



Redress Scheme for victims of child sexual abuse perpetrated by members of the clergy and church representatives acting under the authority of the Diocese of Dromore

Overview

1. Introduction

The Diocese of Dromore apologises unreservedly for the hurt and damage caused to victims and survivors of any priest or church representative acting under its authority. The Diocese of Dromore finds such behaviour towards children and vulnerable people abhorrent, inexcusable and indefensible, and is fully committed to achieving and maintaining best practice in the area of safeguarding young people and vulnerable adults. The Diocese is fully committed to achieving and maintaining best practice in the area of safeguarding young people and vulnerable adults, operating in conjunction with all Catholic Church safeguarding procedures and co-operating fully with the statutory authorities.

It cooperates fully with the National Board for Safeguarding in the Catholic Church in Ireland (NBSCCC) and statutory agencies to ensure that “we recognise and uphold the dignity and rights of all children, are committed to ensuring their safety and well-being, and will work in partnership with parents/guardians to do this”. All Church personnel have a responsibility to safeguard children through promoting their welfare, health and development in a safe and caring environment that supports their best interests and prevents abuse.

The Diocese of Dromore is also committed to

- a. establish the truth of what happened in the past;
- b. take whatever steps are necessary to prevent it from occurring again;
- c. ensure that the principles of justice are fully respected; and
- d. above all, to bring healing to the victims and survivors and to all those affected by these egregious crimes.

The Diocese is committed to this journey of justice, truth, healing and abuse prevention.

The legacy of abuse is not time limited. The impact on victims and survivors is deeply personal and is carried differently by each one. The Diocese seeks not to lose sight of the individuals involved, nor their personal journey, nor the hurt felt by those close to them, when referring to non-recent abuse.

The Diocese, by this Scheme, seeks to put in place a process which can resolve the on-going concerns of victims and survivors of abuse within the Diocese. It will endeavour to ensure the process is victim-centred and place the needs of the victims and survivors to the fore; it will be open to victims and survivors of child sexual abuse suffered at the hands of representatives of the Diocese; and it will seek to be comprehensive, practical and successful in achieving the healing that victims and survivors need.

Since his appointment as Apostolic Administrator of the Diocese of Dromore in April 2019, Archbishop Eamon Martin has made child safeguarding a key priority. The Archbishop has continued the full cooperation of the Diocese with statutory investigations and has engaged with victims of abuse within the Diocese.

The Archbishop and the Diocese understand that redress may take varying forms. The Scheme enables the provision of financial and non-financial redress, the latter can include personal apologies and meetings and pastoral and counselling support.

The Archbishop has made himself available to meet with those who wish to share their story with him and to consider with him ways in which their pain can be acknowledged and by which their healing can be assisted.

Archbishop Eamon repeats this statement of his position: "I have engaged with many victims and their families particularly in preparation for, and since, the international meeting on Protection of Minors in Rome with Pope Francis in early 2019. The impact of abuse on victims and survivors is deeply personal and is carried differently by each one. I try not to lose sight of the individuals involved, nor their personal journey, nor the hurt felt by those close to them. The Diocese of Dromore has proactively made contact with representatives acting for victims to offer a personal meeting with me in addition to proposing a comprehensive process of resolution for outstanding claims."

2. History of disclosure of abuse

The Diocese of Dromore has been contacted by a number of victims and survivors who have disclosed that they were victims of clerical sexual abuse linked to the Diocese of Dromore. The Diocese has supported those victims and survivors and signposted them to an independent counselling service, The Towards Healing Counselling and Support Service. That was set up by the Catholic Church in Ireland in February 2011 to help meet the support needs of victims and survivors, and their families, of religious, institutional and clerical abuse. The service replaced the Faoiseamh service, which provided counselling from 1996 to 2011. The Towards Healing Counselling and Support Service is independent but funded entirely by the Catholic Church in Ireland.

