

Witness Name: Father Timothy Duckworth

Statement No.: WITN0253002

Dated: 12 February 2021

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

SUPPLEMENTARY WITNESS STATEMENT OF FR TIMOTHY DUCKWORTH SM

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

I, Fr Timothy Duckworth SM, will say as follows: -

Introduction

1. My full name is Timothy Duckworth. I am the Provincial of the New Zealand province of the Society of Mary (**Society**) and I am a member of Te Rōpū Tautoko (**Tautoko**), the group brought together by the Catholic Bishops and Congregational Leaders of Aotearoa New Zealand to coordinate our response to the Royal Commission of Inquiry into Abuse in State Care and the Care of Faith-based Institutions (**Inquiry**). I refer to my previous statement dated 23 September 2020 (**First Statement**).
2. The Inquiry has asked Tautoko to provide supplementary evidence on certain topics and themes including those first raised in my First Statement. I provide my response on some of these topics below. In doing so, I note that I am the Provincial of the Society of Mary, which is an independent congregation. I do not have any control over dioceses or other congregations. Unless stated otherwise, my statement should be seen as applying only to the Society.

Pastoral care and a pastoral approach to redress

Meaning of a “pastoral approach”

3. The Inquiry sought further evidence on the meaning of “pastoral care”. I have reflected on this and on how it relates to claims of sexual abuse by victims and survivors.
4. Firstly, I do not believe that there is a “one size fits all” process for complainants who come forward to report sexual abuse. Some approach the Society to share their experiences and seek healing and understanding, others approach a lawyer or a survivors support group, others report the matter first to the police. Most cases of sexual abuse that have come to the Society have been historical and the survivor has often lived with the issue in their mind and heart wondering when and how to deal with their experience of abuse. In many cases, survivors made a complaint after the respondent was deceased and so taking such a complaint to the police would not be an option.

5. Many of the survivors feel deeply about the betrayal of trust embodied within sexual abuse by a priest or brother. Below, I will outline a process that has been used in complaints made directly to the Society. I consider this to be a pastoral approach.
6. The principal concern for many people who have been sexually abused by clergy and religious is, "Will I be believed?" For some survivors, experiencing sexual abuse destroys their faith in the Church, this is both understandable and deeply regrettable. But for others, their faith is maintained or in some cases deepened by their experience. For this group, the second major concern is often that the Church is also like a family – and therefore he or she needs to deal with their abuse in a family or community way and not through some third party. These survivors are looking for healing and some reconciliation, even if this is not perfect.
7. In my view, and as I described in my First Statement, I believe the Church's approach under A Path to Healing has changed from a pastoral one to what seems to me a much more investigative and legal process. I am concerned that this approach may not promote healing. Unfortunately I consider that the process has been moving in an increasingly formal and legalistic direction.

Principles that guide the pastoral approach

8. Fundamentally, a pastoral approach is one which has the complainant's needs at the heart of all decisions. It considers the impact of the process on the complainant, recognises the difficulties and obstacles in making a complaint of abuse, and, so far as possible, works to minimise these difficulties. A pastoral approach will look different for each survivor, but core elements will all be focussed on meeting the individual needs of that person.
9. The Society is guided by the principles of *te whare tapa whā* to guide our pastoral approach:
 - (a) taha tinana (physical wellbeing)
 - (b) taha hinengaro (mental wellbeing)
 - (c) taha wairua (spiritual wellbeing)
 - (d) taha whānau (family wellbeing)

10. This means that we approach each person accepting that they belong to a certain family, that they have certain mental, physical, spiritual and emotional needs and these needs are unique to each person. The Society is aware that we must very carefully assist complainants to walk their own unique pathway towards the process of healing.
11. The pastoral approach places great importance on complainants' spiritual needs. Many complainants still belong to the Church, or want to belong, but feel conflicted about their faith and spiritual needs. The pastoral process hopes to recognise this and assist the person rebuild their faith in God. It seeks to help the complainant recognise that, although a person representing the church abused them, they are still welcome and may reconcile with the church in whatever way they see as necessary and desirable. This approach may include the person's family and whānau who feel similarly spiritually disenfranchised by the abuse of their loved one.
12. That said, the Society does not pressure anyone to "return to the church". Spirituality has many pathways.

