

diocese
of limerick
our catholic community

Diocese of Limerick

Safeguarding Children

Standard 2

Procedures for Responding to Child Protection Suspicions, Concerns, Knowledge or Allegations

Date: 27th November 2017

Standards 2 to 7

**This Section of the Procedures Document
Sets out how the Diocese of Limerick implements
Standards 2 to 7
of the National Board for Safeguarding Children in the
Catholic Church in Ireland ‘Safeguarding Children
Policy and Standards for the Catholic Church in Ireland
2016’**

Standard - 2	Responding to Child Protection Suspicions, Concerns, Knowledge or Allegations
Standard - 3	Care and Support for the Complainant
Standard - 4	Care and Management of the Respondent
Standard - 5	Training and Support for Keeping Children Safe
Standard - 6	Communicating The Church’s Safeguarding Message
Standard - 7	Quality Assuring Compliance With The Standards

(National Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016 is available together with the entire version of the National Board’s Guidance Document on the National Board’s website at www.safeguarding.ie.)

Roles of Safeguarding Personnel

The roles of safeguarding personnel in the child safeguarding structure are outlined in Appendix 1.

Responsibilities of Safeguarding Personnel in Relation to Standard 2 are:

The Bishop

- Ensuring that appropriate personnel and procedures are in place to recognise and respond to allegations of abuse;
- Ensuring that practice and policy on reporting allegations is compliant with statutory and canonical law. This includes liaising with the Congregations of the Holy See, as appropriate.

Designated liaison person (DLP)

- Hearing safeguarding concerns;
- Passing on safeguarding concerns to the statutory authorities where there are reasonable grounds for concern;
- Managing the case file and all associated documents;
- Liaising with the support person, advisor and the Church authority;
- Informing the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) of an allegation/concern;
- Conducting internal inquiries.

Support person

- Attending the initial meeting of the complainant with the DLP (if agreed in advance with the complainant) in order to support the complainant, keeping them informed of the progress of their case, and helping them to identify and access support;
- Recording the dates of any meetings or contact they have with the complainant, and reporting to the DLP as appropriate. The support person will not be responsible for managing the file, and will pass on written records to the DLP, as appropriate, during regular meetings with the DLP.

Advisor

- Meeting the respondent with the DLP and the Church authority in order to support the respondent, keeping them informed of the progress of their case, and helping them to identify and access support;
- Recording any meetings or contact they have with the respondent and reporting to the DLP, as appropriate. The advisor will not be responsible for managing the file, and will pass on written records to the DLP, as appropriate, during regular meetings with the DLP.

An Garda Síochána

It is the responsibility of the Gardaí to investigate and establish if a crime has been committed. They will liaise directly with the DLP, as appropriate.

Tusla (the Child and Family Agency)

It is the responsibility of Tusla to promote the welfare of children in the Republic of Ireland who are not receiving adequate care and protection (Section 3, Child Care Act 1991). They will liaise with the DLP, as appropriate.

