

Witness Name: Dr Paul Gerard Flanagan

Statement No.: 001

Dated: 6 October 2022

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

WITNESS STATEMENT OF DR PAUL GERARD FLANAGAN

**FILED ON BEHALF OF
THE BISHOPS AND CONGREGATIONAL LEADERS OF THE CATHOLIC CHURCH IN
AOTEAROA NEW ZEALAND**

I, Paul Gerard Flanagan, say as follows: -

Introduction

1. I am currently a senior lecturer in a postgraduate counsellor education programme. I was previously a senior counsellor at the Parentline Child Advocacy agency in Hamilton until 2007, and a therapist with Specialist Services of Child Youth & Family until 2003. I was a Guidance Counsellor at Ngaruawahia High School from 1996 until 1999. I have been a member of the New Zealand Association of Counsellors since 1997. As a counsellor, I worked with children and young people who were survivors of family violence and sexual harm, including ACC counselling. As a counsellor educator, I now work with masters' level students from across Aotearoa New Zealand working in counselling practices within schools and community agencies.
2. From 1986 until 1994 I was an ordained priest of the Diocese of Hamilton, serving in Tauranga from 1987 to 1993, and then in Hamilton East from 1993 to 1994. I have a Bachelor's degree in Theology, a masters in Counselling, and a Doctor of Philosophy in Education – analysing the effects of adults' language about sexuality for children.
3. I am a practicing Catholic and a member of the National Safeguarding and Professional Standards Committee (**NSPSC**). I have served on the NSPSC since 2017 and am the second longest serving lay member after Philip Hamlin, who I understand provided a witness statement for the purpose of the faith-based redress investigation.
4. From this experience, I am familiar with the Church's approach to matters on which a written statement is required pursuant to Notice to Produce No. 520 (**Notice**).
5. This written statement is made in response to paragraphs 4 – 7 of Schedule A to the Notice, namely:
 4. What are the most important changes that need to be made by the Church to protect children, young persons and vulnerable adults in the care of the faith from abuse?
 - a. How would you design and implement these changes?

- b. What changes are needed to ensure there is adequate monitoring and oversight to ensure relevant safeguarding policies and practices are delivering the intended outcomes?
 - c. What are the timeframes for such changes?
- 5. What are the most important changes that need to be made to the way the Church responds to reports of abuse?
 - a. How do you intend to design and implement these changes?
 - b. What changes are needed to ensure there is adequate monitoring and oversight of responses to reports of abuse?
 - c. What is the timeframe for such changes?
- 6. What barriers to disclosure continue to stop survivors from reporting abuse? How do you intend to reduce or eliminate these barriers?
- 7. What issues, if any, have you identified with the Church's record keeping policies and practice relating to reports of abuse? How do you intend to improve current record keeping policies and practice?

The National Safeguarding and Professional Standards Committee and the National Office for Professional Standards

- 6. The role of the NSPSC is to approve the strategy and oversee the implementation of the National Office for Professional Standards (**NOPS**). The NSPSC has a governance function, with NOPS operationalising the policies and practices of safeguarding and professional standards
- 7. The bishops and congregational leaders established NOPS to enable the Catholic Church to prevent and respond to sexual abuse. The role of NOPS includes management of all (except Society of Mary) complaints of sexual abuse and sexual misconduct against clergy and religious and it oversees the Church's preventative safeguarding policies and practices. NOPS is a registered charity. The members of the NSPSC are the trustees of NOPS. The mandate of NOPS is set out in a Charter dated 4 October 2013, which provides that NOPS is "to advance religion by assisting the Catholic Church to prevent and respond to violations of professional standards, particularly relating to abuse by clergy and members of religious orders."
- 8. The members of the NSPSC are appointed by the Mixed Commission, which is a partnership of the New Zealand Catholic Bishops' Conference (**NZCBC**) and the Congregational Leaders Conference Aotearoa New Zealand (**CLCANZ**). Membership of the NSPSC is therefore approved by the Mixed Commission.

9. The NSPSC is responsible for appointing the National Director of NOPS.
10. NOPS is responsible for implementing policies developed by the NSPSC. The National Director of NOPS reports regularly to the NSPSC on progress regarding its work.

Changes needed to protect those in care from abuse

4. What are the most important changes that need to be made by the Church to protect children, young persons and vulnerable adults in the care of the faith from abuse?

a. How would you design and implement these changes?

b. What changes are needed to ensure there is adequate monitoring and oversight to ensure relevant safeguarding policies and practices are delivering the intended outcomes?

c. What are the timeframes for such changes?

