



diocese  
of limerick  
our catholic community

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# **Safeguarding Children in the Diocese of Limerick**

## **Standard 2 Procedures for Responding to Child Protection Suspensions, Concerns, Knowledge or Allegations**

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*In 2016, the National Board replaced the 2009 Standards and Guidance with Safeguarding Children Policy and Standards for the Catholic Church in Ireland. This is a One Church Policy which the Diocese of Limerick adopted and agreed to implement.*

*In implementing this One Church policy, The Diocese of Limerick reviewed all its arrangements and this document is the outcome of that review.*

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This document of detailed procedures, developed in 2017, accompanies the National Board Policy Standards and Guidance and is updated on a regular basis

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*Extract from Diocesan Procedures Document*

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## 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

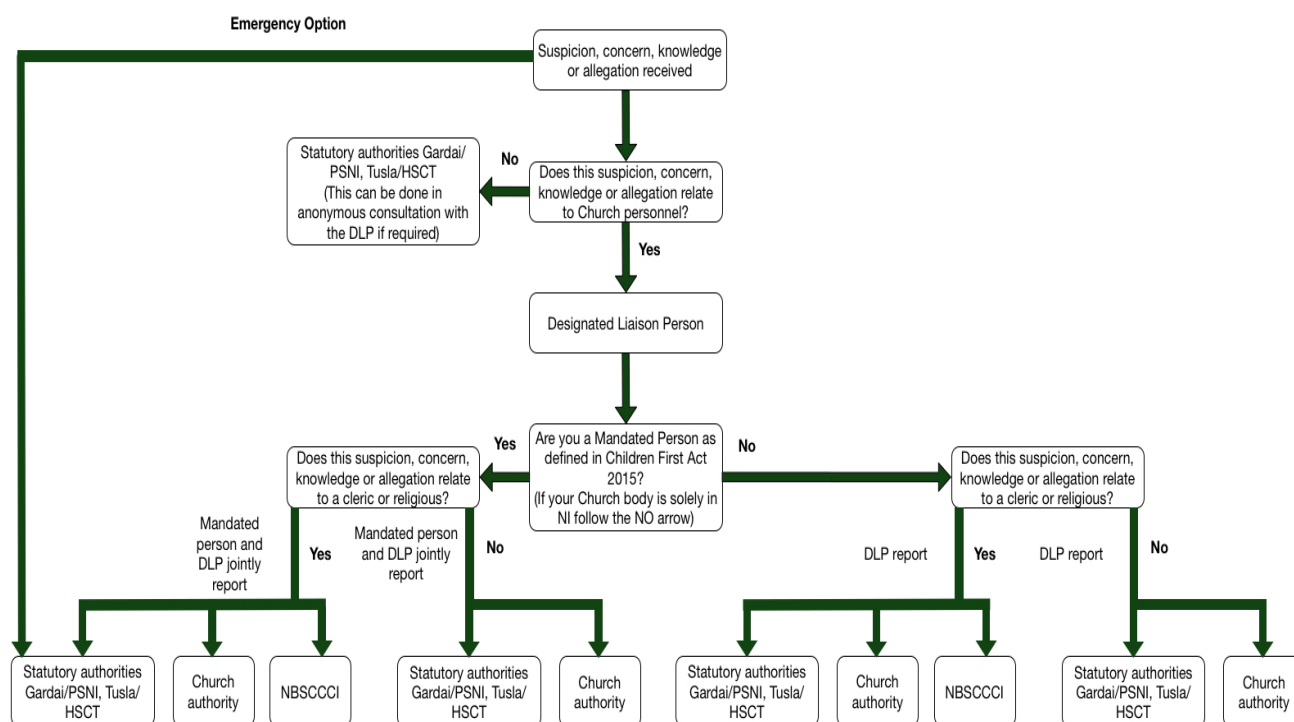
The NBSCCCI will be advised of safeguarding allegations, suspicions or concerns by the DLP relating to clerics or religious. Monitor and report on these allegations; and retain records of this information safely and securely. It will offer advice and support to people in the various roles listed, in relation to safeguarding concerns, suspicions or allegations that have been reported, and on the policy and processes for reporting.

## 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.<sup>1</sup> 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, suspicions and concerns of abuse are reported, both within the Church and to statutory authorities. This responsibility to report is mandatory and legislation requires that mandated persons report suspicions, concerns, knowledge or allegations. Canon law also requires reporting of allegations to the statutory authorities in compliance with the obligations under national law<sup>2</sup>. 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. Clerics should note the requirements under Canon law relating to the sacrament of the seal of confession (Guidance 2.1G)

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**



<sup>1</sup> United Nations Convention on the Rights of the Child 1989, Article 12

<sup>2</sup> Vos estis lux mundi, 2019

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

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

In the Diocese of Limerick;

