

CONGREGATION OF THE HOLY SPIRIT

Community Safeguarding Folder

*Safeguarding:
Policy
Procedures
Forms*

STANDARD 1 Creating and Maintaining Safe Environments

The Irish Province of the Congregation of the Holy Spirit (hereafter “The Congregation”) recognises the necessity of creating and maintaining safe environments for children and those who minister with them. This section of the safeguarding procedures is divided into two parts:

- **Section One** concerns all Spiritans and Co-workers
- **Section Two** applies to those Spiritans and Co-workers who have direct ministry with children.

Section One outlines:

- 1.1 Safe Recruitment of staff who have contact with or access to children
- 1.2 Vetting Procedures
- 1.3 Procedures for Spiritans and other clerics/religious visiting the Irish Province
- 1.4 Spiritans ministering in an external Church body
- 1.5 External Groups using Spiritan Property
- 1.6 Dealing with Accidents/Incidents
- 1.7 Conscientious Disclosure
- 1.8 Codes of Professional Conduct for Adults
- 1.9 Photography
- 1.10 Use of CCTV and Webcams
- 1.11 Use of the Internet
- 1.12 Social Media
- 1.13 Safeguarding Concerns that are not allegations of abuse

Section Two outlines:

- 1.14 Code of Conduct for Children
- 1.15 Anti-bullying
- 1.16 Safe Care of Children
- 1.17 Supervision of Children
- 1.18 Children with Special Needs
- 1.19 Trips away with children
- 1.20 Hazard Assessment
- 1.21 Use of Technology with Children

SECTION ONE

1.1 SAFE RECRUITMENT PROCEDURES FOR THE APPOINTMENT OF STAFF WORKING WITH OR WHO HAVE ACCESS TO CHILDREN

The Congregation recognises that safe recruiting procedures ensure the appointment of suitably qualified, skilled and vetted personnel to carry out their duties in a safe manner. Whoever is employed by the Congregation must be deemed suitable for the role that they are being asked to undertake.

Safe recruitment means that the Congregation will ensure as far as possible that:

- All reasonable steps are taken to ensure that applicants who might pose a risk to children are eliminated.
- Those engaged in the recruitment process are suitably trained and experienced to undertake this task.
- The recruitment procedures are transparent, adhere to best practice and comply with the rules of natural justice, appropriate record-keeping, and human resource management.

Recruitment procedures (paid staff)

The following procedures apply to the process of all appointments of staff working with or having access to children. It should be noted that these procedures do not affect the applicant's rights under the relevant employment legislation.

- **Checklist:** Use the recruitment and selection Form 1.1 to ensure that effective practices are followed.
- **Application Form:** Use an Application Form, including reference requests (*Form 1.2*).
- **Interview:** The interview will include discussing the application form; advising applicants of their responsibilities towards children; and assessing their awareness of child protection and safe care practices.
- **Interview Board:** Interview boards will comprise of experienced and qualified personnel with a proven ability to draw out and explore the information that the candidate has included on their application form.
- **Storage of Paperwork:** All paperwork associated with the application process should be kept in accordance with record storage policy (*Appendix B*). All references, reports and communications in respect of the applicant should be in writing, and access to them will only be available to appropriate personnel within the Congregation. Candidates will be advised that their application and the follow-up process of recruitment will be dealt with in the strictest confidence.
- **Successful Applicant:** The successful applicant will be offered a position subject to:
 - a) Suitable, verified references (*Form 1.3*).
 - b) Proof of qualifications, where applicable.
 - c) Production of satisfactory Disclosure from National Vetting Bureau.

- **Positive proof of identification.** Anyone coming to work in the Irish Province, who worked or volunteered in another country for more than one year, must provide a certificate of police clearance from the country or countries in which they have lived for a year or more, prior to coming to Ireland. If difficulties arise in obtaining police clearance for a particular country, please contact the Spiritan Vetting Officer.
- **Appointment:** Once appointed:
 - a) Ensure probationary periods are served
 - b) Ensure that the successful applicants are inducted in the child safeguarding policy and procedures and that they agree to follow the policy and the procedures of the Congregation by signing a Policy Agreement Form (*Form 1.4*) which is stored in the Spiritan Safeguarding Office.
 - c) Ensure professional support, supervision, on-going training, and appraisals are offered to the successful applicant, where appropriate.

Recruitment procedures (volunteers)

The following procedures are to be used for volunteers:

- Be vetted by the National Vetting Bureau and, where appropriate, have police clearance from the country or countries in which they have lived for a year or more, prior to coming to Ireland. If difficulties arise in obtaining police clearance for a particular country, please contact the Spiritan Vetting Officer.
- The volunteer is trained in the Catholic Church's child safeguarding policy, and they agree to follow the policy and the procedures of the Congregation by signing a Policy Agreement Form (*Form 1.4*) which is stored in the Spiritan Safeguarding Office.

1.2 VETTING PROCEDURES

The 2012 National Vetting Bureau Act (as amended in the Criminal Justice [Spent Convictions and Certain Disclosures] Act 2016) sets out circumstances that require vetting, defined as:

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children (and/or vulnerable adults).

Good safeguarding practice means that, as far as possible, management and supervision arrangements are such that substantial, unsupervised access to children is limited.

The following steps will apply:

- The applicant completes the Vetting Invitation Form and submits it together with proof of identity to the Spiritan Vetting Officer.
- National Vetting Bureau (NVB) emails the applicant a link to complete the vetting process on-line.
- Spiritan Vetting Officer, on receipt of the Vetting Disclosure (outcome/result) sends a copy to the applicant and to the HR manager.
- All vetting information is stored securely.
- All Spiritans in public ministry are re-vetted after 5 years.

1.3 PROCEDURE FOR VISITING SPIRITANS AND VISITORS IN ANY FORM OF CONSECRATED LIFE

Procedure for Spiritans/Associates whose visit is less than a month

1. Contact the local Community Leader in Ireland - if a Visa is needed contact the Provincial Leader.
2. A visiting Spiritan must carry with them a letter of Good Standing from his own Provincial Leader.¹
3. An ordained Spiritan, if engaged in public ministry, must also:
 - sign the register in the sacristy (*Form 1.7*) to declare his presence at each celebration.
 - provide his *celebret* for inspection and this should be noted beside his signature in the register.

Procedure for Spiritans and Associates whose visit is more than a month

Spiritans who come to Ireland must provide evidence that they are in good standing.

The following steps apply:

1. Prior to receiving a letter of invitation from the Provincial, the visiting Spiritan writes to the Spiritan Provincial:
 - a) *seeking permission to minister/take a sabbatical/study*
 - b) *giving duration of the visit*
 - c) *stating the type and location of ministry envisaged, if applicable*
 - d) *giving the contact details of his Provincial Leader*
2. Upon receipt of this request, the Provincial Leader (or his delegate) writes to the visitor asking him to fill in a Declaration of Good Standing Form (*Form 1.9*) signed by himself and signed and stamped by his own Provincial Leader. A link to the Safeguarding Policy and a copy of the Policy Agreement Form (*Form 1.4*) will be forwarded to the visiting Spiritan and they will be asked to read the policy and send the Policy Agreement Form back to the Provincial Secretariat.
3. Where possible, the visiting Spiritan is asked to provide a certificate of police clearance from the country or countries in which they have lived for a year or more, prior to coming to Ireland. If difficulties arise in obtaining police clearance for a particular country, please contact the Spiritan Vetting Officer.
4. A vetting check must be processed through the National Vetting Bureau (See above 1.2).
5. If the above requirements have been met and the Irish Provincial leader is satisfied that there are no concerns about the visiting Spiritan, a letter of invitation will be given in writing to the visitor, outlining the specified ministry/purpose of the visit including its duration and location (*Form 1.20*).

¹ See Safeguarding Minors, Revised Edition, Rome 2016: 4.5 pg. 16

- a) A copy of this letter will be forwarded to the Provincial Leader of the visitor.
 - b) A copy of this letter will be forwarded to the Community Leader where the Spiritan will be based.
 - c) A copy of the letter of invitation and related documents will be stored securely in the visitor's file in the Provincialate.
6. Within 24 hours of arriving in Ireland the visiting Spiritan should contact the Provincial Secretariat.

1.4 SPIRITANS MINISTERING IN AN EXTERNAL CHURCH BODY OR ORGANISATION

All Spiritans ministering in an external organisation must ensure that that external organisation has effective safeguarding policies and procedures in place.