11. While Catholic Church entities historically had a significant role in providing institutional care, the number of institutions it runs has reduced over time, and therefore the number of children and vulnerable people within the Church's institutional care have significantly reduced. Nevertheless, Church entities still continue to provide some institutional care and also provide important pastoral care.
12. Church entities are mindful of the need to ensure that those in the Church's care are protected from harm and therefore, that the Church's practices and policies must prevent harm from occurring. All those who work with or provide ministry to others within the Church must understand the important role each plays in developing a culture of safeguarding throughout our Church.
13. We need to continue on our journey towards an environment where safeguarding becomes part of the mission of the Church and safeguarding practices are embedded in everything the Church does (including for example how buildings are designed). It is crucial that leadership embrace this change in direction.
14. I set out below what we are already doing to bring about change. Nevertheless, we must remain attentive as to how policies and practices need to be developed over

time. As a group, the NSPSC has been meeting monthly and we review what steps have been taken in relation to our goals and what needs to be done.

Safeguarding Policies

15. In order to “look forward” as is required by this Notice, it is important to understand the current safeguarding policies within the Church.
16. In 2017, the Mixed Commission adopted ‘Guidelines for the Prevention of and Response to Sexual Abuse in the Catholic Church in Aotearoa’ (**Guidelines**). The Guidelines were promulgated by the New Zealand Catholic Bishops Conference (**NZCBC**) and the Congregational Leaders Conference Aotearoa New Zealand (**CLCANZ**), and apply to all dioceses, religious congregations and Catholic organisations in the country. The Guidelines explain the expectations on everyone within the Church to care and protect those who are at the greatest risk of harm, namely children and vulnerable adults. The Guidelines also form the basis for the Church’s commitment to respond with compassion to those who have suffered abuse and to ensure policies and practices are in place in Dioceses and Catholic organisations to provide safe environments.
17. In 2019, as part of a national strategy to implement the Guidelines, a Safeguarding Policy (**Policy**) was developed. Each diocese, religious congregation, and Catholic organisation was asked to sign the Policy.
18. To ensure Catholic Church entities implement ‘best practice’ the NSPSC has also adopted Standards for Creating and Maintaining a Safeguarding Culture (**Standards**) in 2019 and revised in 2020. The Standards provide a framework for processes and systems to promote safeguarding. They describe safeguarding goals and expectations to ensure that the same practices for safeguarding children and vulnerable adults operate in all Catholic entities throughout the country.
19. There are five standards, namely:
 - (a) Communicating the Church’s safeguarding message.
 - (b) Safe practices.
 - (c) Responding to complaints or concerns.

- (d) Monitoring compliance with the Policy; and
 - (e) Formation and training.
- 20.** NOPS has also developed, and continues to develop, a range of support materials and resources to assist Church entities to implement the Standards. An overview document has been developed which describes each of the five Standards, and provides an indication as to how a Catholic entity can successfully implement the Standard. Some of these resources are available in te reo Māori, Samoan, Tongan and Korean, with further translations planned.
- 21.** The intended outcome of the Standards is that a culture of safeguarding is deeply embedded in every Catholic entity.
- 22.** NOPS has also developed a Safeguarding Review Framework to provide a way to monitor the implementation of the Guidelines, and the adoption of safeguarding practices in each Catholic entity.
- 23.** The Safeguarding Review framework consists of two components:
- (a) a Self-Review Tool for all Catholic entities to be able to assess and review their own progress in implementing safeguarding practices, and
 - (b) an external review process in which NOPS undertakes external reviews of the safeguarding practices of entities across Aotearoa New Zealand. This includes all six dioceses, each religious congregation, and all national Catholic organisations. Our goal is to achieve this over a 3 year cycle.
- 24.** In terms of further changes that need to be made to ensure protection of children, young persons and vulnerable people in the Church's care, NOPS' annual plan for 2022 outlines NOPS' four strategic goals for 2020-2022 and what work is being done to achieve these.
- 25.** The goals are:
- (a) Goal 1 – Safeguarding is recognised as a mission of the Church

- (b) Goal 2 – The Review framework is implemented across the country
- (c) Goal 3 – *Te Houhanga Rongo – A Path to Healing (APTH)* is a responsive and effective process for managing complaints
- (d) Goal 4 – Effective engagement with the 'Royal Commission of Inquiry into Abuse in Care'