### **1. If the respondent is not a member of Church personnel**

- **And the complainant is an adult** - the person who receives the allegation should complete form [http://www.tusla.ie/uploads/content/Retrospective Abuse Report Form FINAL.pdf](http://www.tusla.ie/uploads/content/Retrospective%20Abuse%20Report%20Form%20FINAL.pdf) and forward it to Tusla or they can use the web portal <http://www.tusla.ie/children-first/web-portal>.
- The person who receives the allegation should also report to the Gardai using the email address [nbciscmu@garda.ie](mailto:nbciscmu@garda.ie) (they can consult the DLP anonymously about this).
- **And the complainant is a child** - the person who receives the allegation should complete form [http://www.tusla.ie/uploads/content/Child Protection and Welfare Report Form FINAL.pdf](http://www.tusla.ie/uploads/content/Child%20Protection%20and%20Welfare%20Report%20Form%20FINAL.pdf) and forward to Tusla or they can use the web portal <http://www.tusla.ie/children-first/web-portal>.
- The person who receives the allegation should also report to the Gardai using the email address [nbciscmu@garda.ie](mailto:nbciscmu@garda.ie) (they can consult the DLP anonymously about this).

### **2. If the respondent is a member of Church personnel but is not a cleric or religious (lay personnel)**

- **And the complainant is an adult** - The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting, and complete this form for Tusla; [http://www.tusla.ie/uploads/content/Retrospective Abuse Report Form FINAL.pdf](http://www.tusla.ie/uploads/content/Retrospective%20Abuse%20Report%20Form%20FINAL.pdf) or use the web portal <http://www.tusla.ie/children-first/web-portal>.
- The person who receives the allegation should also report to the Gardai using the email address [nbciscmu@garda.ie](mailto:nbciscmu@garda.ie).
- If the person who received the allegation is a mandated person, they will complete the Tusla form jointly with the DLP of the respondent's Church body. The DLP of the respondent's Church body will also report it to the Church authority.
- **And the complainant is a child** - The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting and complete this form for Tusla; [http://www.tusla.ie/uploads/content/Child Protection and Welfare Report Form FINAL.pdf](http://www.tusla.ie/uploads/content/Child%20Protection%20and%20Welfare%20Report%20Form%20FINAL.pdf) or use the web portal <http://www.tusla.ie/children-first/web-portal>.
- The person who receives the allegation should also report to the Gardai using the email address [nbciscmu@garda.ie](mailto:nbciscmu@garda.ie).
- If the person who received the allegation is a mandated person, they will complete the Tusla form jointly with the DLP of the respondent's Church body. The DLP of the respondent's Church body will also report it to the Church authority.

### **3. If the respondent is a member of Church personnel and is a cleric or religious**

- **And the complainant is an adult** - The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting, and complete this form for Tusla; [http://www.tusla.ie/uploads/content/Retrospective Abuse Report Form FINAL.pdf](http://www.tusla.ie/uploads/content/Retrospective%20Abuse%20Report%20Form%20FINAL.pdf) or use the web portal <http://www.tusla.ie/children-first/web-portal>.
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- The person who receives the allegation should also report to the Gardai using the email address [nbc\\_i\\_scmu@garda.ie](mailto:nbc_i_scmu@garda.ie).
- If the person who received the allegation is a mandated person, they will complete the Tusla form jointly with the DLP of the respondent's Church body. The DLP of the respondent's Church body will also report it to the Church authority. The DLP of the respondent's Church body will also report it to the Church authority and the NBSCCCI using Guidance 2.1A Template 1.
- **And the complainant is a child** - The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting and complete this form for Tusla; [http://www.tusla.ie/uploads/content/Child\\_Protection\\_and\\_Welfare\\_Report\\_Form\\_FINAL.pdf](http://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf) or use the web portal <http://www.tusla.ie/children-first/web-portal>.
- The person who receives the allegation should also report to the Gardai using the email address [nbc\\_i\\_scmu@garda.ie](mailto:nbc_i_scmu@garda.ie). If the person who received the allegation is a mandated person they will complete these forms jointly with the DLP of the respondent's Church body. The DLP of the respondent's Church body will also report it to the Church authority and the NBSCCCI using 2.1A Template 1.

**Please note the steps outlined above are the procedures to be followed if the respondent is alive. If the respondent is deceased, see NBSCCCI Guidance 2.1M for further information and guidance.**

If there is any uncertainty about whether the allegation/concern meets the threshold for reporting, a consultation should take place with the relevant DLP (anonymously if required) who may consult with the statutory authorities, who will advise on the requirements for notification. It is important to remember that the web portal is only for Tusla, and will not allow you to print out forms. It is therefore advisable to complete the form manually so it can be forwarded to the Gardai and retained in the case file (Guidance 2.2B).

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

4. 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 the appropriate forms and will become the first entry in a file of information about the case that will be retained by the relevant DLP. Please always sign and date the record.
5. The record will 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 of the respondent's Church body.

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 a Tusla intervention** (note emergency option set out in Figure 2.1A1 above).

6. 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
7. or destruction of forensic or other potential evidence (note emergency option arrow in Figure 2.1A1 above).
8. 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. 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.
9. Written confirmation should be given to the person making the referral to the DLP of the respondent's Church body 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.

