

Church Governance Workshop

University of Divinity – Yarra Theological Union

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Principles and practices informing Good Governance in Church

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Extracts from the relevant sections of the Final Report (Volume 16) of the Royal Commission into Institutional Responses to Child Sexual Abuse are attached and should be read as background to this presentation. In particular Recommendation 16.7

‘The Australian Catholic Bishops Conference should conduct a national review of the governance and management structures of diocese and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of catholic health, community services and education agencies’.

The Catholic Church does not lack governance, indeed it may well be over governed, but it does need improved governance in many of its institutional entities and arrangements. From shortly after its inception various governance models have materialised within the Church. Whilst some aspects serve us well, much may now be an impediment to fulfilling the mission of the Church in our world.

The weaknesses identified in Catholic Church governance in the Royal Commission contributed to the inability of Church authorities and personnel to adequately respond to incidences and reports of Child Sexual Abuse. Poor governance contributed to dangerous cultures and conflicted leadership that created the perfect storm within which abuse occurred and inappropriate responses were common place.

Whilst there have been significant improvements in governance in many Church institutions especially in relation to health, education and community services and other ministries, there has been little improvement in governance arrangements in dioceses and parishes. Many religious institutes have embraced more accountable, transparent and participatory models of governance especially in relation to their ministries. Yet such approaches and learnings have not crossed the aisle into the diocesan and parish structures.

Notably, important and welcome initiatives introduced in the 1990s, such as Towards Healing, to respond to child sexual abuse reports failed to live up to their full potential and promise due to inconsistent application, personalised adaptations by individual bishops, dioceses or leaders of religious orders and congregations. Poor governance arrangements often impeded offenders being properly sanctioned.

The Church risks further losing the trust and confidence of the people of God and the broader community, unless governance is improved. More importantly the current governance arrangements are increasingly losing legitimacy with the Church community of faithful.

Review and reform of Church governance arrangements, even within current canon law, is vital if the Church is to be a relevant, responsive, sacred and transformative body in spreading the Word of God to the faithful and beyond.

Good church governance must be based in hope not fear. It must be arise out of humility not arrogance.

Current Church governance, and some of the canon that underpin it, are based (intentionally or unintentionally) on a fear of the non-ordained, especially women, a fear of outside influence (even where that is good) and an arrogant assertion of the position of the Church in the world and maintaining the power and privilege of an ordained class. It too often dismisses open, transparent and accountable approaches in favour of secrecy, complexity and legalistic approaches. It shuns genuine participation.

Nevertheless, times are changing as new models of incorporation and organisational arrangements emerge especially within religious orders and ministries. In these models clear lines of responsibility are established, transparency and accountability embraced, risk is properly understood, conflicts of interest identified and managed, the roles of Chair and CEO are separated, and diversity of talents, genders and experiences are valued.

Yet even these models need some attention. Some see a drift to what they might call 'corporatised' models, as inherently pushing governance down a secular route, divorced from the faith driven mission of the Church. What is required is a careful examination of all models of governance to ensure that, what we value in our faith, is retained and safeguarded in new forms of incorporation. Faith and good practice can and must align to achieve good outcomes. Through good stewardship, appropriate selection of dedicated and talented people, ongoing training and formation of leaders and a strong commitment to the Catholic mission, faith and good practice should be inseparable.

And the Plenary 2020 may bring forth new insights and give renewed momentum for new approaches. ***In hope and out of humility improved governance can emerge.***

What is governance?

Governance and management are not the same. Good governance allows for good management but they are different, yet related. Often church leaders confuse the two. Too often the involvement of large numbers of lay people in administration and management is put forward as evidence of their participation in governance. This is a mistake especially in diocesan and parish contexts. Nevertheless, laity are involved in various levels of governance in large numbers of Church enterprises.

For me, good governance is not an end in itself. It is an enabler for the fulfilment of the purpose of an organisation. It is intrinsically relational in nature, creating relationships between people, and between people and processes, to achieve a desired end within an institutional and societal context of norms, values and rules.

There are multiple common use definitions of governance. Internationally, the Institute of Governance says

‘Governance determines who has power, who makes decisions, how other players make their voice heard and how account is rendered’.

Further ‘ultimately, the application of good governance serves to realise organisational and societal goals’.