Pastoral process

13. We see the process we use as a pastoral process which is complainant focussed. It is not simply that a complaint is made, an investigation is undertaken, and a determination is made regarding the abuse. That sort of process could easily be dealt with by the police or an independent body. The Society sees the process as an opportunity to listen and to hear the complainant, to share their pain, to apologise and where possible to assist them to begin or continue on the path to their healing.
14. A person who enquires of us "How do I make a complaint of Sexual Abuse to the Society?" would generally be told that they should phone or write to the Society of Mary Delegate for Sexual Abuse or the delegate could contact them if they would prefer. The term "delegate" derives from the notion that the person who holds the position has delegated authority to act on behalf of the Society to hear the complaint, initiate, and follow through on the process of investigating that complaint and taking the outcome of the investigation to what we call our Sexual Abuse Protocol Committee.
15. As part of the process, a complainant is told that at any stage they can go to the police and report the crime, assuming the alleged perpetrator is still alive. They can

also pause, withdraw, or resume the complaint process at any time if they choose to do so. While it is uncommon for complainants to withdraw completely from the process, the Society encourages them to approach the process on a schedule that is best for them and their needs. The timeline of any complaint is survivor-led.

16. A central element of the process is allowing the complainant to share their experience. It is not possible to move forward with healing until the person feels that they have spoken of what happened to them and been heard. In my experience, it is important for the person to do this in a way that suits them – for most people this is verbally, in person. In my view, a written statement followed by an investigative interview can undermine this step as it can, intentionally or not, make their experience feel like a procedural exercise rather than a central part of their healing.
17. From the first contact it is necessary to ask what meeting place might best suit the complainant. Some meetings that I have participated in have occurred in the individual person's home, some have occurred in the Society's offices, some have occurred on neutral ground, but the person is usually given options for that. It is important to signal ahead of time what will happen in the first meeting. It requires simple things like the chairs to be set correctly and not confrontationally. During the meeting a pastoral process requires that a complainant is listened to and heard and that their complaint and needs are acted upon where possible.
18. The approach is tailored to the particular needs of the complainant as far as possible. In response to the Inquiry's questions relating to abuse of Māori, Pacific peoples, and people with disabilities or vulnerabilities, the Society does and will do what is possible to ensure that the redress process responds to these peoples' individual needs. That might mean for example if they are Māori or Pasifika that we understand how a process might best proceed for that person. We have used members of our protocol team who speak te reo to meet with Māori complainants, and in one case used an adapted form of the Samoan *ifoga* practice for a Samoan complainant. Everything is done to ensure the pastoral process was a positive one for the complainants and their families, whānau, and friends.
19. The Society tries to recognise a complainant's courage in coming forward, emphasises that they were not to blame and tries hard to ensure the complainant reclaims some power in the process.

20. At no stage have we viewed complainants in an adversarial or oppositional way. Our focus is on a pastoral healing and restorative process.
21. On some occasions, the Society could not give the complainant what they were requesting. This may include requests for financial compensation well above what the Society could feasibly offer, or requests for personal information about other people who have been abused by the same person which cannot be given for privacy reasons.

Importance of the Society's liaison with the complainant

22. It is important in the very first instance that the person who is assigned as the Society's liaison with the complainant approaches the person complaining in a careful, measured, empathetic, and helpful way. This is an important moment of possibility which will hopefully lead to some reconciliation, some healing, and some restoration of a person's mana as well as other aspects of the person's wellbeing and their relationships.
23. We have found that a social worker or a trained counsellor is the best person to support the complainant. It is also important that the complainant has their individual and unique circumstances taken into account.
24. The liaison person provides an example of best practice social work or counselling. When appointing this person, the Society ensures as far as possible that the person:
- (a) understands the complainant's culture, cultural needs, and religious needs – (e.g. some people wanted to start with a prayer or karakia, others may not);
 - (b) recognises that they are part of a family (and may need to meet with family, whānau, friends, or significant others as well);
 - (c) arranges the safe space for a meeting in which the complainant felt comfortable;
 - (d) explains the process and what will happen;
 - (e) suggests that the person bring a support person and outlines why;
 - (f) explains who might be there and make sure that the complainant is happy with that;
 - (g) knows what personal safety is and follows through on that;

- (h) understands risk assessment;
- (i) understands trauma particularly as it relates to sexual abuse;
- (j) as time unfolds, knows the story and therefore can relate to the complainant as they have heard their heart and outpouring of the complaint;
- (k) shows care and concern for the welfare of the individual and concern for their family, wider whānau and the relationships of the individual with them;
- (l) arranges a suitable counsellor;
- (m) checks how counselling sessions progress, perhaps arranging a different counsellor;
- (n) arranges medical or physical help if necessary;
- (o) is available to check how the person is coping;
- (p) is there to provide help in times of need, an ear to listen, a person to talk to.

