Primary)	10	4

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Spiritans	Templeogue, Templeville Road, Templeogue, Dublin 6 (Post-Primary)	5	2
Spiritans	Additional Allegations	37	
Ursulines	Ursuline Secondary/Boarding School, Blackrock, Cork	2	3
Ursulines	Scoil Ursula, Sligo Town, Sligo (Primary)	1	1
Ursulines	St. Angela's Secondary School, Waterford	1	1
Vincentian Fathers	St. Paul's College, Raheny, Dublin (Post-Primary)	11	3
Vincentian Fathers	St. Peter's NS, Phibsborough (Boys NS), Dublin 7	8	2
Vincentian Fathers	St Vincent's Castleknock college, College Road, Castleknock, Dublin 15 (Post-Primary)	7	4
TOTAL		**1889**	**821**

Special Schools

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Brothers of Charity	Lota, Glanmire, Cork	166	50
Brothers of Charity	Holy Family School, Renmore, Galway	119	49
Brothers of Charity	St. Mary's, Rochestown, Cork	9	2
Congregation of Dominican Sisters Cabra	St. Mary's School for Deaf Girls, Cabra, Dublin 7	63	44
Congregation of Dominican Sisters Cabra	Benin Casa Special School, Blackrock, Co. Dublin	1	1
Congregation of the Daughters of the Cross of Liege	Mary Immaculate School for Deaf Children, Sillorgan (Closed 1998), Dublin	2	2
Congregation of the Sisters of Charity of Jesus and Mary	St. Mary's Southhill, Delvin, Westmeath	1	1
Jesuits	St. Declan's Special School, Dublin	16	2
Religious Sisters of Charity	St. Patrick's Special School, Kells Road, Kilkenny	1	1
Rosminians	St. Joseph's (School for visually impaired boys), Drumcondra, Dublin	6	6

Special Schools

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Saint John of God Hospitaller Ministries (SJOG HSG)	***** Total for all Saint John of God Hospitaller Ministries schools, as breakdown per school not provided below**	144	36
Saint John of God Hospitaller Ministries (SJOG HSG)	St. Augustine's School, Carysfort Avenue, Dublin	***	***
Saint John of God Hospitaller Ministries (SJOG HSG)	Islandbridge Day School, Dublin	***	***
Saint John of God Hospitaller Ministries (SJOG HSG)	Dunmore House Day School, Dublin	***	***
Saint John of God Hospitaller Ministries (SJOG HSG)	St. Raphael's School, Celbridge, Kildare	***	***
Saint John of God Hospitaller Ministries (SJOG HSG)	St. Mary's School, Drumcar, Louth	***	***
Saint John of God Hospitaller Ministries (SJOG HSG)	Oliver Plunket House, Classes for Children with Epilepsy	***	***
Saint John of God Hospitaller Ministries (SJOG HSG)	Kilcroney Boarding School, Wicklow	***	***
Total		**528**[1]	**194**

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1   St John of God's School- by- school breakdown is set out in Appendix 13. It was provided to the Scoping Inquiry on the 6th June 2024, too late to be included in the Special Schools school-by-school Table.

Community Schools

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Brigidine Sisters (CSB)/ Patrician Brothers	Mountrath Community School	2	2
Carmelites (OCarm)	St. Tiernan's C.S	1	1
Christian Brothers (CFC)/ Religious Sisters of Charity	Pobalscoil Neasain Baldoyle	1	1
La Sainte Union Sisters (LSU)/ Vincentian Fathers	Coolmine C.S	1	1
Loreto Sisters (IBVM)	Portmarnock C.S	2	2
Loreto Sisters (IBVM)	Gorey Comminity School	1	1
Marist Brothers (FMS)/ Holy Faith Sisters	Tallaght Community School	1	1
Congregation of the Presentation Sisters (PBVM)	Holy Family Community School Rathcoole	2	2
Congregation of the Presentation Sisters (PBVM)	Castlecomer Community School	1	1
Congregation of the Presentation Sisters (PBVM)	Coláiste Chiaráin Leixlip	1	1
Congregation of the Sisters of Mercy	**** Total allegations in all Congregation of Sisters of Mercy Community Schools, as school breakdown not provided below	7	7
Congregation of the Sisters of Mercy	Unnamed School 1	****	****
Congregation of the Sisters of Mercy	Unnamed School 2	****	****
Congregation of the Sisters of Mercy	Unnamed School 3	****	****
Congregation of the Sisters of Mercy	Unnamed School 4	****	****
Congregation of the Sisters of Mercy	Unnamed School 5	****	****
TOTAL		**20**	**20**

Appendix 8:
ERST and Christian Brothers Data

Religious Orders Questionnaire

Christian Brothers European Province

Total alleged abusers per school

(Includes up to 31st December 2013 and post 1st January 2014 figures)

Figures from schools have been added in brackets ( )

There is likely to be duplication of alleged abusers between the schools' figures and the Congregation's figures.

School	Total alleged abusers in CB records	Total alleged abusers in School records
Limerick Adare CBS Primary	1	-
Limerick Ardscoil Rfs, North Circular Road, Secondary	1	(2)
Kildare Athy CBS Primary	3	-
Dublin St. Joseph's Baldoyle Secondary/Boarding	5	-
Dublin Pobalscoil Neasain, Baldoyle Secondary Community School	1	-
Mayo Ballinrobe CBS Secondary	2	-
Dublin Ballygall Road CBS Secondary	2	-
Cork Blarney Street CBS Primary	3	(2)
Wicklow Colaiste Chiarain, Bray Secondary/Boarding	2	-
Wicklow St. Brendan's CBS Bray Secondary	1	(0)
Dublin Brunswick Street CBS Primary	11	(4)
Dublin Brunswick Street CBS Secondary	1	(0)
Dublin St. Declan's CBS Cabra Secondary	2	(1)
Kerry Caherciveen CBS Primary	5	-
Kerry Caherciveen CBS Secondary	1	-
Kilkenny Callan CBS Primary	2	(0)
Kilkenny Callan CBS Secondary	2	-
Carlow Carlow CBS Primary	2	-
Tipperary Carrick-on-Suir CBS Primary	3	(0)
Tipperary Carrick-on-Suir CBS Secondary	1	(0)

School	Total alleged abusers in CB records	Total alleged abusers in School records
Dublin Colaiste Ignaid Ris Carriglea Park Dun Laoghaire Secondary/Boarding	7	-
Cork Christian Brothers College Junior School/Primary	1	-
Cork Christian Brothers College Secondary	2	(1)
Cork Charleville CBS Primary	1	(1)
Cork Charleville CBS Secondary	1	(0)
Dublin Clonkeen College Secondary	2	-
Tipperary St. Mary's CBS Clonmel Primary	4	-
Tipperary St. Peter's & St. Paul's CBS Clonmel Junior School/Primary	2	-
Dublin Colaiste Mhuire, Cearn6g Pharnell Secondary	4	(0)
Limerick Creagh Lane CBS amalgamated with St. Senan's CBS Primary	5	-
Dublin Crumlin CBS Secondary	1	-
Cork Doneraile CBS Primary	2	-
Cork Doneraile CBS Secondary	1	(0)
Dublin Scoil Chiarain CBS Donneycarney Primary	4	(0)
Dublin Scoil Treasa CBS Donore Avenue Primary	4	(0)
Limerick Doon CBS Primary	1	(0)
Dublin Plas Mhuire CBS Dorset Street Primary	3	-
Dublin Drimnagh Castle CBS Primary	6	(School is aware that allegations have been made to Gardaf)
Dublin Drimnagh Castle CBS Secondary	5	(1)
Louth St. Joseph's CBS Drogheda Primary	6	(0)
Louth St. Mary's CBS Drogheda Secondary	2	-
Louth St. Joseph's CBS Drogheda Secondary	1	-
Louth Dundalk CBS Primary	5	-
Louth Dundalk CBS Secondary	2	(1)
Waterford Dungarvan CBS Primary	1	-
Waterford Dungarvan CBS Secondary	1	(O)
Dublin Eblana Avenue CBS Dun Laoghaire Primary	4	-
Clare Ennis CBS Primary	2	(O)
Wexford Enniscorthy CBS Primary	2	-
Wexford Enniscorthy CBS Secondary	2	(O)