Further guidance is provided below (NBSCCCI Guidance) for:

- An adult making an allegation (Guidance 2.1B);
- A child making an allegation (Guidance 2.1C);
- An anonymous allegation (Guidance 2.1D);
- Someone who admits abusing a child (Guidance 2.1E);
- Someone who makes an allegation that does not relate to Church personnel (Guidance 2.1F);
- Managing child protection allegations, suspicions, concerns, knowledge, acts or omissions of Bishops or their equivalents (Guidance 2.1I);
- Allegations against lay church personnel (Guidance 2.1K);
- Mandated Persons (Guidance 2.1L).
- Responding to allegations against a deceased cleric or religious (Guidance 2.1M)
- Managing child protection allegations, suspicions, concerns, knowledge, acts or omissions of Church authorities (who are not or have never been supreme moderators (or equivalent) (Guidance 2.1N)
- Guidance on managing allegations, suspicions, knowledge and concerns that a cleric or religious has abused a child through child pornography (2.1O)

## Responding to an Adult Making an Allegation of Abuse (NBSCCCI 2.1B)

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 that may assist in the provision of an account of the concern or allegation.



## Responding to a Child Making an Allegation of Abuse (NBSCCCI 2.1c)

The Church aims to create and maintain a safe environment for children and young people. This includes being open and willing to listen to and respond appropriately to allegations of abuse that come directly from children. However, Church personnel should not intentionally instigate a meeting with a child in order to receive a disclosure or take a statement from them – that is the role of Tusla.

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, where this is not possible see Guidance for one-to-one contact with children and young people (page 41) in this procedure.**

## Responding to an Anonymous Allegation of Abuse (NBSCCCI 2.1D)

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.

These allegations most likely will take the following formats:

### 1. No named complainant and no named respondent

- This information should be first passed to the DLP. If the DLP is unsure whether or not the information received reaches the threshold, they should consult with the statutory authorities (NBSCCCI Appendix D) and follow their advice.

### 2. Named respondent but no named complainant

- In most instances the anonymous reporter does give the name of the respondent. It must be remembered that the person named in this way has the right to be considered innocent of any wrongdoing and to their good name, so great care needs to be taken to protect and uphold these rights, while attempting to deal effectively with the situation.
- Anxiety and fear may persuade some people not to immediately reveal their identity. It can be difficult to act on information given under these circumstances, unless at some point the name of the person raising the concern or making an allegation becomes known.
- This information should be passed to the DLP of the respondent's Church body, who will consult with the statutory authorities (NBSCCCI Appendix D) (on a no name basis if required) to ascertain if the threshold has been reached. If the threshold has been reached the DLP will formally notify the statutory authorities and follow the processes outlined in Standard
- If the threshold has not been reached or the statutory authorities have concluded their investigation the procedures outlined in NBSCCCI Guidance 4.3A should be followed.

### **3. Named complainant but no named respondent**

- This information should be passed to the DLP, who will consult with the statutory authorities (NBSCCI Appendix D) (on a no name basis if required) to ascertain if the threshold has been reached. If the threshold has been reached the DLP will formally notify the statutory authorities and follow their advice as to how to proceed, without the name of the respondent.

This is in line with national legislation and policy as outlined in the Reporting Procedure for Allegations above.

## **Responding to Someone who Admits to Abusing a Child** (NBSCCI 2.1E)

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 can consult with the DLP of your Church body anonymously regarding the allegation and for advice on what procedure to follow.

If the allegation relates to Church personnel you should refer this to the DLP of the respondent's Church body who will follow the procedures for referral to Tusla, and An Garda Síochána. If you are a Mandated Person (Guidance 2.1L) this will take the form of a joint report.

For additional information and guidance on how to interact with respondents (cleric and religious), please refer to Standard 4.

This is in line with national legislation and policy as outlined in Guidance outlined in this procedure above.

## **Responding to someone who makes an Allegation that does not relate to Church Personnel** (NBSCCI 2.1F)

Whether or not a child protection concern involves a person in the Church, 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 an allegation is raised in this way, you must refer the matter to Tusla and An Garda Síochána. You can consult with the DLP anonymously regarding the allegation and for advice on what procedure to follow.

It is important to consult with Tusla, and An Garda Síochána about retention and storage of records relating to this allegation.

This is in line with national legislation and policy, the standard reporting procedure applies as outlined in this procedure document.

# Child Safeguarding and the Sacrament of Reconciliation (NBSCCI 2.1G)

## The Sacramental Seal

All suspicions, concerns and allegations of child abuse must be reported to the statutory authorities through the reporting procedure outlined in guidance for reporting in this procedure.

Canon law requires the maintenance of trust in the Sacrament of Reconciliation guaranteeing 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.*

## Definition of Confession

Canon law provides a clear definition of what is deemed to be appropriate with regards to the hearing of Confession. This should be used as the definition to clarify when Confession has taken place:

- Canon 964 §1: The proper place to hear sacramental Confessions is a church or oratory;
- §2: The Conference of Bishops is to establish norms regarding the confessional; it is to take care, however, that there are always confessionals with a fixed grate between the penitent and the confessor in an open place, so that the faithful who wish to can use them freely;
- §3: Confessions are not to be heard outside a confessional without a just cause.

