



## TERMS OF REFERENCE

### Assessment of the implementation of the Safeguarding Culture Standards of the Catholic Church in Aotearoa New Zealand

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Organisation requesting the assessment:	Te Rōpū Tautoko (TRT)
Period subject to Assessment:	January 1 2020 to the date of the <i>Draft Assessment Report</i>
Starting date of the Assessment:	TBD – To be determined after the selection of assessor
Expected date of receipt of the final report:	TBD – To be determined after the selection of assessor

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#### 1. HE KUPU WHAKATAKI / BACKGROUND

The following are the terms of reference (**ToR**) for which Te Rōpū Tautoko (**TRT**) wishes to engage a suitably qualified and experienced person/s (**assessor**) to assess the implementation of and suitability of the Safeguarding Culture Standards of the Catholic Church in Aotearoa New Zealand.

The assessor will assess compliance against implementation of two of the standards – 3. *Responding to Complaints or Concerns* and 4. *Monitoring Compliance with National Policy*

The assessor will assess if all five standards are fit for purpose and appropriate for today.

The assessor will provide recommendation to assess any areas of improvement needed.

These ToR will guide the appointed assessor, who will coordinate the assessment process. They are to be made publicly available on the TRT website.

The assessor will subsequently provide a report on the assessment to TRT to be considered by the Mixed Commission and the National Safeguarding and Professional Standards Committee. It is the Mixed Commission that will determine the response to conclusions and recommendations arising from the assessment report. A summary of the final assessment report will be made publicly available on the TRT website.

To give effect to the Catholic Church's commitment to bicultural relationships in both society and the Catholic Church in Aotearoa New Zealand, the assessment conducted under these ToR will be underpinned by te Tiriti o Waitangi, and its principles, and will build upon and develop existing partnerships.

During the period under assessment, the public hearings of the Royal Commission of Inquiry into Abuse in Care (Inquiry) have also been held. These hearings and other Inquiry processes have generated themes that church leaders and Catholic entities are responding to. These themes and the resulting reflections have led to the Tautoko Roadmap (<https://tautoko.catholic.org.nz/roadmap/>) being published, which incorporates commitments made by church leaders.

#### 2. NGĀ WHAKAMĀRAMATANGA / DEFINITIONS

In these ToR, the following definitions apply:

- '**assessment**' means a review to be carried out to provide independent reasonable assurance (to the standard utilised by audit and assessment practitioners) and professional advice to the leadership of Catholic entities and stakeholders.
- '**assessor**' refers to the individual or entity contracted for performing the assessment and for submitting a report.
- '**Catholic entity**' refers to the dioceses and congregations of the Catholic Church in Aotearoa New Zealand, their leadership and their advisers and agencies; specifically including the National Safeguarding & Professional Standards Committee, the National Office for Professional Standards, and the Complaints Assessment Committee. This also includes other independent Catholic entities that are not dioceses or congregations.
- '**Catholic institutions**' refers to any institution established by a Catholic entity to carry out work on behalf of the Church.
- '**church leader**' refers to bishops and congregational leaders of the Catholic Church in Aotearoa New Zealand.
- '**congregation**' refers to religious institutes such as orders, congregations, and societies of apostolic life currently or previously present in Aotearoa New Zealand under the leadership of a congregational leader.
- '**diocese**' refers to a Church district in Aotearoa New Zealand under the leadership of a Catholic bishop.
- '**guidelines**' refers to the *National Safeguarding Guidelines* of the Catholic Church in Aotearoa New Zealand

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(<https://safeguarding.catholic.org.nz/wp-content/uploads/2018/11/National-Safeguarding-Guidelines-Oct-2018.pdf>).