Specific examples of pastoral redress

25. The Inquiry has asked for some specific examples of pastoral care in respect of redress outcomes. I have outlined some examples of the Society's responses below:

- (a) An elderly complainant was given fortnightly visits helping her with such tasks as washing dishes and clothing, arranging and assisting with, connecting her with a community care provider, shopping, organising her medication, and speaking to her doctor on her behalf to ensure integrated psychological and physical treatment was provided. She was visited by a religious sister which she very much enjoyed as she seemed to have minimal contact with friends and family. I visited her on two occasions accompanied by the religious sister.
- (b) I spoke with a gay man who was a complainant and had been abused as a teenager. He asked me to speak to his parents to help them to understand his life and sexuality. That led to a reconciliation between his strict Catholic parents and the complainant.
- (c) Another man was provided both general and specialist counselling, was connected to alcohol and drug providers, given assistance with court processes, meetings were held with his estranged partner, and pastoral support was given to his elderly parents. He was also given a social worker's personal cell phone number to access support when he felt necessary.

Complainants' response to this process

26. Each complaint is different and each brings its own individual challenges. As previously stated, there is “no one size fits all” approach to a complaint of sexual abuse and there is likewise no consistent outcome. Realistically, in some situations, there is nothing that can be done to completely eliminate the effects of abuse on a person's life. We try to do what we can to assist with the healing process.
27. Overall, the Society tries to ensure that a complainant feels heard, supported, and treated fairly and with respect throughout the redress process. However, the hurt of sexual abuse runs deep and can have long-reaching effects on a person's life which can take substantial time to resolve. The Society's redress process does not always provide the closure that complainants seek. This can be a distressing experience for complainants and can leave them feeling angry or upset.
28. For some people, the act of coming forward can, in itself, be retraumatizing and render them unable to continue with the redress process at that time. The Society offers the help it can, such as counselling, to these people but sometimes we are unable to assist the complainant in ways that are meaningful to them.

Approach to complaints of non-sexual abuse

29. The Inquiry has requested further evidence and policies on claims relating to non-sexual abuse and sexual abuse of vulnerable adults.
30. In my view, the nature of sexual abuse is such that I would view all sexual abuse as inherently also psychological abuse. As far as I am aware we do not have any cases of non-sexual abuse reported to the Society of Mary other than those that are made alongside complaints of sexual abuse.
31. A possible exception to this is where people come forward complaining of corporal punishment as children. These complaints are difficult as corporal punishment was legal and socially accepted at the time. In these cases, we refer the complainant to the Police as the Police are best placed to determine whether the treatment exceeded the law at the time.

32. Any complaints of solely non-sexual abuse would be dealt with on a case by case basis. If such a complaint was made, we would approach it in the same manner as a complaint of sexual abuse. Likewise, the Society would take the same approach to complaints of sexual abuse of vulnerable adults as it does to other claims of sexual abuse.

Review of policies

33. As to the ongoing review of our policies, the Society regularly reviews its policies on a rotating cycle. At monthly meetings of the Provincial Council (the governance body of the Society) we review progress in dealing with cases and address any issues that have arisen. Each year the Society's sexual abuse protocol committee has a review of its own work, and the Provincial Council also conducts a yearly review. The Society has also had some individual cases reviewed by an independent QC.

Response to points raised in the survivor phase of the faith-based redress hearing

34. In December 2020, the Inquiry heard from survivors of abuse in the care of Catholic organisations. I would like to respond to two criticisms of the Society raised in this evidence.

Removal of portraits of alleged abusers

35. A number of witnesses in the December 2020 hearing raised issues around portraits of people accused of abuse.
36. In particular, I refer to the evidence of the late Mr Patrick Cleary, read at the hearing by Tina Cleary (WITN0113002). Mr Cleary alleges abuse by Francis Durning and Patrick Minto. Mr Cleary objected to the portraits of these men being hung in the schools of which they were the rectors. At the time of Mr Cleary's complaint we had one other complaint regarding the late Francis Durning. Mr Cleary indicated in a letter abuse by both Francis Durning and Patrick Minto. During my interview with Mr Cleary he stated he could not recall any details of alleged abuse by Patrick Minto. Therefore we did not investigate this part of his allegation further. The first that I heard of specific allegations of abuse against Patrick Minto was in the evidence for the December 2020 hearing. When Mr Cleary made his complaint there were discussions with the College. It was decided that further discussion was required.