Spiritans will sign a written agreement (*Form 1.22*) that states:

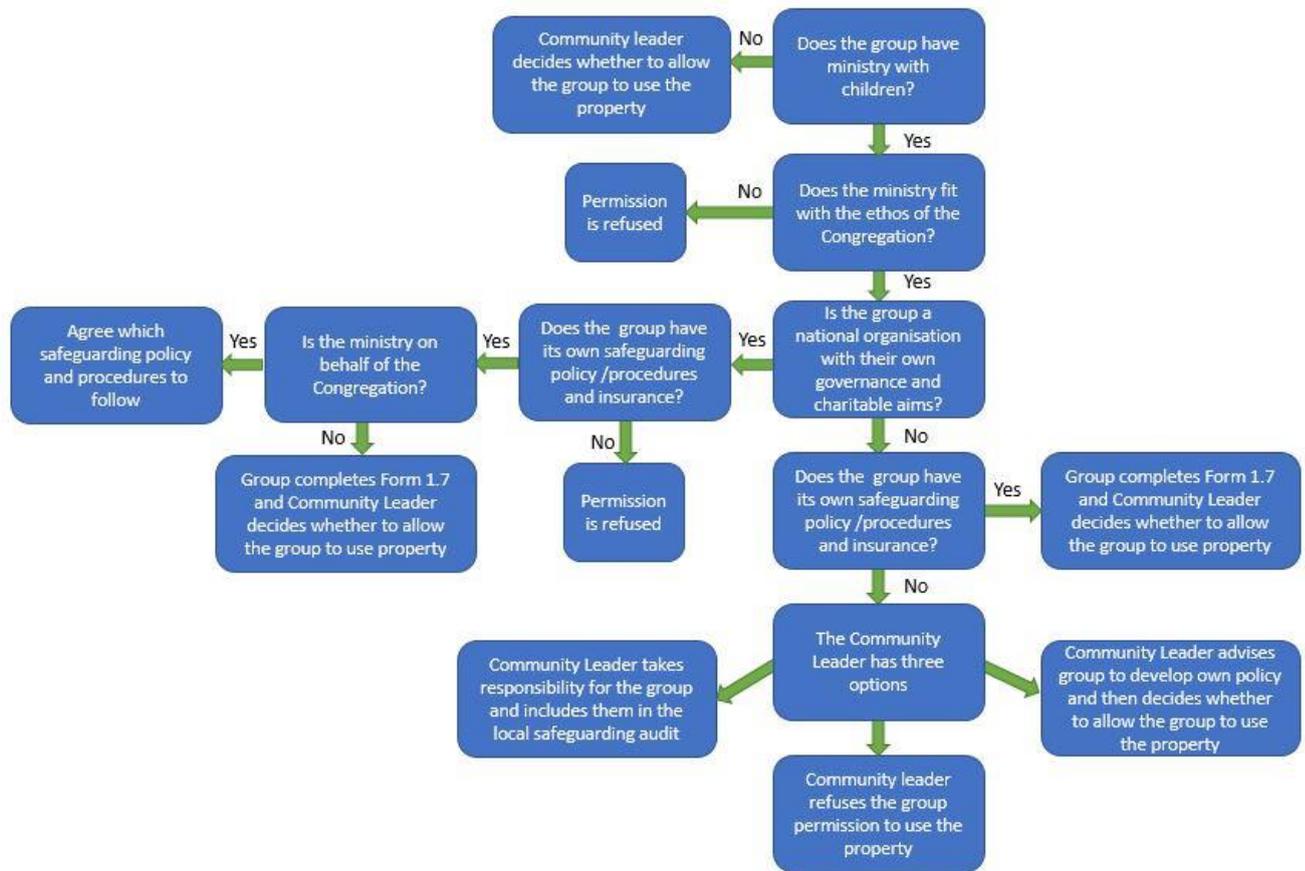
- a) *That the organisation for whom the member is ministering has safeguarding policies and procedures in place.*
- b) *That the member ministering in this external organisation understands that while they are working for that organisation, the safeguarding policies and procedures of that organisation must be adhered to.*
- c) *Form 1.22 is retained by the Spiritan Safeguarding Office.*

1.5 SPIRITAN PROPERTY THAT IS USED BY EXTERNAL GROUPS WORKING WITH CHILDREN

Groups with children using Spiritan Property

It is a requirement that all groups working with children on Spiritan property and/or using facilities owned by the Congregation are insured, and that they have a child safeguarding policy in place. When Spiritan property is used by groups working with children the responsibility for the children rests with the organisers to comply with all applicable child safeguarding and protection legislation and guidelines.

- The adult leader organising the visit is advised that the safeguarding procedures of the Church body/school/organisation to which they belong apply during the period of the visit.
- The organiser is asked to complete Form 1.9 for use of Church property by external groups and this is retained by the Community Leader as part of record-keeping requirements (Appendix B). The form asks for the name of their insurers, the policy number, the period of cover of the policy and the limit of indemnity.
- If the group does not have a child safeguarding policy, then it is up to the Community Leader to decide whether to let the group use the property. If the Community Leader thinks it is appropriate, he will issue a letter to the leader of the visiting group stating that while on their property full responsibility and liability for ensuring the safety of the children rests with the organiser.



Spiritan Property and Hire for Private Functions

Individual adults (parents/guardians/family members) approaching the local Community Leader to use Spiritan property for a private function on a once off basis do not meet the requirement for vetting by the Congregation and they are not required to confirm in writing that they have a safeguarding policy or appropriate insurance.

It is, however, the sole responsibility of the parents/guardians to organise and supervise all children attending.

Each Community Leader should ensure that key health and safety measures are covered prior to agreeing to rent/lease the property for use. The potential user will sign an agreement form that highlights the terms and conditions for the use of the Spiritan property. This will be stored by the Community Leader.

This safeguarding procedure does not cover the following situations:

- Non-child-related events.
- Use of Spiritan property for community-related activities such as funeral receptions and other such activities, which fall outside the remit of safeguarding children.
- Schools using Spiritan property for sacramental celebrations.

Spiritans chapels used for Public Liturgical Celebrations

Where a Spiritan Community celebrates Eucharist or other Liturgical Celebrations which may be attended by members of the public, including children, the following safeguards are required:

The Community Leader ensures that any visiting priest (Spiritans or Diocesan) shows his certificate/letter of good standing, and a record is kept to this effect and retained by the Community Leader.

1.6 DEALING WITH ACCIDENTS/INCIDENTS

All Spiritans and their co-workers have a duty of care towards all children with whom they have contact in the course of their ministry and that includes being familiar with the following procedures when a child has an accident while attending a church-run activity or on Spiritan property:

- Reassure the child and contact the parent/guardian
- Assess the level of injury
- If the injury is severe
 - a) *Contact the emergency services*
 - b) *It may be necessary for someone to accompany the child to hospital*
- If the injury is not severe:
 - a) *Wait for the parents / guardians*
 - b) *Complete Accident/Incident Report Form (Form 1.11) and store securely by the Community Leader*

N.B. Medication should not be given to a child unless authorised by the parent/guardian or unless exceptional circumstances would dictate that not to do so would be more injurious to the child.

1.7 CONSCIENTIOUS DISCLOSURE

The Spiritans are committed to the highest possible standards of openness and accountability.

- All Spiritans and co-workers are expected and encouraged to voice any concerns about activities involving children to their local superior/manager/supervisor. Although this can be difficult to do, it is particularly important where the welfare of children may be at risk.
- All have a right to raise a concern about perceived unacceptable practice or behaviour
- Conscientious disclosure can be difficult and stressful. Advice and support are available in the first instance from the Spiritan Safeguarding Office.
- No action will be taken against an individual who raises a concern if the concern proves to be unfounded provided the concern was raised in good faith. This is in line with the Protection for Persons Reporting Child Abuse Act, 1998.
- Malicious allegations will also be treated in line with the Protection for Persons Reporting Child Abuse Act, 1998 and will be considered a disciplinary offence.
- All concerns will be treated, as far as possible, in confidence and every effort will be made not to reveal the identity of the Complainant, if requested. If, however, concerns require further action, the Complainant may at a future date have to act as a witness and/or provide evidence.

Reasons for conscientious disclosure

- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent oneself from becoming implicated.

What stops people from conscientious disclosure

- Fear of starting a chain of events that spirals out of control.
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed.

What the law says

The Protected Disclosures Act 2014 relates to 'whistleblowing' (conscientious disclosure) and this applies to employees and well as to agency workers, to contractors and consultants engaged on contract by the Spiritans; and to trainees, temporary workers, and those on work experience with the Spiritans. It does not apply to volunteers.