## Procedures for a penitent who discloses abuse during Confession

If a penitent discloses abuse during Confession, the confessor should:

### In the case of an abused penitent who is a child:

- a. Sensitively reassure the child or young person that they were right to tell you;
- b. Remind them that whatever is disclosed in Confession will not be repeated outside the confessional by the confessor;
- c. The confessor should encourage the child or young person to disclose the abuse to an adult they trust (e.g. a relative, teacher, friend) and to have that person report the abuse;
- d. If the penitent expresses a wish to discuss this issue outside the confessional, make it clear to them that confidentiality cannot be guaranteed regarding issues of child abuse once outside the confessional. The confessor should then follow the procedures outlined in this procedure.

### In the case of an abused penitent:

- a. Remind the penitent that whatever is disclosed in Confession will not be repeated outside of the Sacrament of Reconciliation by the confessor;
- b. Advise them of the importance of contacting the statutory authorities, who deal with these issues;
- c. If the penitent expresses a wish to discuss this issue outside the confessional, make it clear to them that confidentiality cannot be guaranteed regarding issues of child abuse once outside the Sacrament of Reconciliation. The confessor should then follow the procedures outlined in this procedure.

**In the case of an abusing penitent:**

- a. Remind the penitent that whatever is disclosed in Confession will not be repeated outside of the Sacrament of Reconciliation by the confessor;
- b. Strongly advise them to seek professional help (e.g. counselling, consultation with their GP) and to go to the statutory authorities;
- c. If the penitent expresses a wish to discuss this issue outside the confessional, make it clear to them that confidentiality cannot be guaranteed regarding issues of child abuse once outside the Sacrament of Reconciliation. The confessor should then follow the procedures outlined in this procedure.

**Safeguarding Children during the Sacrament of Reconciliation**

When children attend the Sacrament of Reconciliation, all efforts should be made to provide a safe and open environment (Standard 1), which maintains the sacramental seal.

# Responding to a Complainant who is Dissatisfied with how their Allegation has been dealt with (NBSCCCI 2.1H)

## What is covered by this guidance?

This guidance is to be followed when a complainant expresses dissatisfaction with how their allegation has been managed by the Diocese.

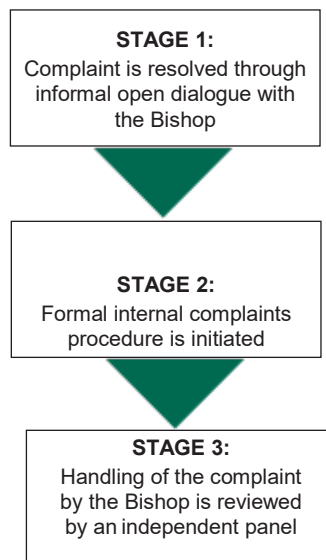
If an allegation is made that a Bishop (Church Authority) acted in a way which intends to interfere with or avoid civil or canonical investigation or if the allegation relates to an act or omission in relation to these investigations a complaint should be made (NBSCCCI Guidance 2.1I and 2.1N)<sup>3</sup>.

## Introduction

If a complainant is dissatisfied with how their allegation of abuse has been handled by the Church Authority, it is important that an open and transparent system – akin to an appeals system – is in place to deal with their stated dissatisfaction. Complaints that cannot be satisfactorily resolved by the Bishop should be examined objectively by persons not involved with the original decisions or actions. Such examinations should have regard not only for the Church’s child safeguarding policy and procedures, but also for considerations of equity and good administrative practice.

This guidance 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.

This process should have three distinct stages. If the complainant is dissatisfied with the outcome at the completion of a stage, then the next stage is initiated in the ongoing attempt to resolve the complaint.



<sup>3</sup> Vos Estis Lux Mundi, 2019, Article 1

### **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.
- i) If at this point the complainant feels that the handling of their complaint relates to action by a Bishop which intends to interfere with or avoid civil or canonical investigation or if the allegation relates to an act of omission in relation to these investigations, the current process should be halted and a complaint as outlined in NBSCCCI Guidance 2.1I and 2.1N should be initiated.