Following intense media attention on the Diocese in early 2018 further victims and survivors disclosed abuse directly to the Police Service of Northern Ireland. As a result of this a police inquiry took place in 2018- 2019.

The Diocese puts victims and survivors at the centre of its work. It has learned a lot from the past and its work is governed by best practice from around the world. Having met and spoken with many victims and survivors the Diocese continually seeks to understand the impact that abuse has had on them and their families and the Diocese pays tribute to their courage and bravery in coming forward and sharing their stories.

3. The Purpose of the Scheme

This Scheme is a means by which those who suffered child sexual abuse perpetrated by members of the clergy and other church representatives acting under the Diocese's authority are able to obtain recognition and reasonable compensation without the need for lengthy investigation and litigation.

4. The Diocese –Legal Entities

The Dromore Diocesan Trust is a charitable trust established by trust deed dated 1 November 2010 and on 20 April 2016 it was registered as a charity with the Charity Commission for Northern Ireland and given the registration number NIC 105046. The sole trustee of the Charity is a Corporation, Diocese of Dromore Trustee. The Company is limited by guarantee and was registered on 17th November 2011 registration number NI609968. On 13th January 2012 the Lord Chief Justice of Northern Ireland authorised Diocese of Dromore Trustee to act in any Charitable Ecclesiastical Trust as a Trust Corporation.

The Dromore Diocesan Education Trust is a charitable trust established by trust deed dated 18 January 2018 for which the sole trustee is also the Corporation, Diocese of Dromore Trustee. The purpose of this trust is to hold title to many Catholic schools within the Diocese.

For the purpose of this Scheme the Diocese of Dromore means the charitable trusts, trustees and the Corporation referenced above and any claim made to the Scheme and resolved within the terms of the Scheme includes in that settlement all of the above entities.

5. Key aspects of the Scheme

The Scheme will respond to applications where there are allegations of sexual abuse (including sexual grooming), which may or may not have been accompanied by physical and/or emotional abuse, and which occurred when the Applicant was under age 18.

Participation in the scheme protects an Applicant from legal arguments about limitation periods and delay in seeking compensation (in accordance with the relevant legislation) being raised as a defence by the Diocese during the period of the Applicant's participation in the Scheme.

If an Applicant has an ongoing claim against the Diocese relating to the same matters referred to in his or her Scheme Claim Form then for the time during which an application is made and considered that claim and any associated proceedings will be stayed.

All applications will be assessed by an independent Panel. In assessing all applications the Panels will have regard to all the available information and make their decision on the balance of probabilities and on a majority basis.

Panel members have been appointed via an independent process managed by a third party organisation. The Diocese has had no involvement in the appointment of Panel members.

Settlement of an application under the scheme is on the basis of there being no admission of liability. Settlement offers are made in accordance with guidance based on previous awards made by judicial determination, previous settlements in similar cases and awards made in comparable redress schemes. They reflect the personal injury and consequences caused by the Abuse. Awards of up to £80,000 will be made.

Agreement to settlement pursuant to the Scheme will be in full and final settlement of the claim made against the Diocese including all legal entities identified above. By accepting a settlement an

Applicant waives his or her right to pursue a claim against the Diocese for damages arising out of the circumstances identified in their Application. In the event of an applicant having ongoing proceedings against the Diocese they will be discontinued upon settlement.

6. Participation in the Scheme

The criteria for making an application to the Scheme are as follows:

- a. The Applicant was sexually abused and or the subject of sexual grooming
- b. Such sexual abuse/grooming occurred prior to the Applicant's 18th birthday
- c. The Abuse was perpetrated by a member of the clergy who at the time of the Abuse held clerical office within the Diocese or by a representative of the Diocese who at the time of the abuse was acting under the authority of the Diocese and someone for whom the Diocese would be vicariously liable.
- d. The Abuse occurred during the period 1 January 1950–31 December 2010.