- **'Mixed Commission'** refers to the annual gathering of Catholic bishops and congregational leaders in Aotearoa New Zealand. The Mixed Commission is the vehicle for the establishment and oversight of the National Safeguarding & Professional Standards Committee and TRT.
- **'other Catholic entities'** refers to independent Catholic organisations or groups that are not dioceses or congregations in Aotearoa New Zealand.
- **'standards'** refer to the *Safeguarding Culture Standards* (<https://safeguarding.catholic.org.nz/safeguarding/>), underpinned by the National Safeguarding Guidelines and implemented through the various protocols and policies in force during the period subject to assessment (<https://safeguarding.catholic.org.nz/documents-policies/>)
- **'structure'** refers to the organisational structure through which the Church implements its standards. A graphical representation of the structure is available at <https://safeguarding.catholic.org.nz/wp-content/uploads/2018/11/Standards-diagram-Oct-2018.pdf>
- **'stakeholders'** refers to any person engaging with the standards, specifically including survivors of abuse in the care of Catholic institutions.

### 3. TE WHĀNUITANGA O TE HŌKAI / SCOPE

The assessor is engaged to:

*Part A)* assess compliance within the *Focus Areas* (see 4. *Scope*) by those implementing the standards against the protocols, policies, and procedures in force.

*Part B)* assess whether the current system in place to implement the guidelines (including the National Safeguarding Policy), the standards, and the various Catholic entities engaged to do the implementation, are appropriate to fulfil the principles of the National Safeguarding Guidelines and adequately supports those impacted by abuse and to achieve the commitment to keep those in care safe from harm.

The objective of Part A is to provide church leaders and stakeholders with independent reasonable assurance on the implementation of the standards, that the implementation is compliant with relevant internal protocols, policies, procedures and external obligations.

The objective of Part B is to express a conclusion on an independent professional basis as to whether:

- the structure has adequate means to address conflicts, irregularities, bias, and complaints about process, of any sort;
- the structure has a suitable operational capacity and appropriate governance to implement the guidelines; *and*
- the principles of the National Safeguarding Guidelines and the corresponding protocols, policies, and procedures, are appropriate to the context and culture of Aotearoa New Zealand and achieve the commitment to keep those in care safe from harm.

The assessment report will conclude on Part A & Part B and provide recommendations for any improvements. A summary of the report will be made public.

#### 3.1. Focus areas

The primary focus or focus areas for the assessment are two of the five standards as described on <https://safeguarding.catholic.org.nz/safeguarding/>, namely:

- *Standard 3. Responding to Complaints or Concerns*
  - This involves assessing how the relevant Catholic entities (especially the National Safeguarding & Professional Standards Committee, National Office for Professional Standards and Complaints Assessment Committee), their staff, volunteers and contractors respond to complaints or concerns of abuse. This includes assessing the practical application of *Te Houhanga Rongo – A Path to Healing (APTH)* and review mechanisms within APTH. This will involve testing compliance with protocols, policies and procedures, an overall assessment against the indicators, and reviewing the governing structure. The assessor will assess whether the system is specifically meeting the stated objectives of this standard.
- *Standard 4. Monitoring Compliance with National Policy*
  - Including assessing how the relevant Catholic entities (especially the National Safeguarding & Professional Standards Committee and National Office for Professional Standards), their staff, volunteers and contractors implement the standard. This includes assessing the practical application of the *External Review Process*. This will involve testing compliance with protocols, policies and procedures, an overall assessment against the indicators, and reviewing the governing structure. The assessor will assess whether the system is specifically meeting the stated objectives of this standard.

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### **3.2. Other areas of assessment**

The 'other areas of assessment' are the three safeguarding culture standards as described on <https://safeguarding.catholic.org.nz/safeguarding/>. These are not focus areas for this assessment.

The three other areas of assessment are:

- *Standard 1. Communicating the Church's Safeguarding Message*
- *Standard 2. Safe Practices*
- *Standard 5. Formation and Training*

Compliance testing of these areas is not expected, however, these areas will interact with the focus areas and therefore, where applicable, assessment will occur. The assessor will assess whether the system is generally meeting the stated objectives of these standards.

### **3.3. Period covered by the assessment**

The period to be covered by the assessment is work undertaken to respond to the focus areas in the calendar years of 2020, 2021, 2022, up until the date of the draft assessment report in 2023. 2020 is identified as the ideal starting point for this assessment due to February 2020 being the promulgation of the most recent version of APTH. Any matters brought to the attention of Catholic entities in relation to the standards during this period can be assessed.

It is acknowledged that the External Review Process was implemented during this period, so it is timely that it is reviewed at this juncture.