### Stage 3

- (a) The NBSCCCI, as required under the Memorandum and Articles of Association and the objects of Company Coimirce can conduct a stage 3 review of a complaint as set out in Article 4(V) as follows:
- ‘Reviewing and Reporting on the handling of complaints by any Constituent concerning the safeguarding of children in accordance with protocols for the purposes of sub- paragraph (iv).’
- (b) At the conclusion of Stage 2 above, if the complaint wishes to use this function, the complainant should set out in writing to the chair of the NBSCCCI the nature of the original complaint about how their allegation was dealt with, how they experienced Stage 1 and Stage 2 of this complaints process, and how they would now like their complaint addressed.
- (c) The request to the NBSCCCI for a review should be made within three months of the conclusion of the Church authority’s internal complaints procedure (Stage 1 and Stage 2).
- (d) The chair of the NBSCCCI will advise the Church authority that the request has been made and permission sought to refer the complaint onto an independent complaints panel.
- (e) Any review will be an independent evaluation of whether the proper child protection procedures have been followed, and whether the appropriate standards and best practice guidance have been adhered to.
- (f) The chair of the NBSCCCI will refer the complaint to the chair of the independent panel, who will appoint an appropriate person or persons to conduct this review.
- (g) To assist this review process, the relevant Church authority should make available to the complaints panel all written information about how the complainant’s original allegation of abuse was investigated, as well as the written records of how Stage 1 and Stage 2 of the complaints process was conducted, and of the proposals made for a resolution of the complaint.
- (h) To assist this review process, the relevant Church authority should make available for interview all Church personnel involved in the handling of the original allegation.
- (i) Having examined all written information concerning the complaint, the reviewer can use discretion about the form and extent of any review or to discontinue the process, giving the reason.
- (j) If, during the review, there are concerns about the abuse of a child, the reviewer will revert to the Church authority for their required action under Standard 2.
- (k) The reviewers will keep notation of all meetings and will ask all those interviewed to sign a declaration that these are an accurate record of their discussion. These notes may be shared with all involved parties, at the discretion of the reviewer.
- (l) The reviewer will compile a written report on their findings and recommendations. This report will then be shared with the NBSCCCI prior to submission to all parties.
- (m) With the approval of the NBSCCCI, the chair of the complaints panel will submit the written report to all involved parties, with recommendations of actions to be taken within specified time frames. The sending out of this report marks the completion of Stage 3 of the complaints process.
- (n) If throughout this process the reviewer, independent panel or the NBSCCCI feel that the evidence presented during the course amounts to the delict outlined in the Introduction session. This will be reported following Guidance 2.1I and 2.1N.

- (o) If at this point the complainant thinks that the handling of their complaint relates to action by a Church Authority which intends to interfere with or avoid civil or canonical investigation or if the allegation relates to an act of omission in relation to these investigations, the current process should be halted and a complaint as outlined in Guidance 2.1I and 2.1N should be initiated.

The Church authority will bear all reasonable costs of the review.

The chair of the complaints panel and associated reviewers will be selected by the NBSCCCI in consultation with Church authorities

## **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.



# Guidance on Responding to Allegations of Abuse Against Lay Church Personnel (NBSCCCI 2.1K)

All allegations of child abuse against a lay member of Church personnel which have been brought to the attention of any member of the particular Church body must be referred to the DLP of the respondent's Church body. The role of the DLP is to listen to all safeguarding concerns and to pass on to the statutory authorities those that reach the threshold for reporting .

If there is any suggestion that the lay member of Church personnel has abused a child as part of their ministry, appropriate support should be offered to the complainant and their family.

The procedures for managing the continued involvement (if appropriate) of the lay volunteer or paid staff in the Church's ministry are set out below. This procedure does not relate to safeguarding concerns which are not allegations of abuse (*see NBSCCCI Guidance 1.7A*).

## Step 1: Reporting

Allegation received against lay Church personnel (volunteer or paid employee):

- The DLP of the respondent's Church body assesses whether the allegation meets the threshold and reports it to the statutory authorities, and to the relevant Church authority.
- If the allegation relates to the respondent's ministry in the Church advice from the statutory authorities should be sought about who should inform the respondent that the allegation has been made.
- If a decision is made to inform the respondent prior to notifying or consulting the statutory authorities, their response should be recorded and passed on to the statutory authorities.
- If the allegation relates to the respondent's actions outside the Church body, responsibility for informing them that an allegation has been made rests with the statutory authorities.

## Step 2: Church action following notification

### Volunteers

- If the allegation is made against a volunteer, the parish priest/superior/Church authority should consult with the DLP of the respondent's Church body about whether the volunteer should remain in role during the investigation by the statutory authorities. Factors that influence this decision will include:
  - the volunteer's role in the Church (if known);
  - their level of contact with children and an assessment of any risk that arises from this;
  - the degree of credibility of the allegation.

The DLP may wish to consult with the statutory authorities for guidance.

- The Church authority should consider appointing a person to offer pastoral support to the volunteer during any statutory investigation.
- Following the conclusion of any statutory authority investigation and assessment, where there is no case to answer and there are no outstanding child safeguarding concerns, if the volunteer has stepped aside, they may be reinstated.
- If there is a case to answer the volunteer should be asked to permanently resign from the role.
- If the DPP/CPS decides to prosecute, the volunteer should be asked to permanently vacate their Church role.
- The Church authority should consider the need to conduct a review of safeguarding arrangements in the particular area where the volunteer was working, following conclusion of the

statutory authority investigations. The purpose is to review whether all appropriate safeguards were in place and to take any corrective action required.

### **Paid Employees**

- If the allegation is made against a paid employee, the parish priest/superior/Church authority should consult with the DLP of the respondent's Church body about whether the employee should remain in role during statutory authority investigations and assessments. Factors that influence this decision will include:
  - the employee's role in the Church; (if known);
  - whether the allegation relates to the employee's role in the Church;
  - their level of contact with children and an assessment of any risk that arises from this;
  - the degree of credibility of the allegation.

The DLP may wish to consult with social services for guidance.