NBSCCCI

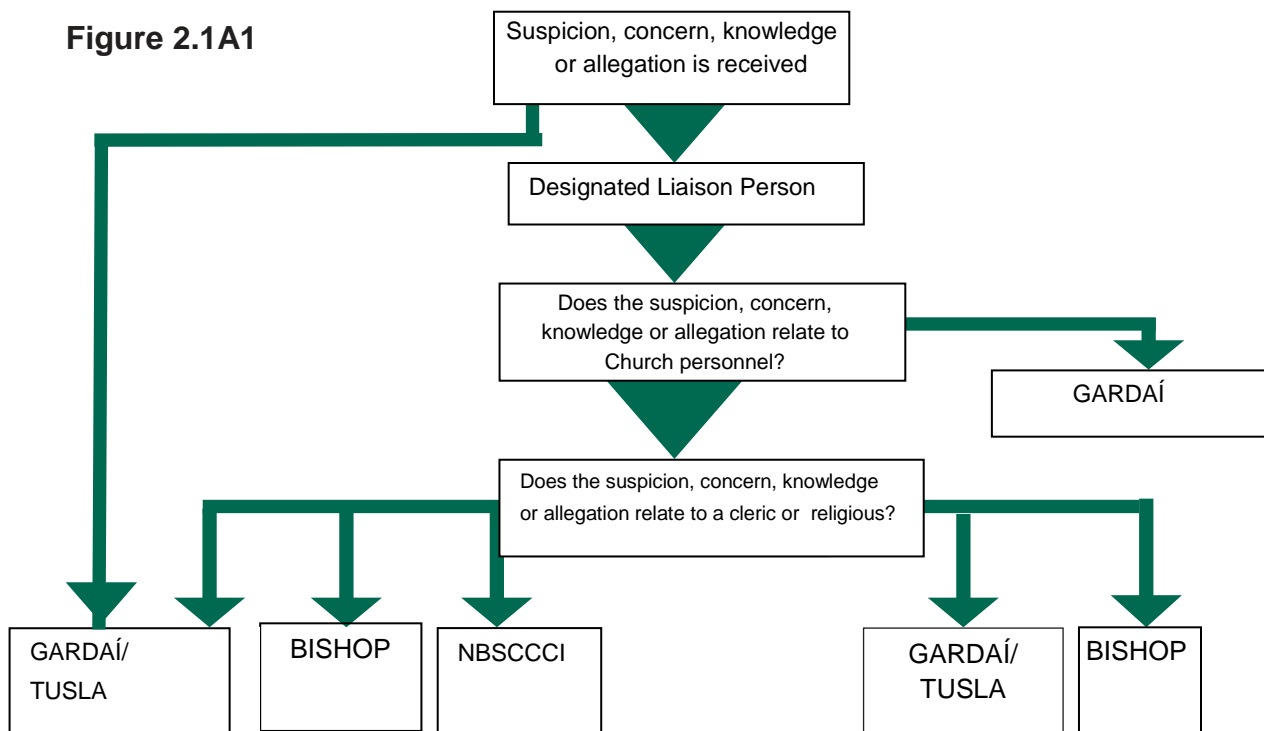
The NBSCCCI will be advised of safeguarding allegations, suspicions or concerns by the DLP relating to clerics or religious. Monitor and report on these allegations; and retain records of this information safely and securely. It will offer advice and support to people in the various roles listed, and offer advice on all aspects of safeguarding children.

Reporting Allegations of Abuse (Standard 2)

Children occupy a central place in the heart of the Christian community. They have a right to be listened to and heard. The paramount consideration in all matters relating to children is their safety and protection from all forms of abuse. To create and maintain a safe environment, the Diocese must respond effectively and ensure all allegations and suspicions of abuse are reported, both within the Church and to statutory authorities. This responsibility to report is mandatory, and the only exception to this rule is the receipt of any information by a cleric under what is termed as the sacramental Seal of Confession.

The reporting flow chart below refers to any child protection concern, *including* where the concern is about a situation or person involved in the Church. It is the responsibility of everyone in the Church to ensure that children who may need help and protection are not left at risk of abuse.

Figure 2.1A1



Following receipt of an allegation, suspicion or concern, the following steps will be taken

1. Act immediately on receipt of a suspicion, concern, disclosure or allegation of abuse, and refer the matter to the DLP without delay.

If the allegation does not relate to Church personnel, the DLP will refer the allegation to:

- Tusla
- An Garda Síochána

If the allegation relates to Church personnel who are not clerics or religious, the DLP will refer the allegation to:

- Tusla
- An Garda Síochána
- The Bishop

If the allegation relates to Church personnel who are clerics or religious, the DLP will refer the allegation to all of the above and The NBSCCCI

If there is any uncertainty about whether the allegation/concern meets the threshold for reporting, a consultation will take place by the DLP with the statutory authorities, who will advise on the requirements for notification.

Remember – it is not the role of Parish/Diocesan personnel to investigate

2. Whenever possible and practical, take notes during the conversation. Always ask permission to do this and explain the importance of recording all information. Where it is not appropriate to take notes at the time, make a written record as soon as possible afterwards or before the end of the day. Record the time, date, location, persons present and how the allegation was received, e.g. by telephone, face-to-face conversation, letter, etc. This initial recorded information will be transferred to a child protection referral form - Form 2.1A (1) and will become the first entry in a file of information about the case that will be retained by the DLP. Please always sign and date the record.
3. The record would also normally include:
 - Accurate identifying information of the complainant, as far as it is known. This should include the name, address and age of the complainant when the alleged abuse occurred;
 - Where the person who has raised a concern/allegation is a child, details of parents/guardians should also be given;
 - Name of the individual against whom the concern/allegation is being raised, and any other identifying information;
 - Dates when the concern arose, or when the incident occurred;

- The person's own words they used to describe the event or incident. Do not make assumptions about the intended meaning of the words used;
- Details of any action already taken about the incident/concern/allegation;
- Do not be selective. Include details that to you may seem irrelevant. This may prove invaluable at a later stage in an investigation. All original records, including rough notes, should be passed immediately to the relevant DLP. Any copies of retained records should be kept secure and confidential.