School	Total alleged abusers in CB records	Total alleged abusers in School records
Clare Ennistymon CBS Primary	1	(O)
Clare Ennistymon CBS Secondary	1	(O)
Dublin St. Joseph's CBS Fairview Primary	2	-
Dublin St. Joseph's CBS Fairview Secondary	3	(O)
Cork Fermoy CBS Secondary	1	-
Dublin Francis Street CBS Primary	3	(0)
Gaeltacht Primary	4	-
Gaeltacht Secondary	1	-
Wexford Gorey CBS Primary	1	-
Wexford Gorey CBS Secondary	1	-
Dublin St. Michael's Inchicore Primary	2	-
Dublin James's Street CBS Primary	7	-
Dublin James's Street Secondary	3	(O)
Meath Kells CBS Primary	2	-
Meath Kells CBS Secondary	1	-
Kilkenny Kilkenny CBS Primary	4	(School is aware that allegations have been made to Gardaí)
Kilkenny Kilkenny CBS Secondary	2	(O)
Clare Kilrush CBS Primary	2	-
Dublin Colaiste Phadraig CBS Lucan Secondary	2	(0)
Cork Midleton CBS Primary	4	-
Cork Mitchelstown CBS Primary	2	-
Dublin Monkstown CBC Junior/Primary	7	-
Dublin Monkstown CBC Secondary	4	(2)
Waterford Mount Sion CBS Primary	4	(O)
Waterford Mount Sion CBS Secondary	2	(O)
Westmeath Mullingar CBS Primary	2	-
Kildare Naas CBS Primary	4	-
Kildare Naas CBS Secondary	0	(1)
Tipperary Nenagh CBS Primary	4	(2)
Cork North Monastery CBS Primary	4	(1) (School aware of 2 complaints where no school personnel were named)
Cork North Monastery CBS Secondary	6	(4)

School	Total alleged abusers in CB records	Total alleged abusers in School records
Corcaigh An Mhainistir Thuaidh Gaelcholaiste Meanscoil	1	(O)
Dublin Oatlands CBS Mount Merrion Primary	3	- (O)
Dublin Oatlands CBS Mount Merrion Secondary	2	(0)
Dublin O'Connell Schools CBS Primary	5	(School aware of complaints to Gardai from secondary school past pupils)
Dublin O'Connell Schools CBS Secondary	2	(1)
Dublin Colaiste Chaoimhin CBS Parnell Road Secondary	2	-
Laois Portarlington CBS Primary	1	-
Laois Portlaoise CBS Primary	1	-
Laois Portlaoise CBS Secondary	1	-
Dublin Scoil Cholim CBS Crumlin Primary	23	(O)
Dublin Scoil Iosagain CBS Aughavanagh Road Primary	5	-
Waterford Scoil Lorcain CBS St. John's Park Primary	1	-
Dublin Scoil Mhuire Marino Primary	14	(1)
Limerick Sexton Street CBS Primary	7	(School aware of allegations made to Gardai)
Limerick Sexton Street CBS Secondary	0	(1)
Dublin St. Aidan's CBS Whitehall Secondary	1	(0)
Dublin St. Canice's CBS North Circular Road Primary	6	-
Dublin St. David's CBS Artane Primary	7	-
Dublin St. Fintan's CBS Junior/Primary	3	-
Dublin St. Fintan's CBS Secondary	1	(O)
Limerick St. John the Baptist CBS Primary	3	-
Limerick St. Kieran's CBS Galvone Primary	1	-
Dublin St. Laurence O'Toole Primary	2	(O)
Limerick St. Munchin's CBS Hassett's Cross Primary	5	-
Dublin St. Vincent's CBS Glasnevin Primary	4	(0)
Dublin St. Vincent's CBS Secondary	1	(1)
Dublin Strand Street CBS Primary	2	-
Cork Sullivan's Quay CBS Primary	3	-
Cork Sullivan's Quay/Deerpark CBS Secondary	1	-

School	Total alleged abusers in CB records	Total alleged abusers in School records
Dublin Synge Street CBS Primary	6	(School aware that allegations have been made to Gardai)
Dublin Synge Street CBS Secondary	6	(0)
Tipperary Templemore CBS Secondary	1	(0)
Tipperary Thurles CBS Primary	1	(2)
Tipperary Thurles CBS Secondary	2	(0)
Tipperary Abbey CBS Tipperary Town Primary	1	- (0)
Kerry Tralee CBS Primary	5	(1)
Kerry Tralee CBS Secondary	1	-
Waterford Tramore CBS Primary	1	-
Galway Tuam CBS Primary	4	-
Galway Tuam CBS Secondary	3	-
Offaly Tullamore CBS Junior/Primary	1	-
Offaly Tullamore CBS Secondary	1	-
Waterford Waterpark College CBS Secondary	3	(2)
Dublin Westland Row/Baggot St CBS Primary	11	-
Dublin Westland Row CBS Secondary	1	(School is aware that allegations have been made to Gardai)
Mayo Westport CBS Secondary	1	(O)
Wexford Wexford CBS Primary	3	(1)
Wexford CBS Secondary	1	(1)
Cork Youghal CBS Primary	4	-

Appendix 9:
Terms of Reference

Scoping Inquiry into Historical Sexual Abuse in Schools run by religious orders

Mary O'Toole SC is requested to provide a report to the Minister for Education in accordance with these Terms of Reference by 7 November 2023.

The purpose of the report will be to:

*   set out a potential framework for a Government response into historical sexual abuse in day and boarding schools run by religious orders that could also form a template for Government responses elsewhere.

*   make recommendations on the scope/breadth and sequencing of such a response or modular response that will, in so far as is possible, best meet outcomes sought by survivors of historical sexual abuse and to suggest Terms of Reference for same.

*   outline findings of best practice that emerge from workstreams as relevant and appropriate to future practice in the area of child protection and potential restorative justice initiatives by religious orders.

The report will include

(i)   **An options review and analysis of previous inquiries to include:**

*   a critical analysis of previous inquiries in terms of methodology, outcomes achieved, impact on policy and practice, and impact of outcome on survivors and families, and, in particular to consider the following:

    −   Ferns Report

    −   Commission to Inquire into Child Abuse

    −   Dublin Archdiocese Commission of Investigation (Murphy Report)

    −   Dublin Archdiocese Commission of Investigation (Cloyne Report)

- an assessment of options for an appropriate Government response including different types of statutory or non-statutory options or a combination of such options, having regard to
  - Alignment with outcomes sought by survivors of historical sexual abuse in schools run by religious orders (to be informed by the survivor engagement process).
  - The potential impact of the process and its outcomes on survivors and their families, including the potential for re-traumatisation.
  - Legal issues and/or considerations that may arise, including the necessity for powers of compellability and risks to any Garda investigation running concurrently.
  - Timeframe and cost.
- an examination of international practice in the investigation of historical sexual abuse in schools (non-criminal investigations).
- engagement both at an early stage and throughout the scoping process, with the religious orders to establish the level and extent of co-operation with any proposed inquiry.

(ii) **An analysis of the potential scale of historical sexual abuse in schools run by religious orders in Ireland including:**

- a desk-based review of the extent of complaints or allegations of historical sexual abuse made against all religious orders , with reference, amongst other sources, to safeguarding audits commissioned by the Catholic Church;

- a consideration, in as much as is possible, of the likelihood and possible volume of further complaints or allegations emerging and the impact that this scale will have on the appropriate type, sequencing, timeframe and cost for a Government response.

In considering these issues and preparing her report, Counsel must particularly have regard to the outcome of the survivor engagement process, including the report(s) of the survivor engagement lead. Counsel will also have regard to the following reports and material as prepared by commissioned experts during the course of the scoping inquiry:

- A critical analysis of current child protection systems and frameworks within the primary and post primary school sector, including identifying any potential impediments to reporting, investigation and response to allegations and incidents of sexual abuse. A historical context, covering the decades during which these allegations were made, will also be provided.

