

The Board of Trustees
Catholic Caring Services
218 Tulketh Road
Ashton
PRESTON
Lancashire
PR2 1ES

5 October 2008

Dear Trustees,

I repeat what I said in my letter of 26 May 2008 that I find it incredibly difficult to write letters such as this but it's good to know that you understand my position while not agreeing with it.

The Trustees have voted for a second time for an Open Policy (8.2, 6.1) to accept homosexual and lesbian partnerships in the adoption of children.

At present *Catholic Caring Services* operates as an agency working in the name of the Catholic Church and as such its practice is to assess only married couples (and in very exceptional cases single parents) and to approve those whom it judges suitable to act as adoptive parents. It is the Local Authority which places children for adoption. In approving a married couple there is an explicit and official approval of their union. This is because we seek a married couple who love each other and will remain faithful to their vows. Thus, approval of parenting ability and approval of the marriage are inextricably entwined.

From January 2009, the Government expects *Catholic Caring Services* to treat same-sex applicants in an identical manner to married couples, thus giving explicit approval of homosexual and lesbian partnerships. *Catholic Caring Services* would no longer be able to promote the Church's moral teaching that a marital setting is better for children rather than being placed with a same-sex couple. However, the paramountcy of the child requires that it be placed with a mother and a father.

Church Teaching on Marriage and the Family

In the light of your rejection of Church teaching it is my duty as your bishop, pastor and fellow trustee to explain further:

Church teaching, reflected in Scripture and Tradition, affirms that it is a man and a woman, united in marriage, who, together with their children, form a family. This community is the basic cell of society and the foundational and determinative point of reference according to which all other forms of family relationship can be assessed (CCC 2202). It is certainly true that the qualities of love and care which are intrinsic to the family may not always be adequately realised, sometimes with devastating consequences. Equally, aspects of the values particular to family life can be found outside of the familial unit composed of husband, a wife and their child or children. There are, however, unique and indispensable characteristics of the accepted understanding of family which make it the rightful and preferred context in which to raise children, namely the diverse and yet reciprocally enriching nature and contribution of both male and female parents, exercised within the security and the permanence of marriage.

The Church teaches that God created man and woman and thereby established the fundamental constitution of the human family (cf. Gen 2:24; CCC 2203). While the traditional notion of family is not immune from breakdown and difficulty, this is no reason for it to be abandoned or replaced as the primary building block of society. On the contrary, more effort should be made to support families, whether the children within them are genetically the offspring of their father and mother or have been placed in their care through adoption.

Because of this constant teaching and the Church's adherence to it, I find it unthinkable, indeed heart-breaking, that *Catholic Caring Services*, so linked to the Catholic Church since its inception, would abandon its position and capitulate to recent same-sex adoption legislation. Again, it is abundantly clear to me that you are adamant in your pursuit of an Open Policy, at variance with the Church's teaching. As your Bishop, I cannot give permission to an agency of the Catholic Church to act in opposition to her teaching and her long and rich experience of the placement of children with adoptive parents.

Since its inception *Catholic Caring Services* has been governed by Catholic values and principles. Is it now to lose these values which have been the distinctive contribution to the wider community over the years?

On grounds of conscience, formed by faith, we believe that same-sex partnerships do not provide the essential characteristics necessary for the well being and development of the child. I remain convinced that the best interests of children are served when they live with and are brought up by a married couple. Any dilution of this fundamental principle can harm children and undermine their paramount place in the whole question of adoption.

Here I should like to echo the words of Cardinal Joseph Ratzinger (now Pope Benedict XVI) in 2003;

“As experience has shown, the absence of sexual complementarity in these unions creates obstacles in the normal development of children who would be placed in the care of such persons. They would be deprived of the experience of either fatherhood or motherhood. Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development. This is gravely immoral and in open contradiction to the principle, recognized also in the United Nations Convention on the Rights of the Child, that the best interests of the child, as the weaker and more vulnerable party, are to be the paramount consideration in every case.”