The concern could relate to:

- a breach of the Church Body's child safeguarding procedures
- practice which falls below the standards set out in "Safeguarding Children, Policy and Standards for the Catholic Church in Ireland 2016"
- a breach of the law
- failure to comply with legal obligations
- a possible miscarriage of justice
- a Health & Safety risk
- misuse of public money
- corruption or unethical conduct
- deliberate concealment of any of these matters

How to raise a concern

Spiritans and Co-workers are expected to:

- Voice any concerns, suspicions or uneasiness as soon as possible. The earlier a concern is expressed, the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is of concern and why.
- Approach the immediate superior/supervisor/manager.
- If the concern is about an immediate superior/supervisor/manager, then contact either the Designated Liaison Person, the statutory services or the NBSCCCI.
- Ideally concerns should be placed in writing, outlining the background and history, giving names, dates and places and any other relevant information.
- Make sure a satisfactory response is secured – don't let matters rest.

- The person disclosing is not expected to prove the truth of the complaint but will need to demonstrate sufficient grounds for the concern.

What happens next?

- The person disclosing should be given information on the nature and progress of any enquiries.
- The supervisor/superior/manager has a responsibility to protect the person who has disclosed from harassment or victimisation.
- Follow up if the person to whom concern was reported has not responded within a reasonable period of time, and if that follow up is not acted upon, report the matter to the relevant statutory authorities.

Self-reporting

- When a Spiritan or Co-worker has a personal difficulty, perhaps relating to physical or mental health, which they know to be impinging on their professional competence they have a responsibility to discuss such a situation with their line supervisor/superior/manager so that professional and personal support can be offered to the member concerned.
- Whilst reporting will remain confidential where possible, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

1.8 CODE OF PROFESSIONAL CONDUCT FOR ADULTS

Every Spiritan and co-worker must be made aware of what is and is not acceptable behaviour when dealing with children. Adults engaging with children have a duty of care to those children and must at all times conduct themselves in a professional and transparent manner.

Where it becomes necessary to depart from the professional code of conduct, the reason for doing so should be recorded and retained by the individual and steps taken to avoid reoccurrence of such a situation in the future.

Code of Professional Conduct

All Spiritans and co-workers will:

- Treat all children with respect.
- Treat all children equally.
- Model appropriate behaviour to all children with whom they have contact.
- Report abusive and potentially abusive behaviour (See Appendix C).
- Foster a culture of openness, honesty and safety.
- Develop a culture where children have permission and are encouraged to talk of their concerns/worries.
- Provide children with information on how, and from whom, they can seek help if they have a problem.
- Respect each child's boundaries and avoid unnecessary physical contact.
- Help children to understand their own rights and responsibilities.
- Be aware of their responsibility for the children in their care.

- Work in an open environment.
- Avoid spending an unnecessary amount of time alone with a child.

Spiritans must never:

- Physically assault or abuse children.
- Develop sexual relationships with children.
- Develop relationships with children that could be deemed exploitative or abusive.
- Use language, make suggestions or offer advice that is inappropriate, offensive or abusive.
- Do things of a personal nature for a child that they can do for themselves.
- Participate in or condone behaviour that is illegal, unsafe or abusive.
- Act in any way that is intended to intimidate, shame, humiliate or degrade a child.
- Engage in discriminatory behaviour or language in relation to race, culture, age, gender, disability, religion, sexual orientation or political views.
- Consume alcohol, tobacco or illegal drugs while having responsibility for children.
- Take children to their bedrooms/personal area.
- Have 'pet names' for children.
- Share inappropriate personal details with children.
- Give gifts or money to a child.
- Single a child out for special duties or responsibilities.

Working Alone with Children

There are circumstances where a Spiritan or co-worker may find himself / herself working alone with a child:

- Where a child requests to speak to you unexpectedly.
- Where a child is removed from an activity as part of its code of behaviour and you are his/her supervisor.
- Where there has been an accident – you come across a child who has injured himself / herself.
- One-to-one-tuition or counselling.

Guidance on Working Alone with Children

1. Reactive Situations

- Try to meet the child in an open environment in view of others – in a room with a window on to the corridor or a glass panel in the door or leave the door open
- Advise another adult that such a meeting is taking place and the reason for it.
- Keep a record of all such meetings – dates, times, location, duration, and reason for meeting, and store this information securely.
- Avoid meeting a child in a building where there are no other adults present.
- Avoid inappropriate times e.g., late at night.

2. Planned Meetings

- The particular meeting should have a clear rationale for it being a one-to-one meeting e.g., a music lesson
- Parents / guardians should be fully informed of the nature, purpose of the meeting and must have provided written consent
- A clear code of behaviour as outlined above applies
- Limits of confidentiality should be outlined and agreed by parents and child.

Please note that concerning behaviours are those that are considered 'pre-offending behaviours. Depending on a detectable pattern, these behaviours might also be considered to constitute 'grooming'.

Action steps to address Boundary Violations

- Think about what is making you uncomfortable and write it down.
- Discuss your concerns with the Community Leader.
- Consider whether it is appropriate to confront the behaviour yourself.
- Choose a private time and place where you can talk to the subject without interruption.
- Do not accuse or jump to conclusions but do ask direct questions.
- Describe what you saw or heard, and how you felt.
- Express concern for all involved.
- Separate the behaviour from the person.
- Encourage behaviour change in the subject.
- Encourage the subject to see help.
- If the behaviour continues, formally report to the Spiritan Safeguarding Office.

Action by Community Leader

- If a boundary violation has been reported, there must be a written record of what the behaviour is
- A meeting should be arranged to advise the subject to discuss the violations (this meeting should be between the subject and the Community Leader)
- A record of the meeting and its outcome should be maintained
- A written reminder should be issued by the Community Leader to the subject to follow the Code of Behaviour of the Congregation
- If required, appropriate training should be provided to the subject to ensure that the violation is not repeated
- If the behaviour reoccurs, disciplinary action involving the subject should be considered.

Rights of an individual accused of a boundary violation

- An individual accused of a boundary violation has a right to know the detail of what boundary is alleged to have been breached by them.
- If they accept that the breach occurred, they have a right to be given the opportunity to correct the behaviour through support from the Community Leader.
- At any meetings with the Community Leader the subject should be given the opportunity to be accompanied and supported by a colleague or friend of their choice.
- If training, therapy or counselling for the subject is considered helpful, this will be provided by the Congregation.
- If the boundary violation leads to disciplinary action, the subject will be advised of their rights to access canon/civil law advice.

1.9 THE USE OF PHOTOGRAPHY

The use of photos on websites and in other online/hard copy publications can pose direct and indirect risks to children and young people. Spiritans and co-workers wishing to use images of the children they work with, or are otherwise in contact with, should follow these guidelines.

Risks to children

Even if the child's personal identity (full name, address) is kept confidential, other details accompanying the photo can make them identifiable and therefore vulnerable to individuals looking to groom children for abuse. There is also a risk that the photo itself will be used inappropriately by others. Photos can easily be copied and adapted, perhaps to create images of child abuse, which can then find their way on to other websites.

Minimising Risks

Establish the type of images that appropriately represent the activity and think carefully about any images showing children and young people on the Spiritan website or publication:

- Never supply the full name(s) of the child or children along with the image(s).
- Only use images of children in suitable dress and focused on the activity rather than on one particular child.
- Children in vulnerable circumstances (e.g., those in care or victims of any type of abuse should not be photographed without the consent of those who hold parental responsibility.
- The permission of parents/guardians and children should always be sought when using an image of a young person. Parents/guardians should be aware of the Spiritan policy on using children's images and of the way these represent the Spiritan activity.
- This must be recorded on a joint consent form for use of images of children. The child's permission to use their image must also be recorded. This ensures that they are aware of the way the image is to be used to represent the activity (*Form 1.14*).
- The same applies to the use of mobile phones with cameras.

Using photographers

When using a photographer, the following should be addressed:

1. Provide a clear brief about what is considered appropriate in terms of content and behaviour; ascertain if the photographer requires vetting and, if they do, put them through the process.
2. Provide the photographer with a form of identification that must be worn at all times.
3. Do not allow unsupervised access to children or one-to-one photo sessions at events.
4. Do not allow photo sessions to take place away from the event, for instance, at a young person's home except with the explicit permission of his/her parents.
5. Inform parents/guardians and children that a photographer will be in attendance and ensure that they consent to both the taking and publication of photos or films.
6. Seek confirmation about any publications that will be made by the photographer after the event.
7. If parents/guardians are intending to photograph or video at an organised event, they should also be made aware of what is permitted and what is not.

1.10 USE OF CCTV AND WEBCAMS

The increasing use of CCTV and the internet has wide implications, and unless such systems are used with proper care and consideration, they can give rise to concern that the individual's 'private space' is being unreasonably invaded or eroded.

- Section 2 (1) c (iii) of the Data Protection Act requires that data are 'adequate, relevant and not excessive' and fit for purpose for which they are collected".
- If a data controller is satisfied that it can justify the installation of a CCTV system, it must carefully consider what it will be used for and if these uses are deemed reasonable in the circumstances.
- Security of premises or other property is probably the most common use of a CCTV system and, as such, will typically be intended to capture images of intruders, or of individuals damaging property or removing goods without permission.