- A critical analysis and audit of the response of religious orders to historical sexual abuse allegations by way of Restorative Justice Schemes and other initiatives / supports, to include recommendations for appropriate standards for such responses.

In carrying out this work under the Terms of Reference, Counsel shall also have regard to the potential impact of her considerations and/or her report on any criminal prosecution or ongoing Garda investigation that may be affected.

Dated 7 March 2023

Appendix 10:
List of Schools Where Survivors Reported Sexual Abuse in the Survivor Engagement Questionnaire

The names of schools where participants said they were sexually abused are listed by county in the table below. Some of these schools may have closed, moved, amalgamated or changed their names in the years since the participant attended. The names and locations of schools are set out as they were relayed by participants in their responses to the questionnaire and so it is possible that some schools may appear on this list more than once, for instance by its Irish and English name, or by a colloquial or formal name. Where a participant's school was identified as being outside the Terms of Reference for the Scoping Inquiry, that school has not been included and the information provided by the participant has been accounted for in **Section C: Other Contributions** in Chapter 3.

Some participants said they had been abused in more than one school and have named each school, and so the total number of participants on this table is greater than the number who completed questionnaires.

The Scoping Inquiry is reporting the information provided to it by the participants in the Survivor Engagement process. It is not making any conclusions or findings on what survivors have said, we are simply recording and sharing the information they provided.

Names of Schools Where Participants Said They Experienced Abuse Listed by County

County	School Where One or More Participants Said They Experienced Abuse	Total Number of Participants Who Named This School
Carlow	St Brigid's N.S, Station Road, Bagenalstown, Co. Carlow	1
Cavan	St Felim's National School, Farnham Street, Cavan, Co. Cavan	1
Cork	St Joseph's Boys National School, Bishops Street, Cobh, Co. Cork	2
Cork	Christ the King, Turner's Cross, Cork City, Co. Cork	1
Cork	Christian Brothers School, Youghal, Co. Cork	1
Cork	Scoil Mhuire Fatima, North Monastery Road, Cork	1
Cork	Christian Brothers Primary School, (Scoil Neasain Naofa) Sullivan's Quay, Cork City	1
Cork	Coláiste Chroí Naofa, Carraig na bhFear, Co. Chorcaí /Sacred Heart College, Carrignavar, Co. Cork	2

County	School Where One or More Participants Said They Experienced Abuse	Total Number of Participants Who Named This School
Cork	Christian Brothers College, McCurtain Street, Cork, Co. Cork	1
Cork	North Monastery CBS, Secondary, Co. Cork	1
Cork	St. Aloysius Girls School, Carrigtwohill, Co. Cork	1
Cork	Colaiste Iosagan, Baile Bhourne (Ballyvourney)	1
Donegal	St. Louis Girls Convent NS, Station Road, Bundoran, Co. Donegal	1
Donegal	De La Salle Secondary School, Ballyshannon, Co. Donegal	1
Dublin	Willow Park School, Rock Road, Blackrock, Co. Dublin	44
Dublin	Sancta Maria/CBS Primary School, Synge Street, Dublin 8	3
Dublin	Synge St CBS, Synge Street, Dublin Secondary School	1
Dublin	Scoil Iosagain, Aughavannagh Rd, Crumlin, Dublin 12	2
Dublin	Scoil Muire, Marino, Dublin 9	1
Dublin	St Benildus College, Kilmacud Road Upper, Stillorgan, Blackrock, Co. Dublin 1	
Dublin	St. Canice's, 577 North Circular Road, Dublin 1	1
Dublin	St. Fintan's National School, Carrickbrick Road, Sutton, Dublin 13	1
Dublin	St. Mary's Primary School, at Mary's Place /Upper Dorset Street, Dublin 7	1
Dublin	St. Vincent's CBS, Glasnevin, Dublin 9	1
Dublin	The Sancta Maria Infants School, Ballyroan, Rathfarnham, Dublin 16	1
Dublin	Sancta Maria College, Ballyroan, Rathfarnham, Dublin 16	1
Dublin	St. Mary's College Junior School, Rathmines, Dublin 6	1
Dublin	St. Mary's College, Rathmines, Dublin 6	3
Dublin	Colaiste Mhuire, Parnell Square, Dublin 1	1
Dublin	Blackrock College, Rock Road, Blackrock, Co. Dublin	30
Dublin	Belvedere College Junior School SJ, 6 Great Denmark Street, Dublin 1	1
Dublin	Belvedere College SJ, 6 Great Denmark Street, Dublin 1	8
Dublin	Terenure College Junior School, Templeogue Road, Terenure, Dublin 6W	6
Dublin	Terenure College, Templeogue Road, Dublin 6W	7
Dublin	St. Michael's College, Ailesbury Road, Dublin 4	3

County	School Where One or More Participants Said They Experienced Abuse	Total Number of Participants Who Named This School
Dublin	CBS Westland Row, 2 Cumberland Street S, Dublin 2	1
Dublin	Colaiste Phadraig, Roselawn, Lucan, Co. Dublin	1
Dublin	St. Joseph's, Fairview, Dublin 3	1
Dublin	St. Vincent's College, Castleknock, Co. Dublin	1
Dublin	St. Augustine's School, Carysfort Avenue, Blackrock, Dublin	1
Dublin	St. Declan's, 35 Northumberland Road, Ballsbridge, Dublin 4	1
Dublin	St Michael's Special School, Holy Angels, Glenmaroon, Chapelizod, Dublin	1
Galway	Scoil na mBuachaillí, An Bóthar Íochtarach, An Clochán Co. na Gaillimhe	1
Galway	St. Patrick's CBS, Tuam, Co. Galway	1
Galway	Brothers of Charity Holy Family School, Renmore, Co. Galway	1
Kerry	Presentation Convent, Listowel, Co. Kerry	1
Kerry	Scoil Naomh Eoin, Balloonagh, Tralee, Co. Kerry	1
Kerry	Presentation Convent Primary School, Dingle, Co. Kerry	1
Kerry	Scoil Mhuire na mBraithre, Christian Brothers School, Tralee, Co. Kerry	2
Kerry	St. John's Secondary School, Sisters of Mercy, Balloonagh, Tralee	1
Kerry	Christian Brothers Secondary School, The Green, Tralee	1
Kildare	Clongowes Wood College, Clane, Co. Kildare	3
Kildare	Killeshee Convent, Killeshee, Co. Kildare	1
Kilkenny	Presentation Convent, Castlecomer, Co. Kilkenny	1
Kilkenny	Kilkenny CBS, Stephens Street, Lyons, Kilkenny	2
Kilkenny	De La Salle, Ballybough, Co.Kilkenny	1
Laois	Patrician College, Ballyfin, Co. Laois	2
Laois	Salesian College, Ballinakill, Co. Laois	1
Limerick	Scoil Iosagain CBS Primary School, Sexton Street, Limerick	5
Limerick	Creagh Lane/Gerald Griffin Memorial School, Christian Brothers, Bridge Street, Limerick	2
Limerick	Crescent College, Dooradoyle Road, Dooradoyle, Co. Limerick	1
Limerick	Glenstal Abbey School, Murroe, Co. Limerick	1

