

diocese
of limerick
our catholic community

Diocese of Limerick

Safeguarding Children

Standard 4

Care and Management of the Respondent

Date: September 2017

Care and Management of the Respondent - (Standard 4)

Responsibilities of Safeguarding Personnel in Relation to Standard 4:

The Bishop:

- Ensuring that a DLP is appointed to manage the case, and that an advisor is appointed following consultation with the respondent to support them;
- Ensuring that practice and policy on care of the respondent is compliant with statutory and canonical law. This includes ensuring that (a) appropriate assistance is provided to those who have been accused of child abuse and, as required, to their families and (b) that counselling, support and information is offered to an adult who has disclosed that they have abused a child.

Designated Liaison Person (DLP)

- Ensuring that all child safeguarding concerns are notified to the statutory authorities and to the National Board for Safeguarding Children (NBSCCCI);
- Ensuring that all appropriate internal and external inquiries are instigated;
- Ensuring that relevant information regarding contact with the respondent is recorded and stored appropriately in the case file;
- Keeping the Bishop updated regarding the respondent, and ensuring that support, advice and pastoral care is offered to the respondent;
- Attending the initial meeting with the respondent;
- Monitoring respondents

Advisor

The advisor is, with the agreement of the respondent, responsible for:

- Attending the initial meeting with the respondent, the DLP and the Bishop in order to support them;
- Keeping them informed of the progress of their case;
- Directing them to counselling and support as necessary;
- Helping the respondent access both civil and canon law advice;
- Considering the respondent's wishes in regard to a pastoral response by the Church to their family;
- Identifying with the respondent any therapeutic or other needs they have, and suggesting how these may be best met;
- Recording any meetings or contact they have with the respondent and passing on relevant information to the DLP, as appropriate.

Advisory Panel

The advisory panel is responsible for providing advice to the Bishop with regard to:

- The credibility of the complaint;
- The appropriateness of providing help to a respondent or their family;
- The appropriateness of the respondent continuing in their present pastoral assignment, bearing in mind the paramount need to protect children;
- The respondent's right to due process and their right to the presumption of innocence until a determination is made about the veracity of the allegation;
- Whether a specialist risk assessment for the respondent should be sought;
- The needs of a parish or other community in which a respondent has served.

NBSCCCI

The NBSCCCI will:

- Be advised of safeguarding, allegations, suspicions or concerns by the DLP, and retain records of this information;
- Offer advice and support to the people in the roles listed on the previous pages, in relation to care and management of the respondent.

Canon Lawyer

A canon lawyer's role is to advise people about their rights and responsibilities under canon law. The interests and responsibilities of the Bishop are different from those of the respondent. It is therefore essential that they each have their own civil and canon lawyer.

The respondent needs to be assisted to engage a civil lawyer and a canon lawyer to defend themselves and their rights.

National Case Management Committee (NCMC)

The NCMC will offer advice and support to Church authorities who are members on any issue relating to the care of the respondent.