26. Goals one and two are most relevant to ensure that children and young persons are protected from abuse. Goal one is about people within the Catholic Church actively protecting those who are most vulnerable from harm. There are six listed objectives that we want to have achieved by the end of 2022, specifically:

- (a) National Safeguarding Policy is being implemented by all Catholic entities;
- (b) National codes of conduct in use throughout country;
- (c) NOPS endorsed safeguarding workshops are running in all Dioceses;
- (d) Safeguarding in the Catholic Church in Aotearoa New Zealand (SCCANZ)' course is being completed by nominated people (as listed in National Safeguarding Guidelines). The course material was designed by NOPS. Te Kupenga, the Catholic Leadership Institute, provide the online platform;
- (e) Complaints outside scope of APTH are dealt with consistently across the country (in other words that each entity has a complaints process to receive and manage complaints which are outside the scope of NOPS);
- (f) National standards for screening mechanisms and formation for clergy and religious coming from overseas to provide ministry

27. Goal 2 is about meeting the direction of the Mixed Commission that there is a review/auditing function in place across the country. There are three listed objectives we want to have achieved by the end of 2022, specifically:

- (a) All Catholic Church entities in Aotearoa have been identified;
- (b) NOPS is undertaking external reviews on cyclical schedule; and

- (c) Receipt of reports of Diocesan/Congregational internal reviews pursuant to cyclical schedule
- 28.** The goals in the annual plan summarise the changes NOPS is seeking to implement. As noted above, the NSPSC meets monthly and we review what steps have been taken in relation to these goals and identify what next steps are necessary.
- 29.** The involvement of lay people on the NSPSC and as leaders in safeguarding processes is crucial. The bishops and religious are there to serve the Church that is the people who are the community of faith but they are not the only ones who exercise leadership. It is very important to recognise that lay people have a role in Church leadership, to reflect church membership and the Church's diversity.
- 30.** Individual Catholics and especially Church leaders, in all positions, ordained and lay, can effect change. The NSPSC is there to support and drive that change.
- 31.** The NSPSC is working to develop a broader membership to include different cultures and genders, this includes to ensure there are no barriers to participation, such as the cost of time.
- 32.** As identified on the front page of NOPS annual plan, the ability to effect change at pace is subject to the resourcing. NSPSC and NOPS are also keenly interested in any recommendations the Inquiry may make in this space and as noted above, one of our goals remains effective engagement with the Royal Commission.

Responding to reports of abuse

5. What are the most important changes that need to be made to the way the Church responds to reports of abuse?

a. How do you intend to design and implement these changes?

b. What changes are needed to ensure there is adequate monitoring and oversight of responses to reports of abuse?

c. What is the timeframe for such changes?

- 33.** Goal three of NOPS' Strategic Goals, mentioned above, is relevant to this question, that being that APTH is a responsive and effective process for managing complaints. APTH will be 'effective' when it is seen by stakeholders (survivors/ church leaders/ and respondents) as an effective response to complaints of abuse. Above all, we must ensure that we respond compassionately to those who have suffered harm within the Church.
- 34.** The Royal Commission has already made recommendations which indicate that claims processes for survivors should be phased out and instead handled by an independent entity, to be developed. In the meantime, the NSPSC and NOPS are looking how we can continue to move from a settlement-based redress system to an "integrated support based approach to redress" and we continue to monitor, learn and improve. As new members join the NSPSC they will bring ways of new thinking.
- 35.** It may be necessary, once the Royal Commission's recommendations are finalised, for there to be more than one path for a survivor to report abuse and seek redress. For example, it may be that a survivor wants the process to be independent of the Church or alternatively the involvement of the Church may be imperative for the survivor. What is crucial is that we continue to work towards survivor centric processes.
- 36.** Goal two, that the review framework is implemented across the country, is also relevant to ensuring there is adequate monitoring and oversight of responses to reports of abuse.
- 37.** The NSPSC has also committed to putting in place a process for the processes and recommendations made by Complaint Assessment Committees to be audited. Consideration as to the scope and appropriate process for this is underway.
- 38.** In terms of timeframes, we have a review cycle that is being initiated by NOPS. NOPS will review whether different congregations and dioceses are implementing national safeguarding strategies, sufficient levels of safeguarding training are being undertaken by employees and volunteers, and will monitor that they are sustained. If there are any questions of non-compliance, they will be followed up by NOPS.

Barriers to disclosure

6. What barriers to disclosure continue to stop survivors from reporting abuse? How do you intend to reduce or eliminate these barriers?