County	School Where One or More Participants Said They Experienced Abuse	Total Number of Participants Who Named This School
Limerick	Sexton Street CBS, Sexton Street, Limerick	1
Louth	CBS, York Street/Chapel Street, Dundalk (Scoil na mBraithre, now Colaiste Ris)	2
Louth	St. Mary's CBS School, Beamore Road, Drogheda, Co. Louth	1
Mayo	St. Patrick's National School, Chapel Street, Castlebar, Co. Mayo	1
Meath	Christian Brothers, Kells, Co. Meath	1
Meath	Franciscan College, Gormanston, Co. Meath	2
Offaly	St. Anthony's, Clara, Co. Offaly 1	
Roscommon	St. Paul's Primary School, Castlerea, Co. Roscommon	1
Roscommon	St. Mary's College, Boyle, Co. Roscommon	1
Sligo	St. John's Primary School, Temple Street, Sligo	1
Tipperary	St. Joseph's Primary School, Murgasty Road, Tipperary Town, Co. Tipperary	1
Tipperary	The Monastery Primary School St. Patrick's Avenue, Rosanna Rd	1
Tipperary	Rockwell College, Cashel, Co. Tipperary	12
Tipperary	Pallottine College, Thurles, Co. Tipperary	1
Waterford	Mount Melleray Abbey College	1
Waterford	St. Stephen's Monastery School, Patrick's Street, Waterford	1
Westmeath	St. Mary's CBS, Mullingar, Co. Westmeath	1
Westmeath	Carmelite College, Dublin Road, Moate, Co. Westmeath	2
Wexford	St. Joseph's Primary School, Mount St. Joseph, New Ross, Co. Wexford	1
Wicklow	CBS Greystones, Co. Wicklow	1
Wicklow	De la Salle Primary School, Wicklow town, Co. Wicklow	1
Wicklow	Presentation College, Putland Road, Bray, Co. Wicklow	1
Not stated	St. Stephen's De La Salle Primary	1

Appendix 11:
List of 59 unrecognised schools provided by Tusla

Non-recognised/Independent Schools – Children Attending Eligible for Section 14 Registration

	Non-recognised / Independent Schools – Children Attending Eligible for Section 14 Registration		
1.	Alexandra College Junior School	Primary	Dublin
2.	ALFA Steiner Secondary School	Post Primary	Clare
3.	Aquinas Classical Academy Cork	Primary	Cork
4.	Ardtona House School	Primary	Dublin
5.	Balreask School Navan	Primary	Meath
6.	Betania Church School	"Primary and PostPrimary"	Dublin
7.	Castle Park School	Primary	Dublin
8.	Children's House School	Primary	Dublin
9.	Christian Brothers College Preparatory School	Primary	Cork
10.	Comeragh Wilderness Academy	Post Primary	Waterford
11.	Cork Life Centre	Post Primary	Cork
12.	Croi Na Coille Primary School	Primary	Limerick
13.	Drumnigh Montessori Primary School	Primary	Dublin
14.	Dublin Steiner School	Primary	Dublin
15.	Dundalk Grammar Junior School	Primary	Louth
16.	Dunmore East Christian School	"Primary and PostPrimary"	Waterford
17.	Fingal FAI Transition Year Programme	Post Primary	Dublin
18.	Georgian Montessori Primary School	Primary	Dublin
19.	Headfort School	Primary	Meath
20.	Hedley Park School	Primary	Dublin
21.	International School of Dublin	Primary	Dublin
22.	iScoil	Post Primary	Dublin
23.	John Scottus Primary School Old Conna	Primary	Dublin
24.	Kildare Steiner Primary School	Primary	Kildare
25.	Kildare Steiner Secondary School	Post Primary	Kildare
26.	Kilkenny Steiner School	Primary	Kilkenny
27.	Liberty Christian School	Primary and Post Primary	Limerick
28.	Loreto College Junior School	Primary	Dublin

	Non-recognised / Independent Schools – Children Attending Eligible for Section 14 Registration		
29.	Lyceé Francais International Samuel Beckett (Primary School)	Primary	Dublin
30.	Lyceé Francais International Samuel Beckett (Secondary School)	Post Primary	Dublin
31.	Mater Dei Academy Secondary School	Post Primary	Cork
32.	Monkstown Park Junior School	Primary	Dublin
33.	Mount Anville Montessori Junior School	Primary	Dublin
34.	Nord Anglia International School	"Primary and PostPrimary"	Dublin
35.	Rathdown Junior School	Primary	Dublin
36.	Rathgar Junior School	Primary	Dublin
37.	SAOL Christian School	Primary	Louth
38.	Scoil Mhuire Junior School	Primary	Cork
39.	Shaheeda Zainab Independent Muslim Primary School	Primary	Dublin
40.	Sharavogue School	Primary	Dublin
41.	Sligo Sudbury School	"Primary andPost Primary"	Sligo
42.	St. Andrew's College Junior School	Primary	Dublin
43.	St. Anthony's School	"PostPrimary"	Westmeath
44.	St. Conleth's College Junior School	Primary	Dublin
45.	St. Gerard's Junior School	Primary	Wicklow
46.	St. Kilian's German School	Primary	Dublin
47.	St. Mary's College Junior School	Primary	Dublin
48.	St. Michael's College Junior School	Primary	Dublin
49.	St. Nicholas Montessori School	Primary	Dublin
50.	Stella Maris School	Primary	Limerick
51.	Sutton Park Junior School	Primary	Dublin
52.	TFA Elite (Prev Cork Elite Football)	Post Primary	Limerick
53.	The Teresian School	Primary	Dublin
54.	West Cork Sudbury School	Primary and Post Primary	Cork
55.	Weston Primary Montessori School	Primary	Kildare
56.	Wicklow Democratic School (Sudbury)	"Primary and PostPrimary"	Wicklow
57.	Wicklow Montessori School	Primary	Wicklow
58.	Willow Park Junior School	Primary	Dublin
59.	Woodlands Academy	Post Primary	Wicklow

Appendix 12:
Extracts from NBSCCCI Review Reports: Quality of Records Held

Table 1 – 2008 Standards

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Augustinians	December 2014	98	2.4 – met fully 7.5 – met fully	"There are several problematic aspects to the performance of the Order prior to 2013, including poor maintenance of case records and case management, an inconsistent record of reporting to the statutory agencies, and very little recorded emphasis on the preventative agenda." "The structure and content of the files post 2013 is of a good standard and it is evident that considerable work has been done recently to make them accessible. There are however gaps in record maintenance over the wider time frame of the review." "The history of case management prior to 2013 in the Augustinian Order is quite poor, with incomplete files, gaps in reporting to the statutory agencies, minimal evidence of safety planning and inconsistent application of canonical process. As stated in the introduction the reviewers acknowledge evidence of a proactive approach in the early 2000s to drafting a child safeguarding policy and to training and selection of safeguarding representatives for the communities. Whilst the 2009 policy confirmed that some progress was made, any momentum appeared to be lost in subsequent years, and child safeguarding is some distance short of the expected milestones for 2014.

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1   Standard 2.5 states – *"There is a process for recording incidents, allegations and suspicions and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation."*

2   Standard 7.5 states: *"All incidents, allegations/ suspicions of abuse are recorded and stored securely."*

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Augustinians	December 2014	98	2.4 – met fully 7.5 – met fully	The safeguarding agenda has been prioritised by the incoming Prior Provincial since July 2013. There is a lot of work to be done, the appropriate structure still needs to be created and a work programme implemented." "As described under the section on Standard 2, the Order of St Augustine established its own internal case management process in 2013, which includes the identification of Care and Safety Management Plan supervisors responsible for working with individual men. These supervisors are drawn at present from the membership of the Order. Reviews of work in individual cases have been undertaken since 2013 via the Case Management and Safeguarding Advisory Panel (CMSAP) (in the majority of cases) and are recorded. One case has been referred to the National Case Management Reference Group (NCMRG). Prior to 2013 there is no evidence that there was any system for monitoring work on each case and as already noted, the reviewers were told that this was done informally. The reviewers interviewed two supervisors who stated that they felt comfortable and supported in their roles, but also expressed a lack of clarity about the role of the Panel. The reviewers did not see any evidence on file, of recording of individual contacts between supervisors and supervisees."
Benedictine Community, Glenstal Abbey	January 2014	39	2.4 – met fully 7.5 – met fully	"The file record system for case management purposes is very well structured and files are easily followed and the files are properly and securely stored. The 2013 Safeguarding Children Policies & Procedures, Appendix 6 sets out very clearly the Recording Policy and the Data Protection position and the statutory requirements in relation to the generation of written records are being met. However, the reviewers are aware that these files were only completed in their current format in September 2012."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Benedictine Nuns of Kylemore Abbey	7 April 2015	12	n/a	n/a
The Congregation of the Blessed Sacrament	December 2015	5	2.4 – met partially 7.5 – met fully	"In practice terms the management of allegations lacks structure. The case records are poor and do not in any way reflect the responses made by the Congregation. While there is evidence of risk assessments and treatment/counselling, there is limited evidence of other important aspects of case management as will be referenced below. There has been limited cause for notification to the civil authorities, as in one case the allegation was made directly to the Police and in the other case, none of the concerns give sufficient detail to establish if they were allegations of abuse and therefore notifiable. Further comment will also be made in relation to this." "As already stated the records were not well documented, though they were in chronological date order. The written records do not reflect significant correspondence and action taken by the Congregation. As a result it was challenging for the reviewer to assess the pastoral response as well as the management of those accused. The reviewer has offered detailed guidance to the Provincial on the management of the concerns against living members. The details recorded below provide a brief summary of the three cases examined during the review."
The Sisters of Saint Brigid (The Brigidine Sisters)	May 2015	52	n/a	n/a