In cases of emergency (and/or outside normal business hours), where a child appears to be at immediate and serious risk, an urgent report must be made to Tusla, as well as to the DLP. Where the appropriate Tusla staff are not available, An Garda Síochána must be contacted to ensure that **under no circumstances a child is left in a dangerous situation pending Tusla intervention** (*direct option - Figure 2.1A1 Page 74*).

4. In all cases, consideration should also be given as to whether an immediate referral is necessary in order to preserve and safeguard against the possibility of any loss, deterioration or destruction of forensic or other potential evidence (*direct option- Figure 2.1A1*).
5. Explain to the person raising the concern what will happen next. You should inform the person making the suspicion, concern or allegation that their identity and the identity of the respondent and complainant will be shared with the statutory authorities. Leave contact details of the DLP if the referrer needs to ask questions later. The incident/concern should not be shared with anyone other than those who need to know, apart from the statutory authorities and appropriate Church authorities detailed in these procedures.
6. Written confirmation should be given to the person making the referral to the DLP that the information has been passed on to the statutory authorities. If this has not happened, an explanation should be recorded (this will not be possible when dealing with anonymous allegations).

The appropriateness of the response given to a complainant is vital to ensure that they feel heard and taken seriously.

Responding to an Adult Making an Allegation of Abuse

The role of the DLP is to receive all safeguarding concerns and to pass on to the statutory authorities those that reach the threshold of reasonable grounds for concern. It is often very difficult for people to talk about abuse, so it is important to make sure that a safe environment of listening carefully and actively is created, in which a complainant feels able to disclose as much as they can remember. This will help those people whose responsibility it is to investigate the incident do so as thoroughly as possible.

People may tell you about:

- Abuse that happened to them when they were a child;
- Something they've been told by someone else and that they strongly believe is true (disclosure);
- Seeing signs of abuse, such as physical injuries on a child;
- Something they have witnessed that makes them feel uncomfortable.

Where information is given in person:

- Adopt a listening style that is compassionate, calm and reassuring. If the information given to you shocks, disgusts or distresses you, do not allow these feelings to show. If you do, you may inadvertently dissuade the person from giving any further information;
- Listen carefully to that person, but do not ask intrusive or leading questions;
- Stay calm, take what the person raising the concern says seriously, and reassure them;
- Allow the person to continue at their own pace;
- Check with the person to ensure that you have understood what they actually said. Use their words.
- Make no promises that cannot be kept, particularly in relation to confidentiality, but listen carefully to what is being sought in this regard;
- Explain the referral procedures to the person;
- Offer the services of a support person, if the support person is not present;
- Do not make any comments about the respondent; do not make assumptions or speculate;
- Be aware that a person's ability to recount their concern or allegation will depend on their age, culture, nationality or any disability that may affect speech or language;
- Avoid statements about your reaction to the information given;
- Do not question beyond checking what has been said. It is the responsibility of Tusla and An Garda Síochána to investigate. Do not probe for detail beyond that which has been freely given;
- Do not offer wording or language to the person making the allegation.

Responding to a Child Making an Allegation of Abuse

In the event that a child tells you directly about abuse happening to them, the following general guidelines should be adhered to:

- Remain calm;
- Listen carefully and in a manner that conveys that they are being heard and taken seriously;
- Give the child the opportunity to tell their story in their own time;
- Ask questions only for clarification;
- Reassure the child that they have done the right thing by telling you;
- Do not make promises that you cannot keep;
- Explain to the child what you are going to do, i.e. pass the information on to the statutory authorities, explain to them about the limits of confidentiality, etc.;
- The DLP will consult with Tusla about informing the child's parents/guardians. It is best practice to inform parents/guardians unless doing so would place the child at further risk;
- If the allegation/disclosure is about Church personnel, explain to the child (and their parents/ guardians) that the matter will be reported to the statutory authorities and Church authorities.

It is good practice in this situation to have another adult with you.

Responding to an Anonymous Allegation of Abuse

Anonymous complaints/allegations are to be carefully considered, they cannot be disregarded. Anonymity might restrict the ability of professionals to access information or to intervene to protect a child therefore the complainant can be given time and encouragement to reconsider their stance on maintaining anonymity.

If you receive any information that relates to an allegation of abuse (current or past), you must pass this information onto the DLP who will consult with the appropriate statutory authorities.