- If a decision is made to suspend the employee, HR advice should be sought.
- Any suspension during the process of statutory authority investigations, and during any internal disciplinary action that may follow, should be with full pay.
- The Church authority should consider offering a pastoral support person to the employee.
- Following notification of a prosecution and/or conviction, a disciplinary process should be initiated.
- An investigator should be appointed by the Church authority (possibly DLP) to gather any evidence and provide a report to the Church authority.
- If the Church authority determines, based on the evidence that further action is required, the employee should be invited to attend a disciplinary meeting and may be supported at the meeting by a union representative or a friend; (as this is not a legal process a lawyer will not be permitted to support the employee).
- Any disciplinary hearing should be conducted by a panel of 3 individuals and be chaired by the Church authority.
- Any finding should be notified to the employee in writing.
- If the panel considers that the employee has committed gross misconduct, HR advice should be sought on how to dismiss the employee from their post.
- If the statutory authorities investigation results in no further action, an assessment of whether any misconduct has been committed should be undertaken by a suitably qualified person appointed by the Church authority.
- A disciplinary panel should be established to consider the investigating person's report and consider the future employment of the employee.
- The employee can be represented by a union representative or a friend at any disciplinary hearing.
- If a decision is made to reinstate the employee, appropriate support should be offered for a return to work.
- If a decision is made to dismiss the employee, and if the employee is resident or has worked in Northern Ireland, a referral must be made to the Disclosure and Barring Service (DBS) in accordance with the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. The DBS website provides further information on checks, referrals and barred lists.

- Any appeal by the employee who has been disciplined/dismissed should be made in writing to a higher Church authority in the Church body, or by an independent person appointed by the Church authority.

This is in line with national legislation and policy as outlined in Guidance 2.1A.

### **Further guidance for employers**

Guidance for employers dealing with an allegation of abuse can be found in:

Children First National Guidance for the Protection and Welfare of Children – Appendix 9 Guidance for employers dealing with an allegation of abuse.

## **Guidance on Mandated Persons** (NBSCCCI 2.1L)

Mandated persons (as defined in the Children First Act 2015) are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.

Each Church body should consult the full list of categories who are classified as mandated persons under Schedule 2 of the Children First Act 2015 to establish which members of Church personnel are classified as mandated persons. To assist with this task, it should be understood that:

- All clerics and religious are to be considered mandated persons.
- Volunteers are not mandated persons under the Children First Act 2015. However, DLPs or Deputy DLPs who are volunteers are classed as mandated persons under Church standards.

On completion of this process the Church authority must retain a list of all mandated persons, and ensure this is kept up to date. In developing this list Tusla have advised that there should be a clear statement of the type of roles that a Church body are listing as mandated persons, then a number of mandated persons that are in the Church body should be included against each role (i.e. Clerics (25), Pastoral Workers (50), Religious (15) etc).

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that a mandated person did not make a mandated report and a child was subsequently left at risk or harmed.

Tusla may:

- Make a complaint to the Fitness to Practice Committee of a regulatory body of which the mandated person is a member.
- Pass information about the mandated person's failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to current or future employers of the mandated person when they are next vetted.

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána.

Failure to report under the Act is a criminal offence under that legislation. This obligation is in addition to any obligations under the Children First Act 2015.<sup>4</sup>

This is in line with national legislation and policy as outlined in Guidance 2.1A.

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<sup>4</sup> This piece of guidance has been adapted from the Children First Guidance documents by DCYA 2017

## Guidance on Responding to Allegations Against a Deceased Member of Church Personnel (NBSCCCI 2.1M)

If an allegation relates to a member of Church personnel who is deceased, the requirement to report to the statutory agencies is different:

Children First Guidance states “In cases of retrospective abuse, a report needs to be made where there is a current or potential future risk to children from the person against whom there is an allegation. The term retrospective abuse refers to abuse that an adult discloses that took place during their childhood.” If the respondent is deceased then they cannot pose a risk to children and therefore Tusla do not need to be informed.

However, the DLP of the respondent’s Church body may determine that Tusla should be informed as they have a role in offering support to children and families affected by abuse.

In summary if the allegation relates to a member of Church personnel who is deceased

- **and the complainant is an adult** - The person who receives the allegation must report it to the DLP of the respondent’s Church body who will assess if it meets the threshold for reporting, and report it to the Gardai by emailing [nbcj\\_scmu@garda.ie](mailto:nbcj_scmu@garda.ie).
- If the person who received the allegation is a mandated person, they will complete the form jointly with the DLP of the respondent’s Church body. The DLP of the respondent’s Church body will also report it to the Church authority and the NBSCCCI using NBSCCCI 2.1A Template 1 (for clerics and religious only).
- **and the complainant is a child** - The person who receives the allegation must report it to the DLP of the respondent’s Church body who will assess if it meets the threshold for reporting and notify the gardai by emailing [nbcj\\_scmu@garda.ie](mailto:nbcj_scmu@garda.ie). If the person who received the allegation is a mandated person they will complete the form jointly with the DLP of the respondent’s Church body. The DLP of the respondent’s Church body will also report it to the Church authority and the NBSCCCI using NBSCCCI 2.1A Template 1 (for clerics and religious only).

Statutory Authorities in Ireland

- Tusla have a statutory duty to provide support to children and their families (including adult carers).
- An Garda Síochána have a statutory duty to assess whether a criminal offence has occurred.
- The Church authority has a responsibility to provide a pastoral response to the complainant (see Standard 3), and consideration should be given to any further action by the Church authority (see Standard 4).