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Brothers of Charity	December 2015	12	2.4 – met fully 7.5 – met fully	"The filing system used by the Congregation is based on complainant/survivor files, making access to information about safeguarding management of individual Brothers (particularly those subject of allegations from multiple complainants) difficult, and needs to be re-organized. It involves three separate sources held separately (complainant file, respondent personnel file and respondent safeguarding file). The amount of data is considerable because of the complex safeguarding history of this Congregation. The reviewers recommend that immediate steps are taken to redesign the filing system to create a more integrated and accessible archive, not just for the purposes of contemporary safeguarding management but also for reasons of historical accuracy. This action will have a resource implication for the Congregation, as the reviewers consider that it would be well beyond the capacity of the current safeguarding staff.
The Capuchin Franciscans (OFM Cap)	April 2015	73 (in Ireland; 93 worldwide)	2.4 – met fully 7.5 – met fully	"There are clear arrangements in place to monitor compliance with child protection policies and procedures and the reviewers note that allegations or expressions of concern are recorded and kept securely in a fireproof safe."
Irish Province of the Order of Carmelites (O.Carm)	April 2015	57 (+27 in Zimbabwe)	2.4 – met fully 7.5 – met fully	"The files are well structured and recorded under the name of the respondent friar with reference to the complainant. The reviewers were impressed with the level of detail and organisation of the case files."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Christian Brothers	September 2013	267	2.4 – met fully 7.5 – met fully	"Contact with complainant and the alleged perpetrator, as well as the Christian Brothers' overall approach in dealing with the allegation were often not recorded sufficiently well on file. This led to difficulty for the reviewers in understanding the files. In the opinion of the reviewers, the files were structured in a more legal and pastoral manner rather than safeguarding and therefore do not record the safeguarding process from start to finish in each case. The recording therefore does not fairly represent the extent of the often positive engagement between the Designated Person and the complainant. In interview, the Designated Person gave detailed accounts of his contact with both complainants and perpetrators." "The reviewers strongly urge the Christian Brothers to develop separate child safeguarding files, which can exist alongside the existing legal / litigation files. Structuring new files into a safeguarding format would allow for greater clarity around the chronology of cases, contacts made, the supports offered, the procedures followed, assessments undertaken and how decisions were reached. The files are indexed by complainants, which makes it quite difficult to find all of allegations made against a specific Brother. Matters became quite confused to the reviewers when they needed to cross reference information where a complainant had named a number of Brothers as the perpetrators of their abuse, but where a file was created concerning the one man against whom they had initiated legal proceedings."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Order of Cistercians of the Strict Observance in Ireland	June 2015	65	2.4 – met fully 7.5 – met fully	"Written information on all 6 Cistercian monks/former monks who are living was reviewed, as was a sample of information relating to 5 deceased men, including one who was convicted and whose record of allegations was particularly serious. Individual files were kept on most of these men and are well structured and accessible, with the exception of one monastery which kept files on the victims, but not on the safeguarding management of individual monks who were implicated." "All 5 monasteries have appropriate processes for recording and storing allegations." "The reviewers consider that 2 of the criteria, relating to physical provision (of finance 7.2, and secure storage of records 7.5) can be assessed as fully met."
The Sisters of the Cross and Passion	February 2015	55	n/a	n/a
The Daughters of Charity of St. Vincent de Paul	February 2015	183	n/a	n/a
Society of The Daughters of the Heart of Mary	July 2014	8	n/a	n/a
Institute of the Brothers of the Christian Schools [More commonly known as the De La Salle Brothers]	January 2017	77	2.4 – met partially 7.5 – met partially	"The reviewers have reservations about the quality and completeness of case records in the De La Salle Brothers. It is noted that these were in the main created by the previous DLP, who is deceased. The NBSCCCI has made available to Church Authorities a comprehensive guide on record keeping in which it is specified what needs to be contained in case records and how case files can best be structured. The previous DLP may have understood that the case files that he maintained were for his use only, rather than in fact being the official record of the

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Institute of the Brothers of the Christian Schools [More commonly known as the De La Salle Brothers]	January 2017	77	2.4 – met partially 7.5 – met partially	congregation's actions in relation to keeping children safe and responding appropriately to complaints. They should also have been of a standard to become part of the historical archive of the congregation's fulfilment of its legal child safeguarding responsibilities. The absence of copies of written notifications to statutory child protection services and police, the lack of clear contemporaneous records and of an accessible narrative about what had been done, as well as the non-existence of any record of canonical processes are all evidence of substandard case recording. However, it is deemed that Criterion 2.4 is met partially, because there are written records that are stored safely." "Each Case File had a number; but each Case File contained individual case material that was also numbered. For example, one numbered Case File on sexual abuse allegations in one jurisdiction contained case material on 17 cases, each with their own Case Number. It became impossible to cross- reference information between files created in such a manner; for instance, information on one named Brother alleged of sexually abusing four boys was contained in four different Case Files. The reviewers accept that the current DLP had an impossible task trying to rationalise the filing system, while avoiding taking information out of existing files in order to create more accessible ones. The files are as they are, and the reviewers simply proceeded to read them as presented." "In essence, the case files maintained by the De La Salle Brothers are not Child Protection files, and they do not constitute records of good safeguarding practice."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Discalced Carmelite Friars (OCD)	October 2014	31	2.4 – met fully 7.5 – met partially	"The safeguarding files held by the OCD are well organised. The files are structured under the name of the respondent priest with reference to the alleged victim." "The reviewers read the files relating to the two living priests. These files are comprehensive and provide a structured and chronological narrative of the safeguarding practices completed by the OCD in both cases."
Dominican Sisters	November 2014	198	2.4 – met fully 7.5 – met fully	"The safeguarding files held by the Dominican Sisters are well structured. They are referenced by the respondent name, with details of the allegation and the alleged victim contained within the file. The file contents follow a chronological sequence and are not divided into relevant sections. It is worth noting that the Dominican Sisters have a small number of allegations against its members. The reviewers expressed some concern that should further allegations be made against Dominican Sisters, the recording of information will need to be comprehensive and structured in a manner that places emphasis on the accessibility of pertinent information."
Religious Congregation of The Faithful Companions of Jesus	July 2014	26	n/a	n/a
Third Order of St. Francis of Assisi (The Franciscan Brothers)	November 2015	24	2.4 – met partially 7.5 – met fully	"All case files are stored securely in the Generalate under the control of the Minister General."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Irish Province of the Order of Friars Minor (The Franciscan Friars)	November 2014	142 (98 based in Ireland)	2.4 – met fully 7.5 – met fully	"Criterion 7.5 is met fully. In reviewing case files, particularly relating to 2009 onwards, it is clear that all allegations/suspicions of abuse are being recorded as per Criterion 7.5. These files are well-structured and now most of the files are typed making the written material easily readable. All case files are kept in a secure location within the Province headquarters in Dublin and there is a clear protocol in place in terms of accessing this sensitive material."
The Franciscan Missionaries of the Divine Motherhood	April 2015	55	n/a	n/a
The Handmaids of the Sacred Heart of Jesus	January 2016	9	n/a	n/a
The Sisters of the Holy Faith	December 2014	123	n/a	n/a
The Holy Family of Bordeaux	December 2014	43/46 (report inconsistent)	n/a	n/a
Hospitaller Order of Saint John of God West European Province (Ireland)	December 2015	37	2.4 – met fully 7.5 – met fully	"In the review of the case files it was evident that all available information in respect of allegations of abuse was now being recorded and was on file. All case files are kept centrally in a secure location with restricted access. This location was examined by the reviewers."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Hospitaller Order of Saint John of God West European Province (Ireland)	December 2015	37	2.4 – met fully 7.5 – met fully	"'Stage 3; Recording of information' in the Policy and Procedures document provides initial guidance on recording details in respect of an allegation within the section of this document that covers 'Procedures for responding to and managing an allegation/safeguarding concern' the following statement is also made '4.3.9. Documentation of all the above actions, correspondence, contacts and meetings will be maintained in accordance with the secure filing system.' Appendix 4 in the safeguarding policy documents also outlines a case file structure and that such information will be held in a central secure location with restricted access to key personnel. The reviewers were shown the location for the storage of the case files and were satisfied that they are stored securely."
Irish Province of Dominican Friars	April 2012	Not stated	2.4 – met fully 7.5 – met fully	"The report will note large gaps in records. The Dominican Friars carried out a comprehensive search and believe that early information relating to safeguarding and allegations of abuse was not recorded." "Reading the case files presents some difficulties, as there is an absence of narrative accounts of actions. The files have all been reconstructed using the NBSCCCI case file template and the NBSCCCI commend this action by the Dominican Friars. However in restructuring files, there are significant gaps of records where written records information was not available to the designated person. It is clear from the files, for example that allegations have been notified to the civil authorities, as there have been An Garda Síochána investigations and in some cases criminal prosecutions however, the letter of notification is not on the file. All new cases should be supported by a narrative account, which sets out the processes followed by the order. The absence of such an account in old files fails to do justice to both previous and the current provincial who did take appropriate corrective actions.