37. In early 2019, the portrait of Francis Durning was taken down. This decision was made by the Board of Proprietors at St Patrick's College Silverstream in conjunction with the Board of Trustees. I understand that this decision was made in part due increasing awareness of Francis Durning's history of abuse.
38. The Society does not have a role in the operational decisions of schools, including decisions such as whether or not to remove portraits of past teachers who have been found to have abused people. My personal view is that there should not be portraits of any Society of Mary priests put up in a place of honour at all. I consider this practice is inconsistent with our values, particularly the values of humility and service, and our charism as a Society. If it were up to me, I would take down all of these portraits.
39. With regards to Patrick Minto, the Society has not received formal allegations of abuse against this priest prior to the evidence given at the Inquiry's hearing in December 2020. If a complaint was made to the Society, we would of course investigate that complaint.
40. I would like to take this opportunity to encourage anyone who has been abused by Patrick Minto, or any other member of the Society of Mary, to come forward to us.

Character reference at the sentencing of Peter Hercock

41. Peter Hercock is not and never has been a member of the Society. I refer to the evidence of Ann-Marie Shelley WITN0002, at paragraph 3.36, where she refers to a "character reference" for Peter Hercock, read out at his sentencing, written by me.
42. As a member of the Archdiocese of Wellington Protocol Committee, I was involved in Ms Shelley's complaint about Peter Hercock. I would disagree with the characterisation of what I wrote as being a "character reference". I include the document I wrote to the Court with this statement (017.R192.0001). I wrote this document to inform the Court of my understanding of the context around Peter Hercock's offending, the standards and regulations that were in place at the time, and the problems with these systems. In this document, I did not deny the seriousness and reality of Mr Hercock's actions.

43. I stated that “Some young priests were unbelievably naïve and acted, in my opinion, as if they were experimenting teenagers.” I say this not to excuse Mr Hercock but to perhaps give a better understanding of the circumstances. These ‘sexually naïve’ and relationally young priests were a danger to themselves and a danger to people they were sent to minister to.” My intentions in writing this document was never to deny the realities of Mr Hercock’s offending nor to mitigate the impact it had on those against whom he offended.
44. In recalling Mr Hercock’s trial, I note that I encouraged him to plead guilty to all the charges and save Ms Shelley the trauma and difficulty of a trial. I was heavily involved in Ms Shelley’s complaint and sought at all times to support her and ensure that she was receiving the assistance she required. I felt, and feel, deeply for the trauma she has experienced.

Contextual data on complaints and redress

45. The Inquiry has sought contextual evidence and analysis of the complaints data previously provided by Tautoko. This data includes complaints related to the Society. An overview of how the information was gathered by Tautoko, and how “complaints” are defined, are in the preliminary report filed by Tautoko.
46. The available records indicate that there have been 81 complaints (in some form) of abuse made to the Society between 1944 and 2019. The records held by the Society include some matters that I have dealt with directly during my time as the Provincial, and also matters that were dealt with by my predecessors. As a result, some of the reports I am familiar with only from the records that we hold.
47. The vast majority of complaints (64) were made by male complainants. Most complaints (49) related to reports of abuse suffered between the ages of 12-15, and most (43) have been categorised as “other sexual offending against a child”, which refers to sexual offending other than sexual violation.
48. Our records seem to demonstrate a clear trend (and one that is now well understood) in respect of delays in making a complaint. Most complaints of abuse regarding the Society were made at least 20 years after the abuse was said to have taken place. 12 complaints of abuse were made at least 40 years after the abuse. It can be also be seen from our records that many respondents were deceased at the time the complaint was made.

49. The settings of the reported abuse vary. 45 complaints relate to the education setting (e.g. a school, such as Francis Durning's offending at St Patrick's referred to above), 9 complaints relate to a residential care/orphanage setting, and 11 relate to a parish setting.
50. In respect of redress outcomes, Tautoko's preliminary report indicates that the Society's ex-gratia payments have varied. The report records that the Society has paid counselling costs in respect of 26 complaints. I also refer to Tautoko's briefing paper on redress which records:
- (a) 28 complaints to the Society have had some form of financial redress. The total known quantum of financial redress is \$882,017 NZD and \$125,000 AUD. These figures include ex-gratia payments, payments for counselling and other financial assistance.
 - (b) The highest ex-gratia payment was \$50,000. The lowest was \$5,000.

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 Inquiry of Inquiry into Abuse in Care.

Signed:

GRO-C

Timothy Duckworth

Dated:

12 February 2021