(Congregation for the Doctrine of the Faith, *Considerations regarding Proposals to give legal Recognition to Unions between Homosexual Persons, No 7*.)

The Legal Position of Catholic Caring Services

I have received legal advice that a Charity such as *Catholic Caring Services*, which is established on a Religious basis, does not have the right to unilaterally change its nature and decide to act in a way that is contrary to the beliefs and teaching of that Religion. Trustees of a Charity are appointed with a duty to further the objects of a Charity and cannot act contrary to those objects. *Catholic Caring Services* is a Catholic Charity and was established with Catholic money provided to it in the belief that *Catholic Caring Services* Trustees would use that money in accordance with Catholic teaching.

Clearly as Trustees you cannot act contrary to the law of the land but as Trustees you also have a legal obligation to look at all possible means of ensuring that *Catholic Caring Services* acts in accordance with the faith of the Church as well as in accordance with the law of the land. As Trustees of *Catholic Caring Services*, which is a registered Catholic Charity, you cannot legally adopt a policy which is contrary to the Catholic Faith and teaching unless you have fully exhausted all possible legal alternatives.

Up to now you have chosen not to follow my advice to actively seek an alternative route in line with Church teaching. My advisers – moral theologians, lawyers and some involved in adoption processes – have suggested some routes which you have to date failed to explore:

1. *Regulation 18 (Sexual Orientation Regulation)*. We have been advised that the most effective approach in using this regulation is to seek to change the objects of the Charity by application to the Charity Commissioners.

The *Regulation* states: “Nothing in these regulations shall make it unlawful for a person to provide benefits only to persons of a particular sexual orientation” if acting “in pursuance of a charitable instrument”.

Leading counsel have advised that “an agency could rely on *Regulation 18* exemption... to restrict the provision of its services to heterosexual couples”.

This is the preferred route taken by a number of dioceses throughout the country.

- The *Regulation* also allows an agency to remain within the diocese and stay true to the teachings of the Church.
 - *Regulation 18* is not a way of circumventing the law. The Church is as entitled as any other group of citizens to use the law, to take advantage of exemptions within the law and if necessary to argue with public officials about their interpretation of the law.
 - It is worth noting that most advances for “Gay Rights” were won because Homosexual groups were prepared to use Human Rights laws to argue their cause. Under the *Human Right Act 1998* the *SOR*’s have to be applied and interpreted in a way that is compatible with *Article 9 of the European Convention of Human Rights*, which protects freedom of religion, and therefore Religious organisations such as *Catholic Caring Services* have every right to rely upon Human Rights law and exemptions given in Anti-discrimination law in order to protect their religious identity and faith.
2. I have also taken advice from a legal expert in the area of Religious Discrimination law and he has reminded me that the *SOR*’s were brought into force at the same time as *Part 2 of the Equality Act 2006* which prevents public authorities discriminating against an organisation, such as *Catholic Caring Services* which is acting in accordance with its religious beliefs.

That lawyer has looked at the “Charitable objects” clause in *Catholic Caring Services Memorandum & Articles*: the first line of which says that *Catholic Caring Services* exists “**To further the general charitable works of the Roman Catholic Church**”

I am advised that the existing wording of the “objects clause” in the *Memorandum & Articles of Catholic Caring Services* is already probably sufficient for *Catholic Caring Services* to claim the protection of *Regulation 18* however he advises that *Catholic Caring Services* should add the following extra clause at the end of the ‘objects’ in the *Memorandum*:

“When carrying out the above objects the Charity shall not engage in any activity which it knows, or reasonably believes, is contrary to the teaching of the Catholic Church; the formal opinion of the Bishop of Lancaster shall be final in any question as to what is the Teaching of the Catholic Church.”