In order to maximise the benefit of such installations and minimise the possibility of a person's privacy being infringed the following should be considered:

1. Cameras placed so as to record external areas should be positioned in such a way as to prevent or minimise recording of passers-by, or of another person's private property.
2. If CCTV cameras are in place, it is important to have very obvious signs informing Spiritans, co-workers and the public that this is the case.
3. All uses of CCTV must be appropriate and fit for a specific purpose. As CCTV infringes the privacy of persons captured in the images, there must be a genuine reason for installing such a system.
4. If installing such a system, the purpose for doing so must be displayed in a prominent place and preferably where it will not be damaged or removed.

5. Images captured should be retained for a maximum of twenty-eight days (see Section 2 [1] c [iv] of the Data Protection Act). An exception for a longer duration would be where images need to be retained specifically in the context of an investigation.
6. Tapes should be stored in a secure environment, along with a log of access to tapes. Access should be restricted to authorised personnel. Similar measures should be in place when using disc storage, with the creation of automatic logs of access to the images.

Web broadcasting

There are several data protection issues that must be met in relation to broadcasting on the internet.

1. Recording people via a web camera, and the subsequent displaying of such images over the internet, is regarded as the processing of personal data. It is imperative that it be done with the knowledge of the individual.
2. Camera shots (images) of groups should be wide shots, minimising the possibility of easily identifying individuals with close-up images.
3. Signs should be placed in prominent locations, informing people that web cameras are in operation.
4. Spiritans and co-workers should give written consent to their image being used for web broadcasting during the course of their regular duties. Copies of this written consent should be kept in a safe and locked place.
5. Altar servers, ministers of the word, Eucharistic ministers and others taking part in liturgies (e.g., choirs and musicians) should give their written consent. In the case of children, written consent is required from parents/guardians.
6. Service providers should be able to give regular and accurate information regarding the number of people who log in online to view. This information is important for future planning and assessing the value of web broadcasting.
7. It is imperative that live broadcasts can be terminated to stop transmission. This should be done by accessing the control panel of the system. If this is not accessible by the priest from the altar, a named person should be delegated to break transmission if required.

1.11 THE USE OF THE INTERNET

It is recognised that the internet is valuable and widely used. Clear guidelines must be inserted into the code of behaviour for each Spiritan activity involving children.

Unacceptable internet use

- Visiting internet sites that contain offensive, obscene, pornographic or illegal material.
- Using a computer to perpetrate any form of fraud or piracy.
- Using the internet or email systems to send offensive and harassing material to others.
- Using obscene or racist language in computer-assisted communications.
- Publishing defamatory or otherwise false material generated by oneself or by others through social networking.
- Introducing any form of malicious software into the used network.

- Intentionally damaging any information communication technology equipment
- Using another user's password or giving that password to a third party.

1.12 SOCIAL MEDIA

Social media is now part of everyday communication and information sharing. Messages and visual images can be seen immediately by others using the internet on desktop computers, laptops, iPads, smartphones etc. Social media sites are online web applications such as Facebook, Twitter, Google, Ask.fm, YouTube, Tumblr, and Instagram. These applications allow variations of instant messaging whether by image, video, text or longer postings such as blogs. Social media encourages a high level of user-generated content and interaction. Many children are avid and competent users of these platforms. Social media messages speed up the rate at which information is shared.

If Spiritans and co-workers have concerns or fears about new media, they should consult the Spiritan Communication Office.

When posting to a social media site the following guidelines should be observed:

1. Do not write something that you wouldn't be prepared to say face-to-face to someone.
2. Assume that anybody can access that post.
3. Check the privacy settings of your social media accounts. These settings determine the extent to which the information you share is publicly accessible.
4. Determine whether you are participating in a personal or official capacity and consider whether your opinions and activity are appropriate in that context.
5. Never share personal details such as home addresses and telephone numbers except with people whom you know and trust, in which case it is advisable only to share such details via private messages.
6. Remember that participating in social media results in your comments being permanently available and open to being re-published by other media outlets. It should be assumed that anything published in social media will remain available indefinitely, even if it is deleted from the original site.
7. In general, do not send a 'friend request' to, or accept a 'friend request from, a child. If in the course of your ministry you need to 'friend' a child, seek the consent of the child's parents/guardians and store this safely.
8. Be honest about your identity. In personal posts, you may identify yourself as a Spiritan or co-worker. However, please be clear that you are sharing your personal views and are not speaking as a formal representative of the Spiritans.
9. Never pretend to be someone else. Tracking tools enable supposedly anonymous posts to be traced back to their authors.

1.13 PROCEDURE FOR SAFEGUARDING CONCERNS THAT ARE NOT ALLEGATIONS OF ABUSE

- A complaint is a grievance and/or the raising of a concern about breaches of codes of behaviour.
- All complaints will be taken seriously and dealt with fairly and confidentially. Efforts will be made to quickly and informally resolve complaints through discussion with the appropriate parties.
- Parents/guardians, young people/children, volunteers, co-workers and Spiritans will be made aware that there is a complaints procedure which includes completing a Complaint Form (*Form 1.10*).

A complaint in this context is not:

- An allegation or suspicion of child abuse
- For use by Spiritans/co-workers who would use the conscientious disclosure procedure to raise their complaint – see above 1.7.

How to make a complaint

First Step:

If a parent/guardian, young person or child is not satisfied with any aspect of the running of a particular activity, or with the behaviour of any individual involved in that activity, address the person leading the activity and engage in open dialogue.

If there is no resolution, the following steps should be taken:

Second step:

1. The Provincial Leader, or his delegate, should be contacted by completing a complaint form (*Form 1.10*) The Provincial Leader has eight weeks to consider the complaint.
2. A letter acknowledging receipt of the complaint should be sent within seven calendar days to the originator of the complaint, enclosing a copy of the complaint's procedure.
3. All complaints must be thoroughly investigated.
4. The Provincial Leader, or his delegate, may organise a meeting with a view to discussing and trying to resolve the complaint. This communication may take place by telephone if a meeting is not possible. He will do this within fourteen calendar days of sending the acknowledgement letter to the Complainant.
5. Within seven days of the meeting or discussion, the Provincial Leader, or his delegate, will write to the Complainant to confirm what took place and to set out any solutions that were agreed upon.
6. If a meeting is not agreeable or possible, the Provincial Leader, or his delegate, will issue a detailed written reply to the Complainant, setting out his suggestions for resolving the matter within twenty-one calendar days of date of issue of the letter of reply. If the Complainant is still not satisfied at this point, they should contact the Provincial Leader again.

7. At the conclusion of this step, the Provincial Leader may decide to take further action as a result of the complaint. If, however, the Provincial Leader decides not to take further action, the process is completed.

SECTION TWO

1.14 CODE OF BEHAVIOUR FOR CHILDREN

A Code of Behaviour should be agreed with the children. Involving children themselves in drawing up a Code of Behaviour will ensure greater adherence to that code.

Content of the Code of Behaviour for Children

The following headings should make up a Code of Behaviour for Children

- Treat everyone with respect
- Show respect for property of oneself, other's and public property
- Not to consume alcohol, tobacco or illegal drugs
- Acting as a good role model for one's peers
- Adhering to the timetable; punctuality
- Signing in and out
- Appropriate use of mobile phones and other electronic devices
- Speaking to someone you trust if feeling uncomfortable with any situation or individual
- Not using bad language
- Not sending threatening messages
- No bullying.

The steps to be taken should the code of behaviour be breached are also discussed and appropriate sanctions agreed.

DEALING WITH BREACHES IN THE CODE OF BEHAVIOUR FOR CHILDREN AND ADULTS

If the Code of Behaviour is not adhered to, efforts should be made by the group leader to resolve the issue:

- Discussion of the breach, and an acceptance that a breach has occurred.
- Support for the person involved.
- An apology may be required in certain circumstances.
- A commitment to adherence to the code henceforth.
- Referral to parents in the case of a child or to the Provincial in the case of an adult.
- Implementation of sanctions if deemed necessary.

Sanctions

The following sanctions may be applied; this is not an exhaustive list:

For Children:

- Time out of the group activity
- Exclusion from the group / activity
- Referral to parents / guardians

For Adults:

- Retraining in Code of Professional Conduct
- Monitoring professional conduct on an on-going basis
- In serious cases, exclusion from the activity/ministry
- If necessary, formal reporting to the statutory authorities.