Governance is not just a board or committee it is ‘the framework of rules, relationships, systems and processes within and by which authority is exercised and controlled’ (ASX, Justice Owen)

Given the international dimensions of the Catholic Church regard should be had to the UNDP principles:

1. **Legitimacy and Voice** (*legitimacy is gained through the active ongoing participation of men and women and a consensus orientation which seeks to mediate differing views*)
2. **Direction** (*strategic vision based on the purpose, mission, values having regard to historical, cultural and social contexts*)
3. **Performance** (*responsiveness and making best use of resources*)
4. **Accountability** (*accountable to the public and institutional stakeholders and transparency that is built on the free flow of useful information*)
5. **Fairness** (*equity in that all men and women must have opportunities to be valued and improve their wellbeing and embracing the rule of law and ethical conduct*)

Against these principles how does Church governance rate? Well very poorly in many dioceses, parishes and some ministries. And very poorly internationally within the structures of the Holy See.

- In short governance is non participatory, especially of religious and lay in the governance of parishes and dioceses. It is a hierarchical or monarchical or even militaristic model with individuals having ultimate decision making power, often within conflicted roles. Modest attempts at pastoral and parish councils have often failed. The voice and role of women are not appropriately valued or recognised in governance arrangements. Further the voice of the poor, oppressed and marginalised are nowhere to be heard. Commissions within the Vatican remain dominated by the male ordained and remain largely secretive in nature, despite some attempts by the current Pope to change this. Religious orders are participatory and sometimes very democratic within their own congregational membership but rarely invite others into their own internal governance arrangements, (which may or may not be an appropriate approach having regard to the specific context).
- Strategic vision is often not articulated or even developed and most Catholics would have little or no idea what the strategic vision is in a diocese or parish, but there are notable exceptions.
- Performance is almost impossible to measure due to poor disclosure of data or information and an apparent distrust of evidence in areas of the Church outside of health, education and community services. Common, nationwide initiatives are weakened by individual church authorities refusing to implement elements or adding their own personal adaptations.

- Accountability and transparency is very poor and patchy. Often disclosure only happens when required by law. Accountability is often only upwards to higher authorities and not down or out. Few Bishops and too few priests act in a way that is genuinely accountable to the faithful, even though they deeply care about their pastoral and spiritual wellbeing. Loyalty and obedience upwards, at the very least creates conflicted accountabilities. And too often misplaced loyalty and blind obedience are wrongfully substituted for proper accountability and the acceptance of responsibility. Finances, complaints and misconduct are routinely not disclosed to the faithful. Priests come and go suddenly from parishes but reasons are rarely given to the parish community- they simply have no right to know. Religious orders do have accountability mechanisms to their congregational members but not beyond and this has proved problematic where they still run services and outreach and in responding to abuse matters. Ministries in regulated sectors such as schools and hospitals are notably very different in embracing accountability and transparency.
- Many Church authorities lack a commitment to due process within Church, abandon their stated values in order to protect colleagues and institutional reputations when abuse victims come forward, and adopt dubious legal defences to thwart legitimate claims- hardly fair or ethical.

Towards a stewardship model

The Governance Institute of Australia says governance has four key components **transparency, accountability, stewardship and integrity.**

Stewardship is an extremely appropriate model for faith based institutions. It has at its heart a clear commitment to act in the best interest of others, recognises values and long term goals in fulfilment of the enterprise's stated purpose or mission. It sees the enterprise as simply being within the temporary custodianship of those vested with its governance. It enshrines the quest for integrity by promoting ethical conduct.

Church governance should be based on a stewardship model that recognises that the organisation is governed for the benefit of promoting the word of God, for the benefit of the community of faithful, in the best interests of the people and community its serves and recognises the interests of broader community within which it is located.

The Governance Institute of Australia says that faced with decisions all should ask this question 'What would ordinary, right thinking members of the community –knowing all the relevant facts –believe an appropriate exercise of stewardship would be in such circumstances.'

If only this question was asked by Church authorities, would our responses to those abused have been different.

Too often, expressed values were ignored when contra incentives conflicted. That is, when the incentives to act in accordance with those values would be prejudicial to your career or your place within the church hierarchy or could bring criticism or claims of disloyalty, many

capitulated and tossed aside their values. Incentives that reinforce your commitment to hold to your values must be operationalised in schools, health care, community services, parishes, dioceses and religious orders. **Doing what is right according to God and country should be rewarded. Often it is not.**

Of course, I recognise that many church authorities and personnel struggled with what to do. We know many were torn apart by these conflicts. Many acted in the interests of the victim/survivor, especially since the mid 1990s. But some did not.