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Irish Province of the Congregation of the Holy Spirit	July 2012	290 (95 on mission abroad)	2.4 – met fully 7.5 – met fully	"The NBSCCCI believes that all relevant documentation held by the congregation for these cases was passed to the reviewers. Considerable preparation clearly took place in anticipation of the review. The case management records were restructured in line with the Church's national guidance on recording and storage of information. We would like to acknowledge and thank those responsible for structuring the records in such an accessible way, making the job of reading the records a much easier task." "The case records are in excellent condition. They follow the template of the NBSCCCI and are accessible. The files set out very clearly the action and inaction of the congregation to allegations of abuse, notification and whether men were removed from ministry. There was no attempt by the congregation to hide any information. There is however an absence of detailed narrative accounts of recent contact with survivors. There is considerable electronic correspondence between the designated person and survivors which should be filed within the case records. These were not within the files when they were examined. This is an omission which undermines any recent positive engagement with survivors. Not all of this contact has been positive, as survivors who contacted NBSCCCI in recent months have expressed their complete dissatisfaction with the response of the Spiritan Congregation to their disclosure of abuse and their continuing pain. Nonetheless all contacts should be recorded."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Society of Jesus (Jesuits)	April 2015	145	2.4 – met partially 7.5 – met fully	"In relation to criterion 2.4 there is guidance about recording keeping, however, the case files did not demonstrate good and full record keeping. The information relating to allegations was not all held in the case file, for example, the important advice offered by the advisory panel was stored separately with the advisory panel minutes. In addition the records were brief and the author was not identifiable. This meant that at times the reviewer was unable to follow the flow of actions. The files could be significantly be improved by following the National Board's template for recording, having detailed narrative accounts of all actions taken, having separate third party sections for complainant information and support offered, and by having the author clearly identified through placing the name at the end of each page and having the records signed. The reviewers noted that the Jesuits had the case files audited in 2010, when issues of better recording should have been raised. The Provincial reviews the case files and meets the designated person when new allegations emerge, and liaises on a regular ninety day basis to be briefed on all developments. Some of the older files appear to stop in 2012. These relate to members who are out of ministry and where the reviewers expected to read notes of monitoring visits."
La Sainte Union	August 2015	47	n/a	n/a
Legion of Christ (Ireland)	July 2015	12	2.4 – met fully 7.5 – met fully	n/a
The Institute of the Blessed Virgin Mary (Loreto Sisters)	May 2015	211		"The child safeguarding files are well structured, and reflect the commitment of the Loreto Sisters to a caring approach to child safeguarding."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Marist Brothers	January 2016	14	2.4 – met partially 7.5 – met fully	"In relation to Standard 2.4, the files are structured around allegations that generate from particular schools. The absence of a consistent structure and the lack of clear narrative accounts often made the assessment of current situations difficult. It is important that the file reflects the high level of work that has been accomplished. The reviewer had access to an accompanying file that details every allegation within a recording structure that has been devised by the Marist Brothers. This is a four page historical review form which includes all key pieces of information. This is an excellent and progressive tool and the reviewer suggests that a copy of each is kept in the corresponding case file. The files could be significantly improved by following the NBSCCCI's template for recording, having detailed narrative accounts of all actions taken, having separate third party sections for Complainants' information and support offered, and by having the author clearly identified through the placing of names at the end of each page and having the records signed." "The reviewer is satisfied that the files detailing all incidents, allegations and suspicions of abuse are recorded and stored securely."
The Marist Fathers – Society of Mary	September 2014	43 (6 resident outside of Ireland)	2.4 – met fully 7.5 – met fully	"The Marist Fathers record keeping and filing systems are of a good quality and meet the requirements of Criterion 7.5." "The case files that are kept by the Marist Fathers are of good quality and are securely stored. Access to these files is restricted and a protocol is in place to ensure that confidentiality of information is protected. The order engaged a legal secretary to assist it in bringing the case files up to a professional standard, and this initiative is commended. Criterion 2.4 is met fully."
The Marist Sisters	May 2015	61	n/a	n/a

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Sisters of Mercy	August 2015	Not stated. Apparently 1869, but this figure includes those on mission abroad	2.4 – met fully	Order divided into four Irish provinces. Western province: "The files read by the reviewer were well constructed and adhered to guidance by the NBSCCCI. The reviewer witnessed that they are securely and confidentially stored and access to them is strictly limited to those who need to have access to this personal sensitive data, in line with data protection legislation and Church guidance on record keeping and storage of data." Northern province: "The reviewer has read the files of Sisters in respect of whom child sexual abuse allegations have been made within the terms of reference of the NBSCCCI process. The files are well organised and appropriately structured, with good safeguarding narratives and summaries, and separate sections for legal and administrative documentation." Southern province: "All safeguarding files are secured safely and confidentially. They are kept current and relevant. The Provincial indicated that a task recently completed by the Safeguarding Manager in collaboration with the Deputy Designated Liaison Officer, a member of the Congregation who previously held the post of Designated Liaison Officer was to ensure that all relevant safeguarding information was collated and placed in relevant files. In order to do this, safeguarding files and other files, for example older personnel files were checked to ensure that all relevant safeguarding data was extracted and placed in the correct file and dealt with accordingly. This was a mammoth task which took place over the course of a number of months. The Provincial informed the reviewer that she requested that this exercise took place as she wanted to ensure that no stone was left unturned in the quest for complete transparency in relation to child safeguarding issues." (No comment re South Central province)