1.15 ANTI-BULLYING PROCEDURE

Bullying is intentional and repeated aggressive, physical, verbal or psychological behaviour directed by an individual or group against others. Isolated incidents of aggressive behaviour which are not to be condoned cannot be described as bullying; when the behaviour is systematic and on-going it is bullying and causes pain / distress to the victim.

Bullying Can Be:

- Psychological / Emotional: Tormenting, excluding, extortion, intimidation
- Physical: Hitting, spitting, damaging property etc.
- Verbal: Name-calling, teasing, insulting
- Sexual: Unwanted physical contact, sexual abusive comments, etc.
- Racist: Insults about colour, social class, religious beliefs etc.
- Homophobic: Taunting a person of a homosexual orientation
- Cyber: Misuse of mobile phones, emails, social media etc.

Some forms of bullying are quite subtle and difficult to detect e.g., unwelcome and intimidating gestures directed to a particular person.

Signs of Bullying:

A person who is being bullied may show some of the following symptoms:

- Does not want to attend group/school/club anymore
- Work is deteriorating
- Poor concentration
- Has possessions which are damaged or “go missing”
- Asks for money or starts stealing money (to pay bully)
- Changes usual routine
- Is reluctant to go out
- Has torn clothes, broken glasses, missing possessions
- Becomes withdrawn, depressed, anxious or lacking in confidence
- Starts stammering
- Becomes aggressive, disruptive or unreasonable
- Begins to bully other children or siblings
- Stops eating
- Becomes anxious when using the internet or mobile phone.

What to Do:

- Bring the incident to the attention of a person who is in charge
- All incidents will be recorded on Incident Report Forms and kept on file
- Leaders should report to and seek guidance from the Team Leader
- Parents should be informed of any incidents of bullying and should meet the person in charge.
A record should be kept
- Bullying behaviour should be investigated and the bullying stopped
- Both victim and bully should be supported
- If necessary, the Gardaí may be informed.

Preventing Bullying

- Discuss with children what is bullying
- Explain clearly that it will not be tolerated and why
- Encourage children to take responsibility for their own safety and the safety of others
- Ensure that children know who to report to if they are aware of bullying of self or others.

1.16 SAFE CARE OF CHILDREN IN THE COURSE OF MINISTRY

Spiritans and their co-workers have a duty of care towards all children with whom they have contact in the course of their ministry.

Group Activity

- A minimum of two officially appointed leaders who have been vetted should be responsible for each group of children. For groups of males and females, there must be a male and female leader.
- At least one of the leaders should have completed a full-day training session provided by trainers from the NBSCCCI.
- Group leaders must:
 - a) Be aware of their responsibilities and manage activities in a way that minimises risk*
 - b) Ensure adequate insurance is in place for venue, transport, personnel*
 - c) Carry out safety check for hazards (See 1.20)*
 - d) Obtain signed consent forms from parents / guardians of all children attending the activity (Form 1.12)*
 - e) Be aware of any medical conditions that attendees may have and of the appropriate response to such conditions*
 - f) Plan activities that are appropriate for the age and number of participants*
 - g) Maintain accurate attendance sheets of all attendees.*

1.17 SUPERVISION OF CHILDREN

When planning an activity for children it is critically important to consider how many adults are needed to supervise the children, taking into account their age, gender, the nature and duration of the activity and whether they have any special needs.

Ratios

A minimum of two adults is required for each activity.

In addition, the following ratios apply depending on the age and number of children involved:

1. Aged 3 – 12 years = one adults to 8 children
2. Aged 13 – 18 years = one adults to 10 children
3. If the group is of mixed gender, there should be a male and female adult
4. If there is an overnight stay, there may need to be extra staff.

1.18 PARTICIPATION OF CHILDREN WITH SPECIFIC NEEDS

Some children have specific needs that place additional responsibility on those who care for them. Children with a disability have the same rights as any other child. If possible, environmental factors that disable a child should be adapted to the child's needs. Prohibitive attitudes should be addressed through information and education. Use the 'Participation of Children with Specific Needs Checklist' (*Form 1.17*).

1.19 TRIPS AWAY WITH CHILDREN

When planning trips away with children, as well as being mindful of the Spiritans' Safeguarding Children Policy and Procedures, overall planning, the venue, and the provision of information to parents and children must be considered. Use the 'Trips Away with Children Checklist' (*Form 1.18*).

1.20 HAZARD ASSESSMENT OF ACTIVITIES WITH CHILDREN

- Hazard assessment assists with managing both health and safety issues, and the welfare of children.
- Consideration of how to control or manage potential hazard is critical. It is important to identify acceptable levels of hazards, as all risk cannot be removed.
- Whilst this procedure is concerned primarily with hazards associated with failure to follow effective safeguarding practice, it must be understood alongside the Spiritan health and safety regulations.
- The focus on hazard assessment is on groups of children with whom you are working, as opposed to the physical venue. If a problem with the venue is discovered during the course of assessing (e.g., broken glass, electrical cabling, etc.), this needs to be raised with the local leader.

What does the term 'hazard' mean?

A hazard is a potential source of harm or adverse health effect on a person or persons. This may include areas such as:

- failure to comply with effective safeguarding practice, such as lack of supervision ratios or consent forms.
- medical hazards, such as failure to take medication, or inappropriate intimate care practice.
- physical hazards, such as dangerous electrical cabling, or proximity to water.

Assessing hazards

1. Identify the hazards: look for hazards in the nature of the activity, and in the place where you are holding the activity.
2. Identify who is at risk: decide who may be harmed and how. Everyone, or perhaps only certain people, may be at risk. Some groups may need special consideration as they may be more vulnerable to certain hazards.
3. Identify what the likelihood of harm may be
4. Identify the consequences of injury or harm: the consequences could range from trivial to severe or even fatal. The most severe hazards need the most urgent attention
5. Identify the controls that need to be put in place to limit the hazard.

These steps should be used to complete a hazard assessment (*Form 1.8A*) If no hazard exists, this should be noted on the form.

Reviews

Risk should be periodically reviewed, especially in circumstances when a venue changes, a new activity takes place or the members of the group change.

1.21 THE USE OF TECHNOLOGY WITH CHILDREN

Consent

The consent of parents/guardians and children should always be sought prior to engaging in any activity that involves the use of IT equipment. Spiritans or co-workers engaging with children may seek overall consent from its members/group leaders (*Form 1.12*), or they may ask for permission for set occasions (*Form 1.16*).

When seeking consent for the use of images or videos, the following should be considered:

1. The issue of consent for photography/videoing for Spiritan purposes should be addressed with parents/guardians and children prior to the event, and the policy should be explained to all families who will be attending.
2. In seeking consent for photography/videos, children and families should be reminded about the rights to privacy and data protection of other children, their families and the wider community.
3. Spiritans and co-workers organising an event which includes children, and who are seeking consent for photography/video usage, should be sensitive to the fact that many parents/guardians are reluctant to allow the general viewing of their children, or of children in their care, on sites such as YouTube, Facebook, etc.

TEXTING AND EMAILING CHILDREN

Texting and email are very quick and effective methods of communication for those involved in Church activities. However, there are certain risks associated with their safe and appropriate use, which must be managed.

Risks involved in text and email messaging

The risks for children and young people are:

- a) Inappropriate access to, use of, or sharing of personal details (names, numbers, email addresses)*
- b) Unwanted contact with children/young people by adults with bad intent, text bullying by peers etc.*
- c) Being sent offensive or otherwise inappropriate materials*
- d) Grooming for sexual abuse*
- e) Direct contact and actual abuse*

The risks for adults include:

- a) Misinterpretation of their communication with young people*
- b) Potential investigation (internal or by statutory agencies)*
- c) Potential disciplinary action.*

Using bulk (or bundled) text and email messaging

The following guidance is provided to minimise risk to all:

1. One-to-one texting or emailing should only occur in exceptional circumstances. The same applies to emailing young people.
2. A way to minimise the risks above is to use bulk text messages. This is where the same text or email message is sent to several young people involved with a particular activity or group.
3. Consent must be obtained prior to sending young people text or email messages. For all children, specific consent must be obtained from their parents/guardians. Parents/guardians of younger children should be copied on texts and emails on one-to-one texts that their child will be sent.
4. The children's mobile phone numbers or email addresses should be stored in either a locked and secured cabinet, or on an electronic system that is password-protected, with access only available to the staff member or volunteer identified to the children and parents/guardians as a group leader. The numbers or details should not be shared with anyone else and should only be used for the purposes of the text and email messaging system regarding the Church activity.
5. All text and email messages must be sent via a bundle to a group of young people. The text and email messaging system shouldn't be used to send text or email messages on an individual basis except in exceptional circumstances.
6. All text and email messages sent must make it clear to the young people receiving them who has sent the message.
7. Children/young people should not be given the opportunity to text or email back to the system. It should only be used as a one-way communication channel.
8. The text and email messages that are sent must never contain any offensive, abusive or inappropriate language.
9. All of the text or email messages sent must be directly related to Church activities. The text or email messaging system and mobile phone numbers must never be used for any other reason or in any other way.
10. All of the text and email messages sent should include a sentence that provides young people with the opportunity to unsubscribe from receiving further text and email messages.