And advisers to Church authorities, including lawyers, must remind such authorities that the question is not ***whether I can do it but rather should I do it***. Their role in advising Church authorities was subject to scrutiny in some Case Studies in the Royal Commission and raise questions for more detailed consideration.

Three recent Royal Commissions into Trade Unions, Institutional Responses to Child Sexual Abuse and the Banking Sector all raised a simple question with many institutional witnesses. – ***Why did you ever think it was the right thing to do?*** So few could provide credible answers.

A stewardship model:

- focuses attention on the key question of in whose interest are we acting
- it draws a clear distinction between governing and managing
- it explicitly requires ongoing consideration of the mission, values and issues of integrity to be considered
- it manages conflicts within a values framework and forces an alignment between values and incentives.
- it forces a long term view – as decision makers are mere custodians of the enterprise
- it requires accountability to be actively pursued and monitoring to be formalised Including to ensure that an ethical, faith informed culture is being lived throughout the organisation
- it requires participation of relevant women and men who can bring a rich diversity of experiences to the decision making table to best serve the organisation and its mission, values and performance.

The outcome of good governance is to drive good cultures, support good leadership and build trust in the institution. It allows the institution's purpose to be fulfilled responsibly have regard to Church and societal norms. It will allow good practice to be infused with all that is important in our faith filled mission.

Stewardship models should underpin reforms within the national and international Church. They should be part of all Church entities including religious orders, congregations and incorporated bodies (including PJPs). Such models can give full expression to the mission of the Church in action. They are catholic in character.

Possible practical approaches

In bringing this together, I think good church governance should be based on five key principles:

Legitimacy- through the participation of women and men (ordained,religious and lay) in all decision making processes, giving them voice and responding to those voices. It values relationships of trust, respect and reciprocity.

Stewardship- by governing for the benefit of God and the faithful, and acting in the best interests of those we serve and the community, ever faithful to the long term mission of the Church, as diligent custodians of the enterprise.

Accountability and transparency- embracing clear lines of responsibility, being accountable for the consequences of decisions and being open to the Church and broader communities in relation to information, data,performance and processes (and their outcomes).

Strategic Performance- by developing clearly articulated goals and strategies, using evidence, expertise and appropriate discernment to guide decisions and openly reviewing and reporting on processes and performance.

Integrity- through acting faithfully, fairly, justly and ethically in all decision making having regard to Church and societal norms and laws. Ensuring a culture and leadership that requires these values to be lived throughout all levels and aspects of the Church enterprise. Each Church institution should be infused with the charisms and prophetic teachings of their founders which are core to their individual integrity and inform the values to be safeguarded and lived.

These principles are intrinsically Catholic in character. Mission focussed, values based, involving the people of God in the shared priesthood that should be the Catholic Church.

In practice -possibilities

Having regard to those principals here are some preliminary practical approaches that could be considered. All need further thought and development.The Royal Commission did not prescribe any particular models. But it may be useful to throw out somepersonal ideas, however ill-defined or conceived.

At national level

- National Plenary Councils should be held every ten years and Diocesan Plenary Councils every five years.*
- A National Leadership Centre for Stewardship could be established by the Church at national level to promote training and formation of leaders of church authorities in good governance including stewardship and integrity.*
- The Church at national level should establish mechanisms, at the national level, to investigate and sanction Church personnel in relation to matters of serious misconduct.*
- The Church at national level should ensure all ACBC Commissions have at least sixty percent representation by lay men and women.*

Consideration should be given to a stewardship council being established at the national level to monitor and advise the ACBC and Religious Australia in relation to issues of integrity in the Church in Australia. Alternatively, a formally constituted national conference of representative bishops, ordained, religious and lay could be convened biennially to review and publicly report on the Church's commitment to good stewardship and integrity and identifying opportunities for improvement.

• At all levels of the Catholic Church in Australia there should be the public annual accounting of financial reports, information, data and progress in relation to strategic plans or commitments.. Additionally non identifying information on the handling of abuse complaints, and open access to information on processes available to report misconduct should be made publicly available. These should be available at a national and diocese level.

• In addition to creating safeguarding regimes for child sexual abuse, the Church at national level should develop a model of governance especially in relation to 'governing for protecting the vulnerable '. So many who are part of our Church community and those we serve and journey with have great vulnerabilities and their support and protection may need special attention.