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Missionaries of the Sacred Heart, Irish Province	August 2012	56 (62 living abroad)	2.4 – met fully 7.5 – met fully	"On Monday 15th August the review began on site at the Province"s administrative headquarters at 65 Terenure Road West, Dublin. The case files were made available for reading along with other summaries and notes that had been recently produced by the administrative staff within the Society. In a very short period of time, it became clear that the files contained records of admissions by priests to alleged abuse with no indication that these admissions had been passed on to the appropriate authorities of the Garda Síochána or the HSE. It was also clear that important gaps existed in the case records. Documentation that related to important meetings was not in the files. This made it impossible to understand why decisions had been taken. After consultation with the new Provincial, it was agreed that the NBSCCCI would suspend the review for a period of a week to allow the Society to undertake a search for the missing records. Letters were sent to past Provincials asking if they could assist in securing any of the missing documentation. Also a comprehensive search of all existing records within the Society"s administrative centre was undertaken. Both these initiatives proved to be unsuccessful in turning up any additional records. After this period, it would review all of the files as quickly as possible and report its findings to the Society, and to the state authorities who had already been put on notice of the developing situation by the NBSCCCI. After the week no new records were found and it was decided that an investigation would be undertaken, putting the review on hold until it had been completed." "Gaps are present within the files that make it difficult to understand why an alleged perpetrator, who was taken out of ministry at one time, was then allowed back into ministry at a later date. These deficits are all the more remarkable when you consider the diligence with which other matters are recorded both in the files and elsewhere in the records."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Missionary Sisters of the Holy Rosary	December 2014	157	n/a	n/a
Order of Canons Regular of Prémontré [Norbertines]	October 2016	9	2.4 – not met 7.5 – met partially	"Case recording responsibilities do not seem to be allocated to anyone, although the Prior keeps some case records in a filing cabinet in an upstairs room. The bulk of the case management files are held by the Canonry's solicitors in their Dublin office, and the Canonry records are lodged in the archives of the Abbey at Tongerlo in Belgium." "In relation to Criterion 2.4, the files at Holy Trinity House were structured around three individual respondent priests. The files stored at the congregation's solicitor's office relate almost entirely to the one priest member of the Norbertines who was convicted of child sexual abuse. This second group of files were produced by and remain the property of the Norbertines and so have not been re-constructed by the solicitors in any particular rational order. The reviewers are unable to clearly state that they have had access to and examined all allegations in relation to sexual abuse against Norbertine priests. There is a lack of clear recording in relation to all aspects of allegations; and therefore it is not possible to state with any confidence that all allegations have been reported to An Garda Siochana/PSNI or Social Services in the appropriate jurisdiction. The files at Holy Trinity House lacked a consistent structure, clear narrative accounts and details in relation to the allegations that were made, the complainants, and the response of the Canonry. Information in relation to the individual priest respondents, such as date of birth, education history and religious career were present in these files. The archive with information from Kilnacrott Abbey is reported to be held in Tongerlo Abbey in Belgium."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
				"In summary, the reviewers are not satisfied that allegations of child safeguarding have been adequately addressed, either in the past or at present. There is an absence of records to demonstrate what action has been taken in terms of reporting to the civil authorities, to offering pastoral support, or to managing risk. There is a serious lack of clarity by the role holders about their responsibilities."
				Overall, the management of Norbertine priests about whom there have been very serious concerns has been very poor. In fact, it would not be unfair to label it as careless."
				"In relation to Criterion 7.5 the reviewers were informed that the case management files are stored securely within the grounds of Holy Trinity House. The Prelate Administrator, Prior and Secretary appear to have access to these files. Other files are securely stored with the Canonry's legal representatives in Dublin. However, it is difficult to ascertain who has primary responsibility for the files."
Notre Dame des Missions (Our Lady of the Missions)	July 2014	35	n/a	n/s
The Order of St Camillus	May 2015	10	n/a	n/a
The Sisters of Our Lady of Apostles	March 2015	84 (including 15 abroad)	n/a	n/a
Patrician Brothers	25 March 2014	Not stated	2.4 – met fully 7.5 – met fully	"The files are well structured and organised. A number of the files record lengthy correspondence of a legal nature (where the Congregation was sued by the victim). In some files, the record of outcome of investigations by civil authorities is not well documented and as noted above, risk management has not always been evidenced."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Poor Servants of the Mother of God	March 2015	65	n/a	n/a
Presentation Brothers Anglo-Irish Province	January 2014	45 (In the Anglo-Irish Privince)	2.4 – met fully 7.5 – met fully	"Criterion 2.4 is met fully. The case files, when created, are kept in a secure cabinet. There is a clear process in place for recording incidents and for the management of allegations. Standard forms are appropriately used. However, in practice the case files when reviewed, do not always contain full information. This is because the province leader, who can also receive information relating to concerns, is not on the same site as the management files. This, therefore, presents logistical challenges in terms of ensuring that the case file contains all information at any one point in time. It is essential for the management of cases that one set of records relating to case management is maintained on each accused Brother. It should be the responsibility of the designated person to create and maintain the case file and ensure that records from any other person are placed in the file. The reviewers were advised that an Interim Protocol, 'Access to safeguarding files' is in draft format. The reviewers would suggest that this protocol provides absolute clarity around the creation, management and storage of, and access to, records; the reviewers further advise that there should be a quarterly review of the master files to ensure that all key information is on file." "Unfortunately the records in all cases of former Brothers do not contain up to date information relating to their current circumstances, this is because the congregation has no right to information held by the HSC in Northern Ireland, or the former HSE, now TUSLA, the Child and Family agency in ROI.

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Poor Servants of the Mother of God	March 2015	65	n/a	n/a
Presentation Brothers Anglo-Irish Province	January 2014	45 (In the Anglo-Irish Privince)	2.4 – met fully 7.5 – met fully	However the reviewers would encourage the Province Leader to write to those agencies if he is concerned about safeguarding of children and to seek to ascertain if the civil authorities have carried out risk assessments in respect of any former Brothers and on any current risk they may present to children." "Significant work has taken place to standardise the file formats and they are generally legible and well structured. The files could be enhanced further, as already noted, if there was greater detail in relation to the work of the advisor on file and details of contacts with complainants and any support they have been offered."
Redemptorist Congregation	September 2014	107	2.4 – met fully 7.5 – met fully	"As described at the beginning of this report, the reviewers had access to all case file records in the Redemptorist Congregation. These files are well structured and maintained and are comprehensive in nature. They are properly stored in locked cabinets in a locked room in a section of the building that is alarmed and access to them is restricted and supervised. Therefore Criterion 2.4 is met fully."
The Religious of Christian Education	May 2015	15	n/a	n/a
The Religious of Jesus and Mary	July 2015	43	n/a	n/a
The Religious of the Sacred Heart of Mary	April 2015	49	n/a	n/a
The Religious Sisters of Charity	17 February 2015	213	n/a	n/a

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Rosminians (Institute of Charity)	25 June 2015	26	2.4 – met fully 7.5 – met fully	"In relation to Criterion 2.4 (Recording) the reviewers read a total of 20 files. Whilst it is clear that work has been done to structure the files, it is still difficult to track the safeguarding narrative in many of them. Some of the files consist mainly of sections devoted to each victim – often containing legal and educational documentation – without a clear summary or time-line to enable readers to easily follow the wider safeguarding management of each case. It is recommended that the existing active files be improved by ensuring that they contain a section which provides a chronological overview of the management of the case, highlighting key milestones such as dates of reporting to statutory agencies, action taken by the Institute pending investigation, precepts and safety plans, risk assessments, canonical actions, and outcomes."
Sacred Hearts of Jesus and Mary (SSCC)	November 2014	18 (Ireland and England)	2.4 – met fully 7.5 – met fully	"Files are generally well structured and arranged in chronological order which can sometimes give rise to duplication, with some overlap of some sections. The reviewers examined all files in relation to all three priests and are confident that current practice adheres to good procedural process."
Sisters of the Sacred Hearts of Jesus and Mary	July 2014	36	2.4 – met fully 7.5 – met fully	n/a
The Salesians of Don Bosco in Ireland	February 2015	58	2.4 – met fully 7.5 – met fully	"The reviewers read all of the case management files, on both the living and deceased respondents. These were well constructed and easy to follow, and they are stored confidentially and securely. Criterion 2.4 is met fully."
The Salesian Sisters of St. John Bosco	November 2015	69	n/a	n/a