STANDARD 2

Responding to Allegations

Children occupy a central place in the heart of the Christian community. 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 Congregation of the Holy Spirit is committed to respond effectively to ensure that all allegations/concerns 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 under the sacramental Seal of Confession.

The Congregation of the Holy Spirit provides guidance and training on recognition of abuse, and clear procedures on what to do when a child protection concern arises, so that everyone knows how to respond appropriately. This involves knowing who to tell and how to record it. It is the responsibility of every Spiritan and co-worker to ensure that children who may need help and protection are not left at risk of abuse.

This section will outline:

- 2.1 Reporting Procedures
- 2.2 Guidance on Managing Child Safeguarding Allegations, Suspicions, Concerns or Knowledge Received During the Extra Sacramental Internal Forum
- 2.3 How to respond to an allegation of abuse
- 2.4 Guidance on Child Safeguarding and the Sacrament of Reconciliation
- 2.5 Recording Procedures
- 2.6 Case Management Records
- 2.7 Steps for dealing with a Complainant who is dissatisfied with the way their complaint was Handled
- 2.8 Guidance on Managing Child Protection Allegations, Suspicions, Concerns or Knowledge about Bishops or their Equivalents
- 2.9 Guidance on Conduct Consisting of Actions or Omissions by Bishops and their Equivalents Intended to Interfere with or Avoid a Criminal or Canonical Investigation against a Cleric or a Religious Regarding the Delicts Against the Sixth Commandment

2.1 REPORTING PROCEDURE

Following receipt of an allegation/concern, the following steps should be taken:

If the Respondent is not associated with the Catholic Church

a) refer the allegation/concern to:

- Tusla /The HSCT
- A Garda Síochána/PSNI

NB. You may consult the DLP if you so wish

b. If the Respondent is associated with the Catholic Church whether lay, ordained, or religious, the allegation must be reported to the DLP of the Respondent's Church body who will assess if it meets the threshold for reporting. If the allegation relates to the sexual abuse of a child by a cleric the Church authority must also inform the CDF. 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.

- c. If the Respondent is a 1.8 Spiritan co-worker, the allegation must be reported to the Spiritan DLP who will assess if it meets the threshold for reporting and refer the allegation to:*
- The HSCT/Tusla
 - A Garda Síochána/PSNI
 - The Provincial Leader
 - If the person who received the allegation is a mandated person, they will complete the form jointly with the Spiritan DLP.
- d. If the allegation relates to Spiritans the DLP will assess if it meets the threshold for reporting and refer the allegation to:*
- The HSCT/Tusla
 - A Garda Síochána/PSNI
 - The Provincial
 - The NBSCCCI
 - If the person who received the allegation is a mandated person, they will complete these forms jointly with the Spiritan DLP.
- e. If the allegation relates to the Provincial Leader, the DLP will inform:*
- The statutory authorities
 - The NBSCCCI
 - The Superior General
 - If the person who received the allegation is a mandated person, they will complete these forms jointly with the Spiritan DLP.

N.B. The Superior General may temporarily remove the Provincial Leader and empower his first assistant to manage the case²

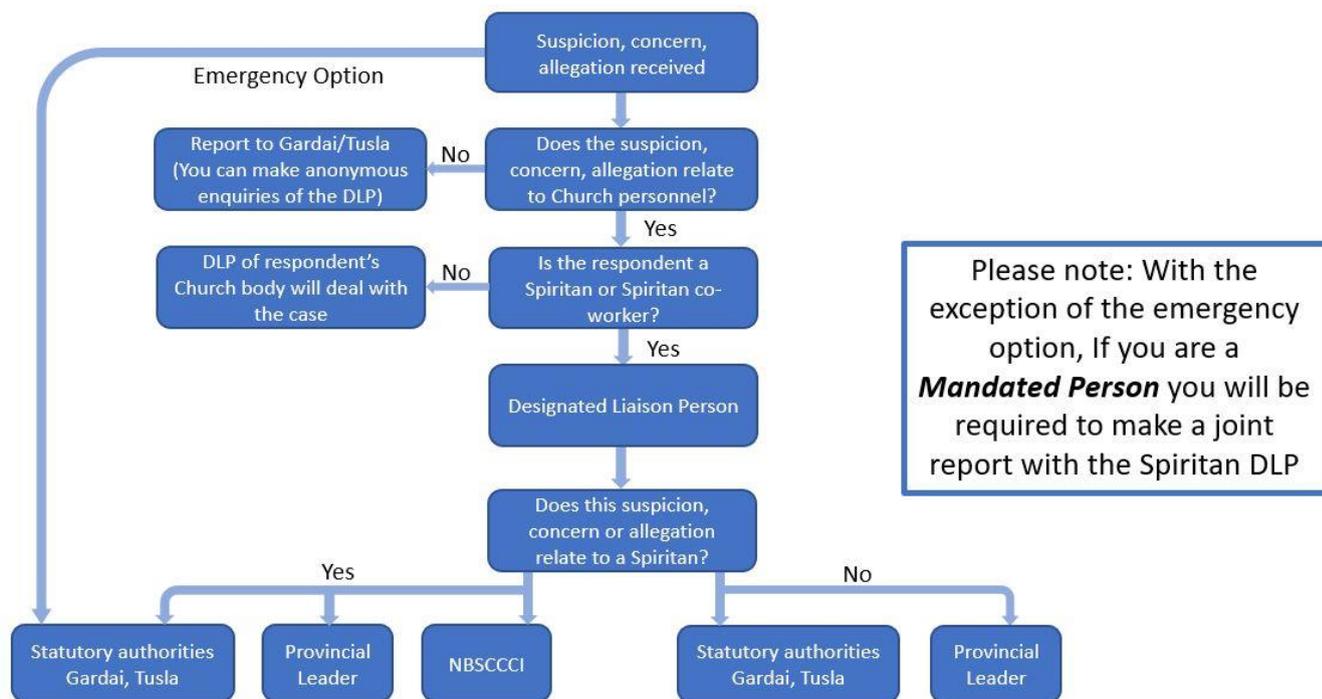
- f. In cases of emergency (and/or outside normal business hours), where a child appears to be at immediate and serious risk, contact Tusla/HSCT immediately. If Tusla/HSCT are not available, contact An Garda Síochána/PSNI to ensure that under no circumstances is a child left in a dangerous situation.*
- g. If there is any uncertainty about whether the disclosure meets the threshold for reporting, the DLP will consult with statutory authorities.*
- h. If the mandated person reports an allegation about a Spiritan or a co-worker to the statutory authorities on his /her own, s/he should inform the Spiritan DLP and provide her/him with a copy of the report.*
- i. Note: If the allegation relates to a Spiritan who is ministering on behalf of a Diocese or volunteering for another organisation the DLP for the Diocese/organisation should be contacted and the Respondent will either directly inform their Provincial Leader or give permission to the DLP of the Diocese/organisation to inform the Provincial Leader.*

² See Safeguarding Minors, Revised Edition, Dec 2016, Rome: 4.4, pg. 16

Mandated Persons for the Congregation

The following are mandated persons for the Congregation:

- All Spiritans in public ministry
- Safeguarding Coordinator
- DLP
- Support Person for Survivors
- Health Care Manager
- Nursing staff employed by the Congregation



2.2 GUIDANCE ON MANAGING CHILD SAFEGUARDING ALLEGATIONS, SUSPICIONS, CONCERNS OR KNOWLEDGE RECEIVED DURING THE EXTRA SACRAMENTAL INTERNAL FORUM

What is meant by the Internal Forum in this context?

The internal forum describes an individual's conscience and their personal relationship with God. The internal challenges, sins and struggles a person discloses in confession, as well as the details of one's personal spiritual life, are considered matters of the internal forum. If someone wishes to confess a sin, the confessional is the appropriate place to receive penance.

Other spaces where the internal forum is shared: in spiritual direction, growth counselling or other mechanisms, need to have clarity around the limits of confidentiality. This is especially important in relation to disclosures of child abuse.

Guidance 2.2 deals with responding to allegations in relation to the seal of confession, this guidance covers any allegations received outside of confession as part of sharing, aspects of the internal forum with another member of Church personnel. Some examples may include clerics or religious who facilitate spiritual direction or, other Church personnel or those in formation.