Responding to Someone who Admits to Abusing a Child

It is necessary to tell a person who admits an offence against a child or young person that such information cannot be kept confidential. If such an admission is made to you, even where the admission relates to something that happened a long time ago, you must refer the matter to the DLP as soon as possible. (The DLP will follow the procedures for referral to Tusla and An Garda Síochána).

Responding to Someone who makes an Allegation that does not relate to Church Personnel

Whether or not a child protection concern involves a person in the Church, it is still the responsibility of everyone in the Church body to report it to the DLP, who will pass it on to the statutory authorities to ensure that children who may need help and protection are not left at risk of abuse.

It is vital to remember that the safety and well-being of any child should be the paramount consideration in any investigation, and **children must never be put at further risk of harm by delay or inaction.**

If a concern is raised in this way, the standard reporting procedure applies; although no further Church inquiry procedure or formal notification to the NBSCCCI is required.

Child Safeguarding and the Sacrament of Reconciliation

The Sacramental Seal

All suspicions, concerns and allegations of child abuse must be reported to the statutory authorities. There is one exception to this rule, which is if abuse is disclosed during the Sacrament of Reconciliation.

The maintenance of trust in the Sacrament of Reconciliation requires the guarantee of absolute confidentiality, allowing for no exceptions. This is known as the Seal of Confession and guarantees to the penitent that anything revealed to the confessor will not be divulged to anyone else. This is outlined in Canon 983, as shown below:

The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

Responding to a Complainant who is Dissatisfied with how their Allegation has been dealt with

The following process will be put in place; however this process is not a reinvestigation of the allegation, but a method of attempting to resolve complaints relating to how the allegation was handled by the Bishop.

Stage 1: Complaint is resolved through informal open dialogue

All complaints of this nature should be resolved, if possible, through an open dialogue between the Church personnel involved and the complainant. Church personnel should use their best endeavours to resolve the complaint at this stage. However, if resolution is not achieved or the complainant is not happy with the outcome of discussions, then the Church personnel involved should advise the complainant that it is open to them to pursue the complaint, explaining Stage 2 of the complaints procedure. A written communication for and on behalf of the personnel involved, confirming the availability of Stage 2 of the procedure, should be sent to the complainant.

Stage 2: Formal internal complaints procedure is initiated:

- a) The complainant should write to the Bishop setting out what their complaint is and how they would like it to be addressed.
- b) A letter acknowledging receipt of the complaint to be issued to the complainant within seven days, enclosing a copy of the complaints procedure.
- c) All complaints will be thoroughly investigated by a complaints officer, appointed by the Bishop
- d) This complaints officer may organise a meeting to discuss and hopefully resolve the complaint. The complainant may invite a person to accompany them to any arranged meeting. This communication with the complainant may also take place by telephone if the complaint does not wish to meet. This should take place, if possible, within fourteen days of the letter acknowledging receipt of the complaint.
- e) Within seven days of the meeting or discussion with the complainant, the complaints officer will send written minutes to the complainant of what was discussed, and of any actions that were agreed upon.
- f) If the complainant is not agreeable to a meeting or discussion, or for some reason cannot participate in either, the complaints officer will issue a detailed written response to the complainant within twenty-one days of acknowledging receipt of the letter of complaint, setting out suggestions for resolving the matter.
- g) Whatever process is used, the Bishop should ensure that no more than eight weeks is taken to consider the complaint and to propose a resolution to the complainant.
- h) If there is no resolution at Stage 2, and the complainant wishes to proceed further, a written request for a review can be sent to the NBSCCCI. This option of progressing to Stage 3 should be confirmed in writing to the complainant.

Responding to an Allegation against the Bishop

The following are notified when an allegation relates to a Bishop and the threshold for reporting has been reached:

- The statutory authorities;
- The NBSCCCI;
- The archbishop presiding over the ecclesiastical provincial.

If the allegation relates to a bishop/archbishop/cardinal who is living in, but does not preside over, a diocese /ecclesiastical area in Ireland, and the threshold for reporting has been reached, the Bishop of the Diocese is notified.

If the allegation is about a provincial/community leader and the threshold for reporting has been reached, the above is followed with further notification to be adhered to by the religious community, i.e. to the superior general/current provincial, the above is followed with further notification to be adhered to by the religious community.

Responding

The DLP is responsible for informing the respondent that the allegation has been received. The Bishop/Archbishop/Cardinal who is responsible for dealing with the case will consult with National Case Management Committee.