



Safeguarding Children in the Diocese of Limerick Standard 4 Care and Management of the Respondent

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.

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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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 the respondent informed of the progress of their case;
- Help direct the Respondent 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.
- Uphold the seven standards in practice and behaviour.
- Advisors should be particularly alert to the sense of isolation and vulnerability that a respondent may experience.

- The advisor is not a counsellor for the respondent and should not act in that role.
- The advisor should not act as spiritual guide for the respondent.
- The advisor is not an advocate for the respondent.
- The advisor should not provide any character references for the respondent.
- The advisor does not manage the case file and will not have access to it.

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

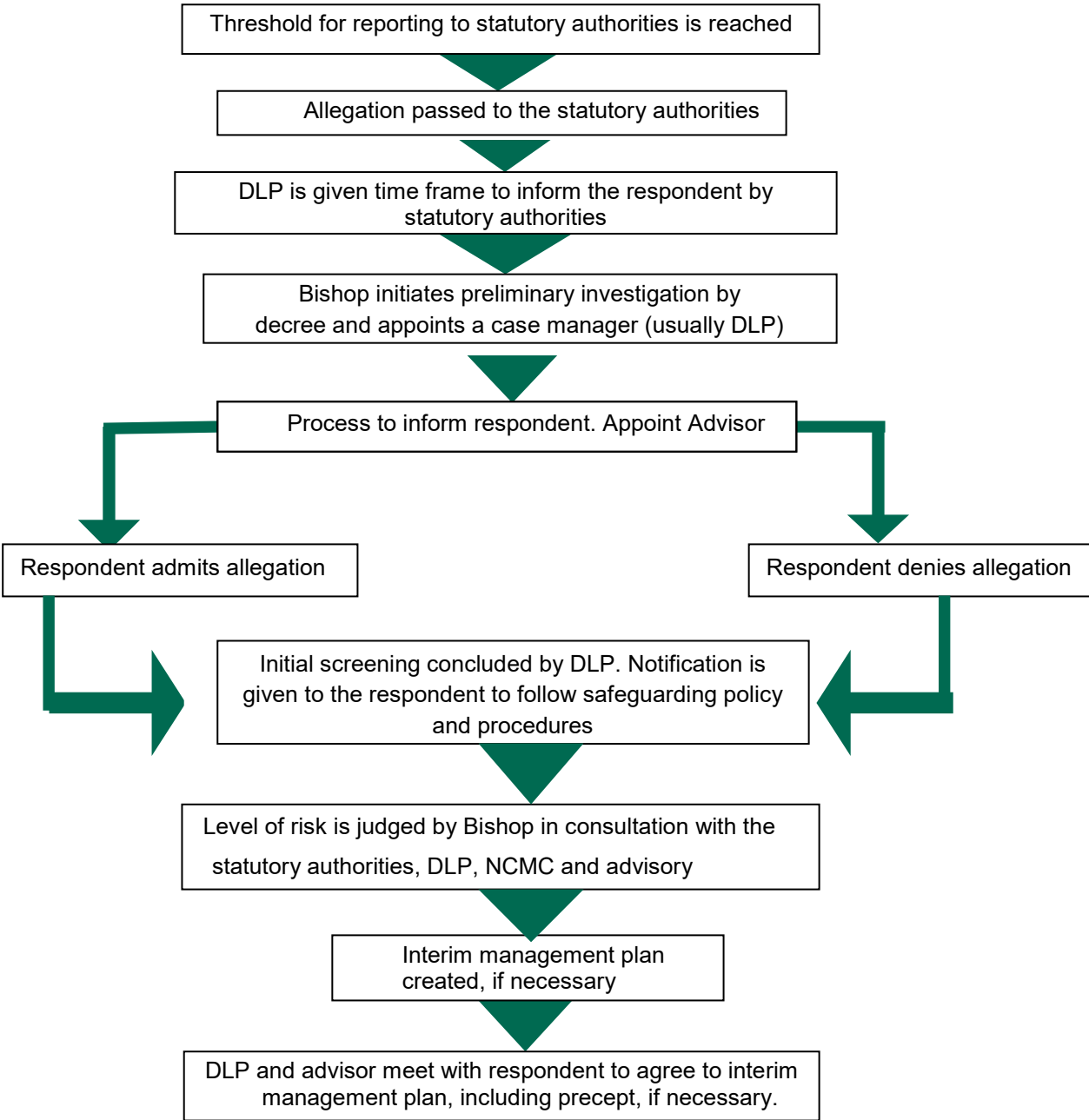
Those who have allegations of child abuse made against them should be offered access to appropriate advice and support. Each Bishop has access to a panel of advisors who are available to those about whom a suspicion, concern or allegation of child abuse has been made.