In the event of an Applicant who would otherwise have fulfilled the criteria noted above, and who had disclosed abuse to the Diocese dying without having made an application to the Scheme then his or her Estate can submit an application prior to 29 September 2023. If an Applicant dies without his or her application being concluded it may be continued by his or her Estate.

Once an Applicant has given notice of an intention to participate in the Scheme

- a. He or she will
 - not issue proceedings during the time of their participation in the Scheme;OR
 - if proceedings have already been issued will agree to a stay of those proceedings.AND
- b. An automatic limitation moratorium will be effective until such time as the Applicant is no longer part of the Scheme, which will arise if they have accepted an offer or left the Scheme.

The Scheme is based on early and proportionate disclosure of sufficient evidence to enable the Decision Panel to accept or reject the claim.

7. Prior Claims

If an Applicant has made a previous claim which has been concluded with payment of damages in full and final settlement of that claim no further application can be made under this Scheme.

8. Documents

To participate in the Scheme an Applicant will complete and submit the Scheme Claim Form and provide such relevant accompanying documentation as is available. The Scheme Claim Form is available from www.dromoredress.org and once completed should be submitted to dromore.redress@clydeco.com

9. Expert evidence

Expert evidence will not be sought as a matter of course and will only be obtained after a Scheme Claim Form has been submitted and the Decision Panel has provided a Decision. If at that stage either the Applicant or the Decision Panel considers that the claim cannot be resolved without recourse to expert evidence then the Applicant and the Scheme Administrators will use their best endeavours to agree a joint expert appointment. If a joint report is being obtained then there will be a hiatus in the claim whilst the report is obtained.

10. The Assessment of Financial Redress

Following provision of a Scheme Claim Form with a signed statement of truth and relevant supporting documents the Decision Panel will assess the claim. The process of assessment will involve:

- a. Verification of eligibility
- b. Clarification of the potential liability of the Diocese for the accused
- c. Investigation and assessment of the nature and severity of the abuse and its impact
- d. Determination of an award
- e. Receipt of a nil CRU certificate

All applications will be considered on up to three occasions as follows:

- i. The Initial Decision
- ii. The Review Decision
- iii. The Appeal Decision

Scheme Administrators will be appointed to administer the Scheme, to check the applications and associated evidence, to make requests for missing information, to provide information to and act as secretariat to the Decision and Appeal Panels, to liaise with applicants and their legal advisors.

Initial and Review Decisions will be made by members of an appointed Decision Panel which will comprise three panel members.

Any appeals will be heard by members of an appointed Appeal Panel which will comprise three panel members.

Any Appeal Panel will not involve a member from the Decision Panel who has considered the application which is the subject of the Appeal.

All panel decisions will be determined by reference to written information only.

11. Costs

Applicants whose claims are agreed pursuant to the Scheme are entitled to payment of legal costs in accordance with specified banding.

Applicants who have prior to 1 July 2021 already begun proceedings against the Diocese will be entitled to recover the costs incurred on a specified basis.

12. Non-financial redress

In addition to the provision of financial redress the Diocese can also consider the following:

- a. a personal apology
- b. pastoral support
- c. counselling/therapeutic costs via The Towards Healing Counselling and Support Service

14. Time Scales

One of the purposes of the Scheme is to provide swift redress to Applicants. Examples of the maximum time period for a claim progressing are detailed below.

Example 1 – Application made and resolved following the initial panel review

Application submitted 1 October 2021

Initial Decision by 12 November 2021

Acceptance of offer by 12 December 2021

Payment of redress by 26 December 2021

Example 2 – Application made and resolved following a review and appeal

Application submitted 1 October 2021

Initial Decision by 12 November 2021

Counter-offer or review request by 12 December 2021

Review Decision by 11 January 2022

Appeal submitted by 22 February 2022

Appeal Decision by 5 April 2022

Acceptance of offer by 5 May 2022

Payment of redress by 19 May 2022