### **3.4. Limitations of the scope**

The assessor will identify any limitations in the scope of work prior to the review commencing, and where any have been identified, will work with TRT to decide how best to eliminate or mitigate such limitations.

Any identified limitations of scope that remain must be detailed in the final report of the assessor and will be included in the report summary.

## **4. KAIAROTAKE / ASSESSOR**

The assessor will exercise due professional care and judgment and determine the nature, timing, and extent of assessment procedures to fit the context, objectives and scope of the assessment.

All stakeholders, especially survivors of abuse, must have confidence that the assessor is competent and knowledgeable about the likely outcomes and impacts on all parties. A high level of trauma-informed practice is a requirement.

The assessor must be independent of church leaders and Catholic entities.

When agreeing to perform the assessment, the assessor must confirm that they meet the requirement of independence and have no unaddressed conflicts of interest in relation to any church leader or Catholic entity. Any actual, potential or perceived conflicts of interest must be declared, and a management plan agreed with TRT prior to the start of the assessment.

The assessor will be required to provide in their response to the request for proposals: their relevant qualifications, experience, references, and any professional memberships or accreditations they hold. TRT will seek additional assurance from the assessor based on organisational compliance with internationally recognised standards and any comparative works.

In addition, the assessor may utilise an external framework to underpin assurance for this engagement, such as ISAE 3000 or ISQC1.

TRT will ask selected stakeholders to review responses from potential assessors prior to engagement to ensure that a wider group of stakeholders are confident that the engagement will deliver the desired outcomes for this assessment.

### **4.1. Qualifications and Experience**

The assessor will employ adequate staff with appropriate professional qualifications and experience in performing institutional or compliance assessments, and/or performing systems audits or equivalent engagements of assignments, comparable in scope and complexity to these ToR.

In addition, the team the assessor assigns to the assessment will be able to demonstrate:

1. Understanding of the:
  - unique nature of trauma suffered by those who experience abuse in a faith-based context;
  - specific power dynamics impacting faith communities in relation to safeguarding; and
  - specific barriers to disclosing abuse in faith communities.

2. Training, qualifications, and experience in trauma-informed practice.
3. Experience in providing analysis, especially in the area of organisation and system design and its impact on, and influence over, processes that enhance or hinder delivery of outcomes, as well as the impacts on stakeholders.
4. Knowledge of the social context of Aotearoa New Zealand, Te Tiriti o Waitangi and/or proven ability to work in cross-cultural contexts. The ability to gain local knowledge and feedback to incorporate into the assessment is advantageous. Additional support and advice may be required for the assessor to fulfil Te Tiriti obligations. TRT will provide contacts and fund external advisers where the assessor requires additional and specific Te Tiriti support and advice to assess the complexity or nuances of the systemic issues that operate in the cultural context of Aotearoa New Zealand.

#### **4.2. Curriculum Vitae (CVs)**

The assessor will provide TRT with CVs of the person/s who is responsible for signing and finalising the assessment report, together with the CVs of anyone interacting with stakeholders (for e.g., survivors, those providing services to respond to reports, etc). CVs will include appropriate detail on the type of engagements carried out by the individuals, indicating capability and capacity to undertake the assessment as well as details on relevant specific experience.

#### **4.3. Safeguarding policy**

The assessor must have their own safeguarding policy and provide this as part of their response to requests for proposals. In addition, the assessor must adhere to and formally adopt the [National Safeguarding Policy of the Catholic Church in Aotearoa New Zealand](#) and the [Code of Conduct](#).

### **5. TE TIKANGA / APPROACH**

The assessment will be a constructive process, including assessing compliance. Therefore, the assessment will pinpoint areas of compliance and non-compliance within the standards and endeavour to provide contextualised feedback on the overall structure. Where changes to current practice or structure are proposed, options for remedy should be given as part of the recommendations in the report.

#### **5.1. Location**

The assessment will be primarily performed remotely, utilising video conference technologies and documentation review. An agreed number of in-person visits to key locations where the implementation of standards occurs (for e.g., the NOPS office and/or a diocesan office) will be determined prior to the commencement of the assessment. In-person engagement with those who have utilised or supported those who use the services offered to implement the standards will also be determined on an as required basis.