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

This guidance excludes Bishops, Supreme Moderators or their equivalents as defined in Vos estis lux mundi, also other Church authorities outside of the definitions contained in Vos estis lux mundi, for guidance on the process for these members of Church personnel see appropriate guidance.

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.



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 (Canon.1717¹/Canon 695²) by decree (*NBSCCCI 4.3A or 4.3D Templates 1*) 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

¹ Preliminary Investigation, Canon 1717 §1: Whenever the ordinary receives information, which has at least the semblance of truth, about an offence, he is to enquire carefully, either personally or through some suitable person, about the facts and circumstances, and about the imputability of the offence, unless this enquiry would appear to be entirely superfluous.

² Canon 695 (1): 'A member must be dismissed for the delicts mentioned in Canon 1397, 1398 and 1395, unless in the delicts mentioned in Canon 1395 (2) the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.'

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 and advisor as appropriate.
8. A decision will be made at this stage as to whether an interim management plan is required which may include restrictions to sacred ministry.
9. 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 (4.2E).
 - Offer support to parishes and others affected where a priest is taken out of sacred ministry (4.2D).

Monitoring of Clerics and Non-Ordained Religious (NBCCCCI 4.4A)

In circumstances where a decision has been made to allow the respondent to remain a priest/ Brother/Sister, a risk assessment is undertaken and a system of monitoring is put in place. The DLP is responsible for putting in place a system of monitoring by either taking on this responsibility or appointing someone to take on this role.

The monitoring role involves:

- Meeting with the respondent on a regular basis, as per the permanent management plan;
- Assessing the support needs of the respondent and putting in place care and management mechanisms to ensure a holistic response to addressing their needs;
- Assessing whether or not the plan is being adhered to;
- Advising the respondent and the DLP (if the DLP is not the person in the monitoring role) where there is evidence of non-compliance. The DLP will advise the Bishop of this;
- Keeping records of all contact made with the respondent, and recording any issues emerging in relation to child safeguarding matters and passing them to the DLP (if the DLP is not the person in the monitoring role);
- Reviewing the permanent management plan at regular intervals (depending on the assessed needs and the level of risk), in conjunction with other child safeguarding personnel;
- Liaising with the respondent's family members, as required;
- Maintaining professional links with the statutory authorities and preparing reports, as required;
- Liaising with the Bishop and the NBSCCCI, where appropriate;
- Liaising with child safeguarding personnel, e.g. advisors, where appropriate.

The services of an advisor should be available to the respondent throughout the entire process, should the respondent wish. The advisor will provide a vital service in ensuring that the support needs of the respondent are heard and met during this time.

Allegations Against Deceased Clerics and Religious

All allegations must be received with openness to listening and responding pastorally to the complainant. If an allegation relates to a cleric or religious who is deceased, the following response should be made:

- The allegation must be reported following appropriate guidance (*NBSCCCI 2.1M*).
- The DLP offers to meet with the complainant to receive their account.
- A pastoral response should be provided which includes an offer of a support person and counselling.
- Information to establish the facts should be gathered from the complainant and any case records.
- If there are other allegations against the deceased cleric/religious and there is a pattern evident in the new allegation, it may be assumed that the allegation is credible.
- If the allegation is deemed credible, an offer to meet the Bishop should be made to the complainant.
- The Bishop should offer pastoral care and may consider offering an apology for the harm suffered.
- If there are no previous allegations against the respondent and there is no semblance of truth to the allegation, the complainant should be advised accordingly.
- All allegations against deceased clerics and religious must be reported to An Garda Siochana who have a responsibility to assess whether a criminal offence occurred. In the case of allegations against a deceased cleric or religious, while prosecution is not possible the Gardai will require notification of the allegation as it may assist with solving an investigation.
- All allegations against deceased clerics and religious must be reported to Tusla who have a responsibility to provide support to children and their families (including adult carers).
- All allegations against deceased clerics and religious must be reported to the National Board who have a responsibility to monitor the management of allegations in the Catholic Church in Ireland.