Explaining the limits of confidentiality in the extra sacramental forum

The person who facilitates the opportunity for exploring the internal forum must advise prior to the ministry beginning:

That there are limits of confidentiality, these must be explained to the person who wishes to share issues within the internal forum so that there is absolute clarity that the following cannot be kept confidential:

Abuse as a child where the perpetrator still has contact with children or adults at risk of harm.

- A person who may have committed abuse or fearful that they have the propensity to harm.
- A person currently experiencing abuse, witnessing it or indirectly involved.
- A person who may view or download indecent images of children or extreme abuse.

The obligation on the person facilitating the ministry is not to investigate but to keep a written record and to report allegations, suspicions, knowledge and concerns to the relevant statutory authorities and/or Church authorities in line with Guidance 2.1.

The person providing the spiritual direction should sign an agreement with the person receiving the ministry which outlines the limits of confidentiality and the requirement to report. This form should be retained in line with relevant data protection and retention procedures.

If an allegation is made during the ministry, the person responsible for the ministry should explain clearly the steps that they must now take and report the allegation, suspicion, concern or knowledge in line with Guidance 2.

2.3 RESPONDING TO ALLEGATIONS OF ABUSE

a) Types of Disclosures

An individual may informally or formally refer to:

- 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
- Seeing signs of abuse, e.g., physical injuries on a child
- Something they have witnessed.

b) Responding to an adult making a disclosure

Where it is possible to consult with the statutory authorities and they advise that Church action will not interfere with a criminal or civil investigation the following steps should be taken:

The Church authority who has canonical responsibility for the respondent should consider if information regarding the allegation and respondent should be shared with the relevant Church authority in the other jurisdiction (Guidance 2.3A) to determine who has responsibility for:

- Informing the respondent
- Determining if restrictions on ministry are required
- Initiating a preliminary investigation and subsequent canonical action
- Informing CDF (if the allegation relates to sexual abuse and the respondent is a cleric)
- Deciding who should respond and offer support and counselling to the complainant.

Explain the referral procedures to the person

- Adopt a listening style that is compassionate, calm and reassuring. If the information upsets you, do not allow these feelings to show as, if you do, you may inadvertently dissuade the person from giving any further information.
- Listen carefully to the person, but do not ask intrusive or leading questions.
- Stay calm, take seriously what the person raising the concern is saying and reassure them.
- Allow the person to continue at their own pace.
- Check with the person to make sure that you have understood what they actually said. Do not suggest words – use theirs.
- Make no promises, particularly in relation to confidentiality.
- 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 such things as their age, culture, nationality, or any disability that may affect speech or language.
- Avoid making statements in reaction to the information given.
- Do not question beyond checking what has been said. Do not probe for detail beyond that which has been freely given.
- Do not offer wording or language to the person making the allegation.

c) Responding to a Child making a disclosure

- If possible, have another adult with you.
- Remain calm.
- Listen to the child 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 the limits of confidentiality to the child and explain that you are going to pass the information on to the appropriate authorities.

d) Anonymous complaints

Anonymous allegations will be carefully considered. The Complainant will be informed that anonymity might significantly restrict the ability of professionals to access information or to intervene to protect a child, and they will be encouraged to be as open as possible. 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 passed to the DLP. If the DLP is unsure whether or not the information received reaches the threshold, he/she will consult with the statutory authorities and follow their advice.

2. Named Respondent but no named Complainant

If the anonymous reporter does give the name of the Respondent, s/he has the right to be considered innocent of any wrongdoing and to their good name. Great care will be taken to protect and uphold these rights while attempting to deal effectively with the situation. 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 (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 4. If the threshold has not been reached or the statutory authorities have concluded their investigation the canonical process will be followed.

3. Named Complainant but no named Respondent

This information should be passed to the DLP, who will consult with the statutory authorities (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.

e) Responding to an individual who admits to abusing a child

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

f) Responding to a disclosure not related to Church personnel

Whether or not a child protection concern involves a person in the Church, it is still the responsibility of Spiritans and co-workers to report the matter to the statutory authorities to ensure that children who may need help and protection are not left at risk of abuse. The safety and well-being of any child is the paramount consideration in any investigation, and children must never be put at further risk of harm by delay or inaction.

2.4 GUIDANCE ON CHILD SAFEGUARDING AND THE SACRAMENT OF RECONCILIATION

Confession/ The Sacrament of Reconciliation

Reconciliation (Confession) is the Sacrament in which a baptised person acknowledges his or her sins, asks forgiveness, accepts the penance imposed by the priest and is given absolution “through the ministry of the priest”. The Sacrament should be celebrated in a manner which provides the penitent with an experience of safety, honesty and acceptance.

The Confessional

The Irish Episcopal Conference, in accordance with the prescriptions of Canon 964, and with due regard for the authentic Interpretation of Canon 964 §2 by the Pontifical Council for the Interpretation of Legislative Texts, 7 July 1998 (AAS 90 [1998] 711 [1]) has decreed the following complementary norms governing the disposition and location of confessionals:

- Confessionals are to be located in a place which is clearly visible and accessible and are to be fitted with a fixed grille between the penitent and confessor.
- Rooms which are used as confessionals must be in a public place, visible (for example through the provision of a glass panel) and provide the penitent with the option of using a grill.
- Sacramental confession for children should be in a place where both priest and child may be seen but not heard, preferably in a church or oratory. (This decree was promulgated through publication in ‘Intercom’ December 2012/January 2013)

Canon Law establishes the confessional as the proper location for the celebration of the Sacrament (Canon 964 §3), but does not exclude celebration elsewhere, when there is a “just cause”. Common sense and good pastoral practice must determine what a “just cause” means.

Safeguarding Children during the Sacrament of Reconciliation

It is strongly recommended that contact details for statutory authorities and voluntary agencies (such as Towards Healing and Towards Peace) should be available in the Church.

In celebrating the Sacrament of Reconciliation priests should be mindful of the following:

- When children attend the Sacrament of Reconciliation, all efforts should be made to provide a safe and open environment (Standard 1), in line with Canon law.
- Disclosures of abuse must be addressed appropriately so that all risk of harm to children may be prevented.

Responding to an allegation made during the Sacrament of Reconciliation

If a penitent discloses abuse during the Sacrament of Reconciliation, the confessor should remind the penitent that whatever is disclosed in Confession will not be repeated by the confessor outside the confessional. However, given the gravity of the subject, the confessor should take time to reflect with the penitent on what steps need to be taken, arising out of the information disclosed, so that this can be addressed in the best interests of children. These options are set out as follows:

In the case of a penitent who is a child/minor who discloses abuse:

- Sensitively reassure the child or young person that he or she was right to disclose the abuse but advise that the most important consideration is that the abuse does not continue, or others are not harmed.
- Reassure him/her that he/she has not committed any sin and is not to blame.
- Encourage the child or young person to disclose the abuse to an adult they trust (e.g. a relative, teacher, friend), who will know what to do with this information.
- If the penitent expresses a wish to discuss the issue outside the confessional, make it clear that confidentiality no longer applies to issues of child abuse once outside the confessional. The confessor should then follow the Spiritan reporting procedures.

In the case of a penitent who is an adult who discloses that they have been abused:

- Sensitively reassure the person that he or she was right to disclose the abuse but advise that the most important consideration is that the abuse does not continue or others are not harmed.
- Reassure him/her that he/she has not committed any sin and is not to blame
- Advise the penitent of the importance of seeking help for himself or herself and ensuring the safety of children
- Advise the penitent where this help may be obtained.
- Advise the adult of the importance of contacting the statutory, and other appropriate authorities, who deal with these issues and provide the adult with appropriate contact details for those authorities
- The priest should feel free to offer to meet the penitent outside of the sacrament to discuss the matter and the options available to report, and to assist. The priest should explain that if the penitent wishes to share the disclosure outside the Confession with him, that he (the priest) is mandated under law to pass the disclosure onto statutory authorities.

In the case of an abused penitent who discloses that they have abused:

- Acknowledge the gravity of the disclosure and strongly advise him or her to seek professional help (e.g. counselling, consultation with their GP) and to go to the statutory and other appropriate authorities
- Advise that the care, welfare and safety of children are of the utmost importance and of primary concern
- The priest should consider with the penitent the actions that need to be taken to prevent harm to children
- The priest should feel free to offer to meet the penitent outside of the sacrament
- The priest should explain that if the penitent wishes to share the disclosure outside the Confession with him, that he (the priest) is mandated under law to pass the disclosure onto the statutory authorities. The priest should not question the penitent, as this could be seen as compromising any inquiry by the statutory authorities
- Offer to accompany the penitent to the statutory authorities.