# Guidance on Managing Allegations, Suspicions, Knowledge and Concerns that a Cleric or Religious has Abused a Child Through Child Pornography (NBSCCCI 2.10)

This guidance is concerned with the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions is a crime in civil and in canon law (see NBSCCCI Appendix C). For further information regarding other risks to children online see NBSCCCI GAP paper 1.

## Definition

In canon law “child pornography” means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.

A listing of the main Acts, Statutory Orders and Regulations (ROI) is outlined in the Table below:

Republic of Ireland	
Title	Main Provisions
Criminal Law (Sexual Offences) Act 2017	<p>This most recent piece of legislation has in its introductory description that it is An Act to give effect to Directive No. 2011/93/EU of the European Parliament and of the Council of 13 December 2011.</p> <p>The following offences are defined in the 2017 Act, along with the punishments available to a court if a person is found to be guilty of any of them:</p> <ul style="list-style-type: none"> <li>• Obtaining, providing etc. a child for purpose of sexual exploitation ('child' is person under 18 years);</li> <li>• Invitation etc. to sexual touching ('child' is a person under 15 years);</li> <li>• Sexual activity in presence of child ('child' is a person under 17 years);</li> <li>• Causing child to watch sexual activity ('child' is a person under 17 years);</li> <li>• Meeting child for purpose of sexual exploitation ('child' is a person under 17 years);</li> <li>• Use of information and communication technology to facilitate sexual exploitation of child ('child' is a person under 17 years);</li> <li>• Amendment of S.2 of Child Trafficking and Pornography Act 1998 – extended definition of 'child pornography';</li> <li>• Amendment of S.3 of Act of 1998 – extended definition of 'sexual exploitation';</li> <li>• Amending S.4 of Act of 1998 – changed definition of actions involved in organising etc. child prostitution or production of child pornography;</li> <li>• Amending S.5 of Act of 1998 – changed definition of producing, distributing, etc. child pornography;</li> <li>• Amending S.5 of Act of 1998 – adding to definition of participation of child in pornographic performance; Amending S.6 of Act of 1998 – changed definition of possession of child pornography;</li> <li>• Amending S.5 of Act of 1998 – changed definition of producing, distributing, etc. child pornography;</li> <li>• Amending S.5 of Act of 1998 – adding to definition of participation of child in pornographic performance;</li> <li>• Amending S.6 of Act of 1998 – changed definition of possession of child pornography;</li> <li>• Amending S.1 of the Criminal Law (Sexual Offences) Act 2006 – changed definition of 'person in authority';</li> <li>• Amending S. 2 of Act of 2006 – changed definition of sexual act with child under 15 years of age;</li> <li>• Amending S.3 of Act of 2006 – changed definition of sexual act with child under 17 years of age;</li> </ul>

	<ul style="list-style-type: none"> <li>• There are further minor amendments of other previous legislation contained in the 2017 Act.</li> </ul>
Child Trafficking and Pornography Act 1998	<p>The Child Trafficking and Pornography Act 1998, which is amended by Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007, deals with a number of offences involving children under the age of 17. These include:</p> <ul style="list-style-type: none"> <li>• Child trafficking and taking a child for sexual exploitation.</li> <li>• Meeting a child for the purpose of sexual exploitation.</li> <li>• Allowing a child to be used for child pornography.</li> <li>• Producing, distributing, printing or publishing child pornography.</li> <li>• Possession of child pornography.</li> </ul>
Criminal Law (Sexual Offences) Act 2006	<p>This Act defines the offences of Defilement of child under 15 years of age, and Defilement of child under the age of 17 years. The Act of 2006 also amends a number of previous Acts.</p>

### Process

If a concern, suspicion, knowledge or allegation is made against a cleric or religious which relates to the abuse of a child through pornography, the process outlined in 2.1A - Guidance on Reporting Allegations of Abuse, must be followed.

A Church authority who has knowledge, a concern, suspicion or allegation should consult the Gardai to establish if an examination of all electronic devices belonging to the respondent can be conducted.

The process of investigation by the statutory authorities must be concluded first.

### Post investigation by statutory authorities

Upon the conclusion of any statutory investigation, a preliminary investigation/collection of the proofs under canon law should be initiated (See Guidance under Standard 4). If the Gardai decide not to pursue such an examination, the permission of the respondent must be sought for a private company to undertake this task.

If the respondent refuses permission for a search of his use of digital devices, the advice of the Church body's advisory panel or the NCMC should be sought in assessing the risk posed by the respondent.

Evidence obtained from a search of the respondent's digital devices should be included to ascertain if a crime as identified in canon law has been committed.

If the search identifies accessing child pornography, the preliminary investigation/collection of proofs should conclude that the respondent has a case to answer. In such circumstances NBSCCCI Guidance 4.3C should be followed for clerics and Guidance 4.3D for religious.

If the search does not identify the respondent accessing child pornography, further investigation may be necessary to establish whether there is a case to answer (for clerics NBSCCCI Guidance 4.3A and for religious- 4.3D).