At diocesan level

- Bishops should be required to act in Council, with a small number of ordained, religious and lay (men and women) who meet regularly to examine and determine issues of stewardship and integrity and ensure sound stewardship of the Diocese. This should sit above all management and other consultative processes and itself be subject to biennial review.*
- All dioceses should have active on going, properly constituted pastoral councils that have fixed terms for individual members, be constituted to survive the change of Bishop, and whilst initially only advisory must be treated as influential. Bishops should be required to respond to recommendations and provide reasons if recommendations are not supported.*
- Ongoing leadership training and professional development must be put in place for Bishops, members of the stewardship council, and other decision makers. Ongoing formation should be provided to all pastoral council members and regular reviews of the performance of the council should be undertaken.*
- Appropriate processes, external to the Diocese, should be established for the investigation and sanctioning of church personnel in relation to serious allegations of misconduct to avoid inherent conflicts of interest.*

At parish level

- New models of parish governance and management should be developed to allow for team based ministries with parish leadership by lay, religious or ordained based on suitability, skills and experience not status.*

- *Parishes should be required to establish purposeful, properly constituted parish councils with appropriate representation of the parish community, fixed terms for individuals, and clearly articulated delegated responsibilities. Priests must continue to have overall responsibilities for the spiritual and sacramental direction and wellbeing of the parish but can delegate ministerial responsibilities to appropriately trained and formed persons.*
- *All priests and members of parish councils should be required to undertake ongoing stewardship training and formation and review of the performance of the parish council and governance of the parish should be undertaken regularly.*

Within religious orders and congregations

- *Religious orders and congregations should ensure their leadership teams undergo appropriate stewardship training and that reviews of their governance arrangements, their commitment to good stewardship and their performance generally should be undertaken every few years including through engaging external review personnel to conduct such a review.*
- *Where appropriate, religious orders and congregations could establish a leadership advisory committee comprising lay and religious women and men to provide input into and advice on the good governance and stewardship of the order or at the least do so in advance of each provincial Chapter and report to such Chapter.*

At organisational level

- *All Boards and advisory councils of church entities including school councils should be representative of men and women, have fixed terms for members and all members be required to undertake on going stewardship training and formation.*
- *All Boards and advisory councils of Church entities should undertake a biennial review focussing on its commitment to good governance including stewardship and integrity, as well as performance.*
- *Where a Church entity has a Board, without an active membership to which it is accountable, serious consideration should be given to establishing a small Stewardship Board to oversight issues of integrity and stewardship.*

Of course governance improvements sit within a broader set of issues confronting the Church- safeguarding policies and processes including at parish level; reducing unhealthy clericalism; reviewing the selection, formation, training and ongoing supervision of ordained and religious; removing mandatory celibacy requirements within the diocesan priesthood; increasing the role and voice of women; greater consultation in relation to the appointment of Bishops and Parish Priests and changes to the Canon Law.

The reform of the Vatican City structures and the Holy See is beyond this paper but perhaps a simple step forward would be that all commissions and congregations (without exception

established by His Holiness should comprise not less than 50% lay men and women. This would include the Congregation on the Doctrine of the Faith.

Final Thoughts

Without review and reform the current governance arrangements of the Church will lead to a further loss of trust and confidence. Without greater lay participation in decision making the Church and its leadership will lose legitimacy amongst the faithful. The voice of its people, the voice of the poor and oppressed, the voice of the marginalised must be allowed to be heard.

Improved governance will help create the relationships, systems, processes and structures to allow for better Stewardship of this institution- God's great enterprise.

Good governance within our Church should aid, in a small way, the living word of God to be heard and seen in all that we do as a community of faithful people.

But all this rests on the belief that we are one people, 'the people of God' called through baptism to proclaim and live out the word of God - equally valued, equally responsible, equally accountable.

The values that guide each of us will shape what we bring to each board, committee, institute or enterprise. Our individual charisms shape who we are and that diversity is a great blessing.

For me, my guiding principles remain those which the prophet Micah called on each of us to embrace. To live with justice, to love with tenderness and mercy, and to walk faithfully and humbly with our God. We can be a Church that acts justly, loves tenderly and is faithful to our God.

And the core commitment to faith in action as articulated in Vincentian spirituality runs deep within me and I believe the Church in Australia.

I welcome the ACBC and Religious Australia commitments to reviewing governance in the Church and other vital matters, through the Implementation Advisory Group. I acknowledge the prudent leadership of Archbishop Mark Coleridge in these matters and in these difficult times. I hope and pray that the Plenary 2020 will be an opportunity for the Church to explore the evidence, engage in open dialogue and discern a new course for the Church in Australia. I remain encouraged by the words of Pope Francis and live in hope that good words will be followed by good action. The time for resolute action is now.