39. It is impossible to speak for all survivors, as we imagine that for each the circumstances of abuse and the impact that that has had (and continues to have) is different. The barriers to disclosure are likely to be many and varied. In both my professional experience and experience gained on the NSPSC, I have found that the following factors represent ongoing and potential barriers to persons being willing to disclose reports of abuse:
- (a) The fear of not being listened to, believed.
 - (b) Feeling embarrassed or humiliated/ whakamā.
 - (c) The fear of being alone and not having support.
 - (d) The fact that the report is being made to NOPS, which is an agent of 'the Church'. NOPS, any investigator, the Complaints Assessment Committee and the relevant Church authority are all funded by 'the Church'.
 - (e) Some people are concerned that the relevant Church authority is the final decision-maker.
 - (f) The respondent may still be alive which can make complainants anxious to come forward.
 - (g) There may be cultural barriers.
 - (h) The fact that the Church's process is an inquiry-based process.
 - (i) It can take a number of months from the time a person approaches NOPS with a complaint until the Complaints Assessment Committee receives and considers the complaint report.

- (j) A number of people come forward after their parents died. In those cases there is often a lot of shame/whakamā, or desire to protect their family members, who may be Catholic, from knowing of the harm suffered.
- (k) It is a 'procedural' process, with a consent form to be signed.
- 40.** In terms of reducing and eliminating these barriers, some are unavoidable in the context of a model whereby reports of abuse are made to an entity which is affiliated with the Church. In this regard, the Inquiry's redress recommendations are relevant.
- 41.** Development of the safeguarding practices and policies are important to bring discussions and understandings of abuse and inappropriate behaviours out into the open in every corner, age and aspect of the Church. It is important to ensure people can recognise trauma and to be more comfortable to talk about abuse and inappropriate behaviours. There is a great deal of commitment within the Church now to consider the safety of all vulnerable. We must continue to push practices around safeguarding training and awareness.
- 42.** There has been a seismic shift in relation to the way that the concept of abuse within the Church is now openly and frequently talked about. Previously this was never discussed. We need to continue to publicise and make information available in relation to how abuse can be disclosed safely. For example, information on how and to whom disclosures of abuse can be made, are now offered in a range of other languages (including Maori and other Polynesian languages, and Korean).
- 43.** We are open to always learning about what more we can do to break down barriers for survivors. Through NOPS and NSPSC the Church has learnt a lot, but it must keep continuing to learn and improve its systems and approaches as best it can. We don't know what we don't know. There is now an ongoing invitation from the Church for people to speak up about concerns, risks and abuse, so that we can know more and learn more to continue to develop safer practices. It is not worth the risk to think that we can one day stop review and development and say that we have made it – completed all there is to do - and then stop listening and being open to change. I hope that our processes continually improve to offer opportunities for justice that are inviting, safe and inclusive.

44. We look forward to the final reports of this Inquiry and recommendations as to how entities like NOPS operate to overcome these and other barriers to ensure survivors are willing to come forward would be appreciated.

NSPSC document retention policy

7. What issues, if any, have you identified with the Church's record keeping policies and practice relating to reports of abuse? How do you intend to improve current record keeping policies and practice?

45. In response to this question, I will briefly highlight the practice of NOPS coordinating a full file on each notification of abuse received by them, including what occurs after the CAC has made a recommendation to a church authority. This practice, for those notifications proceeding through NOPS, improves the centralisation and coordination of records relating to reports of abuse.
46. In more recent times, NOPS recognised that there was an information gap once the Complaint Assessment Committee (CAC) had made a recommendation to the Church Authority. NOPS held a file of all complaint material, which included the investigation report and all supporting documents, and the recommendation from the CAC. However, it did not contain the decision made by the Church Authority and details of any resolution reached with the complainant. This information 'gap' had hindered the ability for NOPS staff to understand when and how a complaint had been resolved. At times, this affected the ability to respond to survivors effectively if a survivor had later made contact with NOPS. The lack of this information being held by previous protocol committees also hindered NOPS staff being able to share this information with survivors if later contact was made with NOPS.
47. As a result, NOPS initiated a new process of requesting information from the Church Authority about how and when a complaint has been resolved. NOPS specifically requests what decision was reached by the Church Authority, and details of what formed part of a resolution; whether this was an apology, an ex-gratia payment, or other forms of assistance. This information is placed on the NOPS file so that everything related to a complaint is kept together. The file held by NOPS does not become 'inactive' until this information is received from the Church Authority.

STATEMENT OF TRUTH

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed:

GRO-C

Paul Gerard Flanagan

Dated:

6 October 2022