If at the end of the preliminary investigation/collection of proofs there is no case to answer, steps should be taken to restore the respondents good name following NBSCCCI Guidance 4.3C for clerics and 4.3D for religious.

# Guidance for Complainants on Access to Records Held by a Church Body (NBSCCCI 2.2D)

Article 8 of the EU Charter of Fundamental Rights states that:

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

This means that church authorities must inform a complainant of the Church body's procedures in relation to how the church body protects personal information; processes the information in a fair way which ensures that the complainant is listened to and that is reported to the statutory authorities; and how the complainant's information is processed upon conclusion of a statutory investigation during any subsequent canonical inquiry.

In sharing information with a Church body, a Church authority should advise a complainant that information will be kept secure and only shared with those who need to know.

The Church authority must enable access to any information provided by the complainant and allow the correction of any factual inaccuracies.

- The Church authority should advise a complainant of their rights as follows:
- Access to anything written about by or concerning a complainant should be sought in writing to the data controller under article 15 of GDPR
- This should include any information on electronic or manual formats.
- The complainant should be asked for evidence of their identity
- The complainant should be advised that they can only access data about them and not any other third party
- The data controller must reply within 28 days of receipt of the request
- The Church authority as data controller should invite the complainant to meet so that relevant personal data can be shared.
- The complainant should be advised that they can ask for a copy of the records
- The complainant must be advised that they can ask for the record to be corrected if it is factually incorrect
- The complainant can ask for their records to be destroyed. The Church body has a right to refuse if it is required to retain a record to demonstrate its engagement with and about you (in line with its data retention and destruction procedure).
- The complainant can ask for restrictions on the processing of their records
- The Church authority as data controller will have to provide reasons for not complying with the complainant's wishes.
- GDPR states that the right to obtain a copy of personal data must not adversely affect the rights and freedoms of others. This means that the right cannot be used to access the personal data of other persons, i.e. third parties.



## **Guidance for Respondents on Access to Records Held by a Church Body** (NBSCCCI 2.2D)

Article 8 of the EU Charter of Fundamental Rights states that:

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

This means that church authorities must inform a respondent of the Church body's procedures in relation to how the church body protects personal information; processes the information in a fair way which ensures that the respondent is listened to and that is reported to the statutory authorities; and how the respondents information is processed upon conclusion of a statutory investigation during any subsequent canonical inquiry.

In sharing information with a Church body, a Church authority should advise a respondent that information will be kept secure and only shared with those who need to know.

The Church authority must enable access to any information provided by the respondent and allow the correction of any factual inaccuracies.

- The Church authority should advise a respondent of their rights as follows:
- Access to anything written about by or concerning a respondent should be sought in writing to the data controller under article 15 of GDPR
- This should include any information on electronic or manual formats.
- The respondent should be asked for evidence of their identity
- The respondent should be advised that they can only access data about them and not any other third party
- The data controller must reply within 28 days of receipt of the request
- The Church authority as data controller should invite the respondent to meet so that relevant personal data can be shared.
- The respondent should be advised that they can ask for a copy of the records
- The respondent must be advised that they can ask for the record to be corrected if it is factually incorrect
- The respondent can ask for their records to be destroyed. The Church body has a right to refuse if it is required to retain a record to demonstrate its engagement with and about you (in line with its data retention and destruction procedure).
- The respondent can ask for restrictions on the processing of their records
- The Church Authority as data controller will have to provide reasons for not complying with the respondent's wishes.
- GDPR states that the right to obtain a copy of personal data must not adversely affect the rights and freedoms of others. This means that the right cannot be used to access the personal data of other persons, i.e. third parties.

## Guidance on Protection for Persons Submitting a Report (NBSCCCI 2.1P)

In line with Diocesan and NBSCCCI Guidance (2.1A), there is a requirement to report all allegations, suspicions and concerns of child abuse.

Protection must be provided to all people who report child abuse to the statutory authorities in good faith. Within civil law in the Republic of Ireland, anyone who notifies An Garda Síochána and Tusla of an allegation, suspicion or concern relating to the abuse of a child, who has the best interests of the child in mind is protected from any legal action for defamation.

Equally steps must be taken, as required by canon law to ensure that anyone who reports an allegation should not be treated adversely.

The following sets out the civil and canon law requirements:

### Civil Legislation - Republic of Ireland

People are protected in civil law for reporting abuse, in line with Protections for Persons Reporting Child Abuse Act 1998, Revised updated to 19 December 2012 Which states that a:

‘person [...] shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that—

- a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- b) a child’s health, development or welfare has been or is being avoidably impaired or neglected,

unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.’

In addition, the, Protected Disclosures Act 2014 enshrines in civil legislation the protection of whistleblowers.

### Canon Law

There is now a requirement in canon law to ensure that those making a report pursuant to the delicts outlined in *Vos estis lux mundi*<sup>5</sup> shall not constitute a violation of office confidentiality.

Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited.

Additionally, *Vos estis lux mundi* explicitly forbids any imposition of silence on a person making a report regarding the delicts outlined in Article 1.

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<sup>5</sup> Vos Estis Mundi, 2019.