The assessor will propose the locations and required in-person engagements for the assessment with TRT prior to the start of the assessment. However, changes may be made during the assessment as agreed. The assessor will ensure that, at the outset of during the assessment, relevant supporting documents and key people will be available.

#### **5.2. Working Papers**

The assessor should prepare documentation in the form of working papers that provide:

- a sufficient and appropriate record of the basis for the report; and
- evidence that the assessment was planned and performed in accordance with applicable professional standards appropriate for the provision of independent reasonable assurance and professional advice.

#### **5.3. Evidence**

The assessor should ensure that evidence is gathered to support conclusions and recommendations and that the assessment was carried out in accordance with these ToR. To that end, the assessor should use professional judgement to determine what constitutes sufficient evidence to obtain and hold.

#### **5.4. Access to Records and Documents**

A high degree of confidentiality is required from the assessor in relation to material accessed during the assessment, and the Privacy Act 2020 must be complied with at all times.

The assessor will immediately advise TRT of any actual or potential breach of privacy arising during the assessment, and will take all steps directed by TRT to assess, contain and notify such breach (where required), and to prevent any further

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breach.

The assessor will access records and documents about the process of implementing the standards, the staff of the Catholic entities connected with the structure, and the Catholic entity's locations, insofar as this is possible and relevant to the assessment.

Some information reviewed during the assessment will contain the private information of those who provided it or other persons. Particular care must be taken to protect the privacy and confidentiality of such information by the assessor.

In the report, care must be taken to ensure the privacy and confidentiality of any individuals and that any examples given do not identify individuals.

The assessor must ensure these points are strictly followed throughout the assessment..

### **5.5. Testing**

When designing and performing tests to measure compliance, the assessor may apply sampling, qualitative testing, or other means of testing.

Care must be taken, due to the uniqueness of every engagement (for example - complaint process or safeguarding review), that individual examples are not automatically projected or extrapolated to all processes. Accordingly, selective examination of specific items does not provide evidence to determine resulting conclusions for all, unexamined, processes. Sampling must be designed by the assessor to enable conclusions to be drawn about process in an overall sense. At the same time, care must be taken to highlight individual examples of non-compliance arising from the assessment, that may require further review, even if not deemed consistent with overall conclusions.

Tests will also assess systemic issues that inhibit compliance assessment and whether assessment of compliance can be built into the structure, with transparent accountability processes and reporting.

Any roadblocks or systems issues found in the assessment should be reported.

### **5.6. Reporting process**

The assessor will report the results of their assessment in accordance with these ToR.

The final report should be objective, clear, concise, timely, and constructive.

The assessor must arrange a pre-report meeting (via video conference) following their assessment process with TRT and key staff of Catholic entities who the assessor and TRT identifies should be present. The purpose of the meeting will be to provide initial feedback, highlight the assessment process, and discuss items to be addressed in the report.

The assessor must submit a draft report to TRT within ten working days after the day of the pre-report meeting. Accompanying the draft report should be a draft summary version for public publication. The summary will include a summary of conclusions, recommendations, an outline of the methodology used, and any identified limitations in the scope. The word 'draft' should be clearly indicated on all versions. The draft report (and by extension the final report) must comply with Privacy Act requirements.

TRT will provide the draft report and summary to the Chair of the National Safeguarding & Professional Standards Committee and respective liaison people for the bishops and congregational leaders for feedback.

TRT will collate and provide any feedback to the assessor within twenty working days from receipt of the draft report and summary.

The assessor will submit a final report and a summary within ten working days from receipt of the feedback on the draft report and summary.

The final report and the final summary version should be dated and provided on the letterhead of the assessor. The word 'final' should be clearly indicated on all versions.

TRT will provide the final report, upon receipt, to the members of the Mixed Commission.

TRT will publish on its website the final report summary within 10 working days of receipt.

## **6. HĪKOI MOROKI / ONGOING**

TRT will engage with the Mixed Commission to determine who is best placed to respond to the recommendations from the assessment report and how that might be achieved.

TRT and/or the Mixed Commission may request the assessor to provide further assistance with any follow-up of the final assessment report.