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Irish Region of the Sisters of St. Louis	September 2014	195	2.4 – met partially 7.5 – met fully	"In the majority of these instances the allegations relating to physical or sexual abuse refer to events which are several decades old and generally lack detail. In 3 (of the total of 7 cases seen in the 5 files) the allegations were referred to the Irish Region of the Sisters of St Louis by the PSNI or An Garda Siochana (with the consequence that there was no need for the sisters to report to them). In one of the more detailed sexual abuse allegations, the sisters did not refer to An Garda Siochana for 3 months and after protracted internal discussion. In the remaining 3 cases there is no record of reporting to An Garda Siochana. There is a very limited record of reporting to the civil child protection agencies (Social Services). This is recorded in just one case, after a time lapse of 7 years. The safeguarding files are not well structured, nor do they contain all of the relevant safeguarding information. There is evidence on some files of victim outreach, whilst in others, litigation processes have taken precedence. None of the allegations have resulted in criminal conviction. The files do not contain reference to any internal process to risk assess cases or to determine the need for restrictions or other canonical measures." "Part of the challenge faced by the reviewers was the quality of the recording in so far as it was minimalist and confused as the allegations were a mixture of harsh treatment with references to physical and sexual abuse but without specific allegations. It is clear that the sisters were distressed by the information in the files and the possibility that their confreres may have harmed children."
Sisters of St. Clare	June 2015	112	n/a	n/a

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
The Sisters of St. Joseph of Cluny	April 2015	74	n/a	n/a
The Sisters of the Christian Retreat	April 2015	4	n/a	n/a
Sisters of the Infant Jesus (Nicolas Barré)	December 2014	49	n/a	n/a
The Sisters of St. John of God	May 2015	123	n/a	n/a
Society Of African Missions (SMA) Irish Province	March 2013	193	2.4 – met fully 7.5 – met fully	"The reviewers examined 15 case files on SMA priests about who a child protection concern had arisen. The files have been organised in a logical manner and are easy to read and follow." "Cases files are well structured and maintained and are securely stored to protect their confidentially."
Irish British Province of the Society of the Divine Word (Divine Word Missionaries)	August 2013	48 (Britain and Ireland)	2.4 – met partially 7.5 – met partially	"The fact that no child safeguarding case management files existed in SVD IBP prior to 2013 is of great concern and indicates a lack of any focus on child protection within the society over the last 20 years. Case files were constructed by the society in advance of the review taking place. An experienced administrator was employed in January 2013 who examined all personnel files in the society's archives for any material that related to potential clerical child sexual abuse. This material was then brought together to construct the seven case files that the reviewers examined. These files are well constructed and very accessible, with good chronologies and narrative. Criterion 2.4 is only met partially because not all of these files are complete, as further information is required from other provinces and from assessment services in some of these cases."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
				"The existence of child safeguarding case management files within SVD IBP can only be traced back to the beginning of 2013. While the administrator has done excellent work in creating the files that the reviewers examined, from her reading of the whole archive of society members' personnel files, she could only import documents that she found. A lot of documentation was either never generated, or was removed or destroyed by parties unknown, or was kept in some file or files the existence of which has not yet been discovered. There is evidence that the provincial has been seeking missing reports and information and the reviewers encourage him to continue to do so. SVD IBP is starting from a very low base in relation to the keeping of comprehensive case management files. The reviewers are satisfied that the new files are properly assembled and stored."
The Society of the Holy Child Jesus	November 2014	14	n/a	n/a
The Society of the Sacred Heart	March 2015	44	n/a	n/a
The Sisters of Charity of Saint Paul the Apostle	30 April 2015	15	n/a	n/a
St Joseph's Society for Foreign Missions, a Missionary Society of Apostolic Life	October 2014	40	2.4 – met fully 7.5 – met fully	"The safeguarding files held by the society are well structured and the material is ordered and accessible."

Order	Date of Report	Size	Criteria 2.4[1] and 7.5[2]	Relevant extracts re quality of records
Union of Sisters of the Presentation of the Blessed Virgin Mary (Ireland)	July 2014	600	2.4 – met fully 7.5 – met fully	"Criteria 2.4 and 2.6 relate to the proper recording, storage and sharing of information about child safeguarding concerns. The reviewers visited all three Provincial offices and have verified that proper case records have been compiled on all reports made to the Presentation Sisters in Ireland regarding the possible abuse of a child or young person. The reviewers have also established that these case records are securely and confidentially stored and that access to them is strictly limited." "The reviewers have had access to all case files stored in each of the three Provincial offices, and they are of the view that these contain all the requisite information, are well maintained and properly stored."
The Ursulines of the Irish Union	July 2015	97 (including an unspecified number resident abroad)	n/a	n/a
The Vincentian Congregation	May 2014	50	2.4 – met fully 7.5 – met fully	"The case files examined by the reviewers indicate that good narrative records have been kept by the Vincentian Congregation, particularly in the period post the Murphy Commission Report. Prior to that report there were gaps in the narrative contained in some case files, which do not allow the reader to gain an easy and full understanding of the progress of those cases. The more recent files, from 2010 especially, contain all relevant information, are transparent and document clearly the actions taken. In particular pastoral outreach to and support of complainants is well documented, which was not always clear in earlier files."

Table 2 – 2016 Standards

Order	Date of Report	Relevant extracts re quality of records
Order of Saint Augustine	October 2022	"The 2014 Review Report was critical of the OSAs in relation to case management, especially as it was conducted prior to 2013. It is clear from the current Review, both through the examination of annual Case Management Reports by the DLP to the Provincial, and through a close reading of case management files, that very significant improvements have been made, and this is commended. During 2015, all cases were reported to the Gardai and to Tusla, and if appropriate, to the National Board. This was to address the fact that some cases had historically not been reported. This matter was already commented on in the first Review Report, so lessons were learnt. The new Provincial, who was appointed in June 2013 and the current DLP who was employed in the same year can be credited with the clear and steady improvements in case management since the previous Review."
Benedictine Abbey, Glenstal	August 2018	n/a
Benedictine Community of Nuns of Kylemore Abbey	July 2022	n/a
Discalced Carmelite Friars (OCD)	February 2024	"The case files audited were well organised, and the information was up to date. All files were securely stored and retained in compliance with GDPR requirements."
Order of Carmelites (O.Carm)	January 2024	n/a
Society of Mary – The Marist Fathers	August 2023	"The case management files are well ordered and are kept up to date. They are stored in a fireproof safe in a locked room, and there is a strict protocol in place about who can have permission to access them."
Presentation Brothers Anglo-Irish Province	May 2023	"All case management files that deal with members of the Order who were discussed in the previous Review Report are being prepared for placing in the Order's Archives. The files that have been opened since that Review are maintained by the DLP and are stored in the Province Leader's office. All members about whom allegations or concerns have been reported since the first Review are deceased."

Order	Date of Report	Relevant extracts re quality of records
Presentation Sisters South West Province	August 2020	n/a
Redemptorist Congregation	March 2022	"The reviewers suggested that the same outer file cover be used for all case management files, with dividers in place for specific information, as outlined in an index page. The files were otherwise well managed, with good chronological narrative facilitating ease of understanding of circumstances and of actions taken in all cases."
Irish British Province of the Society of the Divine Word (Divine Word Missionaries)	December 2021	"The case management files which were very poor when examined in 2013 have now been completely restructured, and are comprehensive in their coverage of decisions and actions taken since the first Review. The previous lay DLP has been very instrumental in advising on case management, while the Provincial Secretary has done very effective work in bringing the case files up to the required level of quality."

Appendix 13:
Hospitaller Order of St John of God Schools

Figures provided on 6 June 2024

Religious Order	School	Total Number of Allegations	Total Number of Alleged Abusers
Hospitaller Order of Saint John of God	St. Augustine's School, Carysfort Avenue, Dublin	112	29
Hospitaller Order of Saint John of God	Islandbridge Day School, Dublin	2	2
Hospitaller Order of Saint John of God	Dunmore House Day School, Dublin	1	1
Hospitaller Order of Saint John of God	St. Raphael's School, Celbridge, Kildare	2*	2
Hospitaller Order of Saint John of God	St. Mary's School, Drumcar, Louth	1*	1
Hospitaller Order of Saint John of God	Oliver Plunket House, Classes for Children with Epilepsy	3	3
Hospitaller Order of Saint John of God	Kilcroney Boarding School, Wicklow	1	1

* There are 3 allegations for which the school has not been identified. These have not been included in the above figures.

There are 16 allegations against unidentified Religious members. These are included in the total number of allegations above.

There are 12 allegations where it is not specified whether religious or lay. These are included in the total number of allegations above.

There are 5 allegations against unidentified lay persons. These are included in the total number of allegations above.

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