He advises that such a change would not merely provide protection under *s18* of the *SOR*’s it would also provide *Catholic Caring Services* with protection under *Part 2* of the *Equality Act 2006*. A local Council could not refuse to deal with *Catholic Caring Services* merely because it disagreed with Church teaching on heterosexual marriage since any such refusal would constitute unlawful religious discrimination contrary to *Part 2* of the *Equality Act 2006*

as well as being contrary to *Article 9* of the *European Convention on Human Rights*

I must therefore appeal to you to formally think again and consider these legal options because it is part of your responsibilities as Trustees to defend the Catholic character of *Catholic Caring Services*.

Consequences for Catholic Caring Services

If however you are not willing to do this and if you insist on considering adoption applications from same-sex couples – an approach in direct conflict with the teaching of the Catholic Church – then with great sadness and regret I would have no alternative but to require *Catholic Caring Services* to take appropriate steps to remove its Catholic designation and confirm that it accepts that it will in future be acting independently of the Lancaster Diocese.

The necessary procedures which would be required are as follows:

- a) The Charity Commission will have to be informed that the Trustees of *Catholic Caring Services* are no longer prepared to act in accordance with Catholic moral teaching and for that reason *Catholic Caring Services* is no longer regarded by the Church as being a Catholic Charity.
 - b) The Charity Commission will have to be approached by the Trustees and asked to approve a change in the name of *Catholic Caring Services* which removes the word “Catholic” and also a change to the objects of *Catholic Caring Services* which removes the reference to “*the Roman Catholic Church both in the diocese of Lancaster and elsewhere in the United Kingdom*”. It will obviously be for the Charity Commission to decide whether the Trustees of *Catholic Caring Services* are lawfully entitled to make such changes.
 - c) *Catholic Caring Services* will be required to discontinue any association with Catholic churches, parishes, schools or other Catholic organisations or societies, and *Catholic Caring Services* will no longer be entitled to the benefit of any Diocesan collections.
 - d) With regard to the properties in the ownership of the Diocesan Trustees, but currently occupied by *Catholic Caring Services*, it will be necessary for the Diocesan Trustees to conduct discussions as to the future relationship between the Diocese and *Catholic Caring Services*.
- There will be a review of the terms of the leases to determine: (i) whether there is any potential breach of the terms of occupation; (ii) your responsibilities within your *Memorandum and Articles of Association*.
 - The three properties are:
 - 218 Tulketh Road, Ashton;
 - 74 Wellington Road, Ashton (Children’s Home);
 - Marian House, 46 Beech Grove, Ashton.

- e) Review the receipt and usage of past and future legacies and/or bequests made in favour of *Catholic Caring Services* and determine whether it is appropriate for any past legacies and/or bequests to be repaid to the diocese or future legacies/bequests to be retained by the Diocese.

I would imagine that many of you may consider my insistence on these actions harsh and even extreme, but this would be to underestimate the seriousness of your decision to reject, thus far, the teaching of the Catholic Church, and your failure to uphold your responsibility as trustees of a Catholic agency. Surely you must have realised that when you made such a decision there would be tragic consequences!

The Contribution of Catholic Caring Services

Catholic Caring Services does excellent work in a wide range of social welfare areas, from adoption and foster care services, including residential care of children and young people, support of adopted adults, pregnancy counselling, services for adults with learning disabilities, residential and supported living, advocacy, services to deaf and hard of hearing people, and community development projects, etc. It also provides an environment where dedicated Christian social workers can carry out their vocation in an environment which respects their faith.

Over the years hundreds of thousands of Catholics have prayed and contributed to this vital work carried out by their local Catholic Agency. It is, therefore, heart-breaking and a tragedy, if decisions are taken that would break the relationship between the Diocese of Lancaster and *Catholic Caring Services*.

In the event of *Catholic Caring Services* deciding that it was not able to continue in adoption work then I would hope that the Diocese would be in a position to set up an adoption service to canvass prospective adopters and support them in some way following adoption.

With sincerest good wishes and prayers – I would hope for a speedy response,

As ever in Christ,

Bishop of Lancaster

Cc: The Parishes of the Diocese – PPs to make available to the people.
The Media (on Tues 7 Oct)