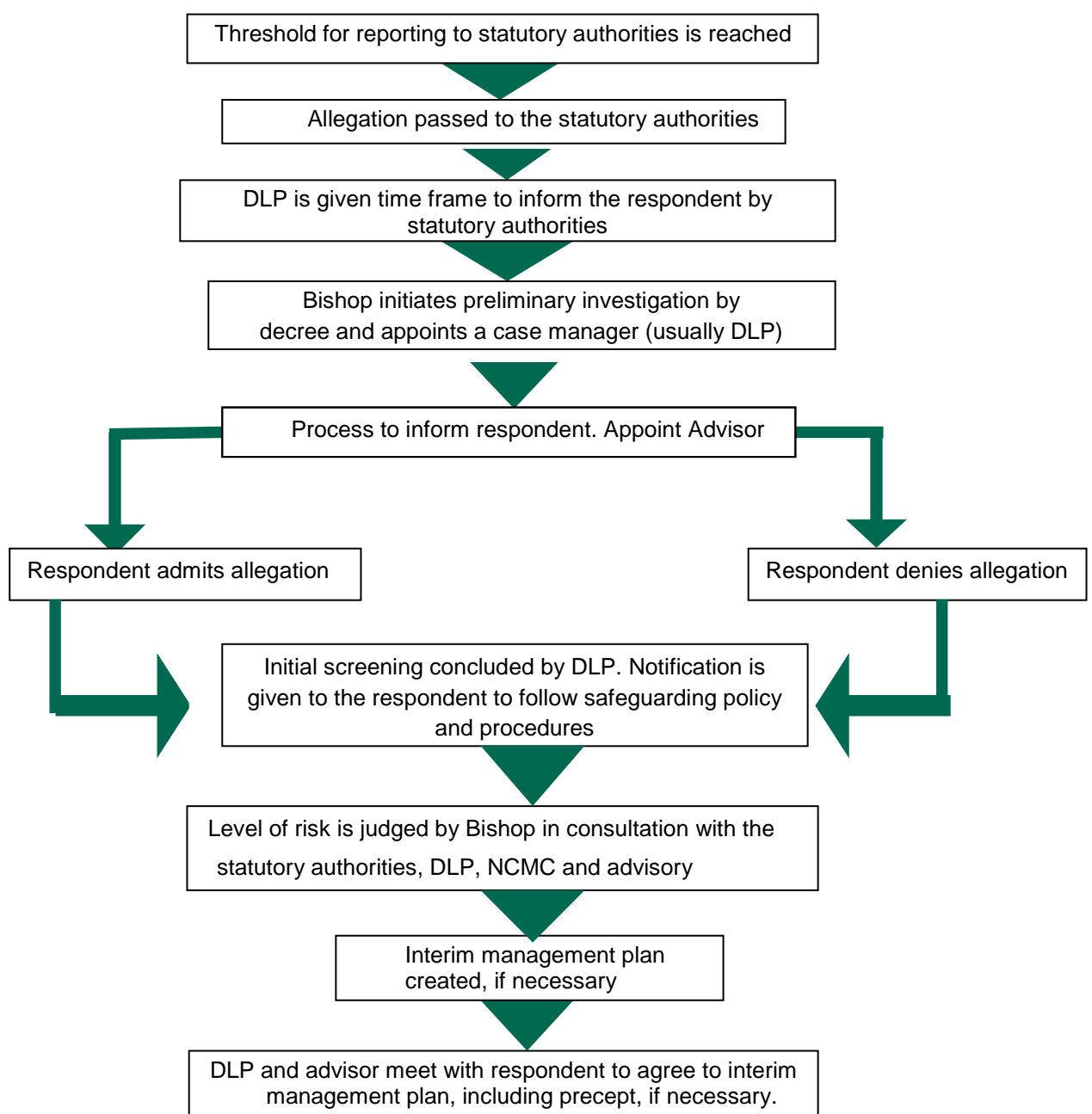
Appropriate Personnel

Those who have allegations of child abuse made against them should be offered access to appropriate advice and support. Each Bishop has access to a panel of advisors who are available to those about whom a suspicion, concern or allegation of child abuse has been made.

Informing the Respondent (Cleric and Religious) that an Allegation has been Received, and Consideration of an Interim Management Plan

A proper balance should be struck between protecting children and respecting the rights of respondents. Where there is conflict, the child's welfare must come first.

The rights of respondents are important and are given due weight, once the safety and protection of children has been assured. The flow chart below shows the process for informing the respondent who is a cleric and should be read alongside the process outlined in Standard 2: Procedures for Responding to Child Protection Suspicions, Concerns, Knowledge or Allegations as outlined at 2.1A on page 74.



1. On receiving a complaint, if the threshold for reporting has been reached, the DLP will inform the statutory authorities, whose role it is to investigate the allegation and assess the risk to children. If there is any uncertainty about whether the suspicion, concern or allegation meets the threshold for reporting, the DLP should consult with the statutory authorities, who will advise on the requirements for notification.
2. If the threshold for reporting has been reached, a preliminary investigation in accordance with canon law will be initiated by the Bishop. This canonical inquiry will be paused to allow any statutory investigation to take place.
3. The statutory authorities inform the DLP about when they can tell the respondent that a child abuse matter has arisen.
4. Following the approval of the statutory authorities, the Bishop arranges a meeting with the respondent. In arranging this meeting:
 - The Bishop will inform the respondent that they will be accompanied by the DLP;
 - The respondent should be offered the services of an advisor and the role description outlined to them;
 - The respondent should be informed that they can be accompanied by another person at this meeting for their own support.
5. At the meeting:
 - The respondent must be informed of their rights to both canonical and civil legal advice;
 - The respondent must immediately be advised of their right to remain silent – they may admit, deny or decide not to respond at this stage;
 - The respondent needs to be given enough detail about the suspicion, concern or allegation and about the person making it in order to be able to offer a response, if they choose to do so. However, if a written statement has been given by the complainant, this cannot be given to the respondent, but a summary of its content can be shared, (once Statutory authorities have given permission to do so).
6. After the meeting:
 - A dated, written record of the meeting is forwarded to the respondent for signing. This record should detail what they have been informed of, and their response.
 - The respondent is given written information about the Church procedure, so that they are clear about the process that will be followed.
7. The Bishop will judge the level of risk in consultation with the statutory authorities, DLP, NCMC, advisory panel as appropriate. A decision will be made at this stage as to whether an interim management plan is required which may include restrictions to sacred ministry.

8. The Diocese will:

- Engage with the Respondent and support them while an investigation is undertaken.
- Review its support and management where there is a finding of abuse.
- Offer support to the Respondents family, where the respondent gives permission for this.
- Offer support to parishes and others affected where a priest is taken out of sacred ministry.