2.5 RECORDING A DISCLOSURE

- a) Spiritans and co-workers recording a suspicion/concern/allegation about a Spiritan or co-worker
1. Whenever possible and practical, take notes during the conversation. Ask permission to do this. Where it is not appropriate to take notes simultaneously, make a written record as soon as possible afterwards.
 2. Use the person's own words to describe the event or incident.
 3. The record will normally include:
 - The time, date, location, list of persons present when the suspicion/allegation is revealed.
 - How the allegation/suspicion was received, e.g., by telephone, face-to-face conversation, letter etc.
 - Identifying information of the Complainant, as far as it is known name, address and age of the Complainant when the alleged abuse occurred, contact details, and address where the alleged abuse took place.
 - Details of parents/guardians where the person who has raised an allegation/concern is a child.
 - Name of the individual against whom the allegation/concern is being raised, and any other identifying information.
 - Details of any action already taken about the incident/allegation.
 - Include all details provided by the Complainant even where they may seem irrelevant. This may prove invaluable at a later stage in an investigation.
 - Sign and date the record.
 4. Inform the person who makes the allegation/concern that their identity and the identity of the Respondent and Complainant will be shared with the statutory authorities.
 5. Provide the details of the DLP and explain that the DLP will get in touch with them.

6. The incident/concern must not be shared with anyone, apart from the statutory authorities and the DLP.
7. Pass all original records, including rough notes to the DLP.
8. Seek written confirmation from the DLP that the information has been passed on to the statutory authorities. If the DLP does not pass the information onto the statutory authorities request a written explanation.
9. Copies of retained records should be kept secure and confidential.

b) In cases when a child is in immediate and serious risk and you have reported to the statutory Authorities

1. Make a record of the agency you have contacted. Make a note of the name and contact details of the person you have reported to ask for a reference number for the case. Sign and date the record.
2. If this relates to a Spiritan or co-worker inform the DLP and give him/her a copy of the record.

c) Reporting by the DLP

The role of the DLP is to receive all safeguarding concerns relating to Spiritans and co-workers and to pass them on to the statutory authorities. A safe environment of listening carefully and actively is created, in which a Complainant feels able to disclose as much as they can remember.

- Ask if the Support Person can be present.
- Explain your role and the referral procedures to the person.
- Check if the information is correct. Do not question beyond checking what has been said. It is the responsibility of Tusla/HSCT and An Garda Síochána/PSNI to investigate. There should be no probing for detail about the alleged abuse beyond that which has been freely given.
- Ask if the Complainant wishes to make any additions.
- Read the disclosure back to the individual and ask them to sign and date same.
- Offer the services of a Support Person, if one is not present.
- Report to the relevant statutory authorities, the Provincial and the NBSCCCI if the allegation relates to a cleric or religious.
- Notification of an allegation must be made in writing using the Child Protection Referral Form.
- All fields should be completed, and if the information is not known this should be stated.
- A copy of this form must be forwarded to the statutory authority agencies and a copy retained on the case file.
- The NBSCCCI is informed of the case when it involves a cleric or religious.

- Any contacts and/or meetings with statutory authority agencies should be recorded in writing and a copy kept securely in the Respondent case file.
- Prior to informing the Respondent that an allegation has been made, there should be a discussion with the relevant police force (An Garda Síochána/PSNI), whose view on informing the Respondent should be sought. The purpose is to ensure that the Provincial Leader is not prejudicing any criminal investigation.
- Prior to proceeding with the preliminary investigation in the case of clergy or gathering the proof in the case of a religious, written confirmation should be received from the statutory authorities, stating that their investigations have concluded.

2.6 CASE MANAGEMENT RECORDS

Case Management Records will provide a complete account of involvement in order to provide evidence of all allegations and actions taken to safeguard children, to assess and manage risk and to monitor practice. All recorded information will be typed, accurate, factual and concise.

2.7 RESPONDING TO A COMPLAINANT WHO IS DISSATISFIED WITH HOW THEIR ALLEGATION WAS HANDLED BY THE SPIRITANS

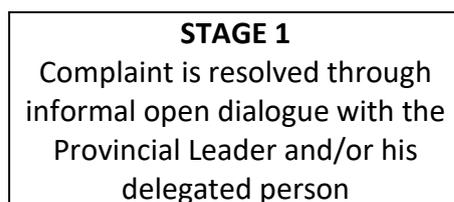
This guidance is to be followed when a complainant expresses dissatisfaction with how their allegation has been managed by the Spiritans.

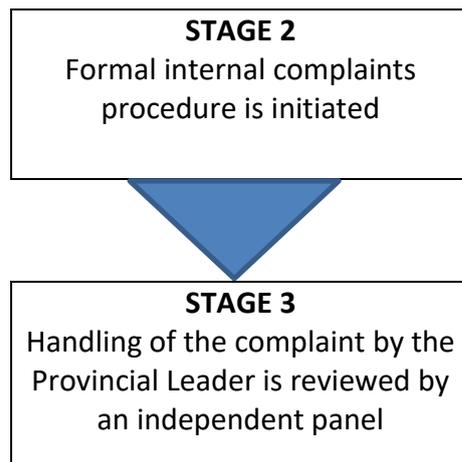
If an allegation is made that a Church authority acted in a way which intends to interfere with or avoid civil or canonical investigation or if the allegation relates to an act or omission in relation to these investigations a complaint should be made.

Introduction

If a Complainant is dissatisfied with how their allegation of abuse has been handled by the Spiritans, 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 Spiritans 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 re-investigation of the allegation, but a method of attempting to resolve complaints relating to how the allegation was handled by the Spiritans. This process has three distinct stages. If the Complainant is dissatisfied with the outcome at the completion any stage, then the next stage is initiated in the ongoing attempt to resolve the complaint.





Stage One

All complaints of this nature should be resolved, if possible, through an open dialogue between the Provincial Leader/delegate involved and the complainant. Provincial Leader/delegate 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 Provincial Leader/delegate involved should advise the complainant that it is open to them to pursue the complaint, explaining Stage 2 of the complaints process. A written communication for and on behalf of the personnel involved, confirming the availability of Stage 2 of the process, should be sent to the complainant. If at this point the complainant feels 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, 2.1N or 2.1R should be initiated

Stage Two

- I. The complainant should write to the Provincial, setting out what their complaint is and how they would like it to be addressed.
- II. A letter acknowledging receipt of the complaint should be sent by the Provincial to the complainant within seven days, enclosing a copy of the Spiritans'(this) complaints procedure.
- III. All complaints should be thoroughly investigated by a complaints officer, who is someone other than the person who dealt with the complainant's original allegation of abuse, and who is appropriately appointed by and responsible to the Church authority.
- IV. This complaints officer may organise a meeting with the complainant to discuss and hopefully resolve the complaint. The complainant may invite a person to accompany them to any arranged meeting. Only if a meeting is not possible and/or the complainant does not wish to attend a meeting, this communication with the complainant may also take place by telephone. This direct communication with the complainant should take place, if possible, within fourteen days of the letter acknowledging receipt of the complaint.

- V. 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.
- VI. 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.
- VII. Whatever process is used, the Provincial Leader should ensure that no more than eight weeks is taken to consider the complaint and to propose a resolution to the complainant.
- VIII. If there is no resolution at Stage 2, and if the complainant wishes to proceed further, a written request for a review can be sent to the National Board. This option of progressing to Stage 3 should be confirmed in writing to the complainant.
- IX. If at this point the complainant feels 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, 2.1N or 2.1R should be initiated.

Stage 3

- I. The National Board, as required under the Memorandum and Articles of Association of the 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 subparagraph (iv).’
- II. At the conclusion of Stage 2 above, if the complainant wishes to use this function, the complainant should set out in writing to the chair of the National Board 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.
- III. The request to the National Board for a review should be made within three months of the conclusion of the Provincial Leader’s internal complaints procedure (Stage 1 and Stage 2).
- IV. The chair of the National Board will advise the Spiritans that the request has been made and permission sought to refer the complaint onto an independent complaints panel. V. 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.
- V. 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.
- VI. The chair of the National Board will refer the complaint to the chair of the independent panel, who will appoint an appropriate person or persons to conduct this review.
- VII. 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.

- VIII. To assist this review process, the Spiritans should make available for interview all Spiritan personnel involved in the handling of the original allegation. 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.
- IX. 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
- X. If, during the review, there are concerns about the abuse of a child, the reviewer will revert to the Spiritans for their required action under Standard 2.
- XI. 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.
- XII. The reviewer will compile a written report on their findings and recommendations. This report will then be shared with the National Board prior to submission to all parties.
- XIII. With the approval of the National Board, 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.
- XIV. If throughout this process the reviewer, independent panel or the National Board 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, 2.1N or 2.1R.
- XV. If at this point the complainant thinks that the handling of their complaint relates to action by a Church authority which intended 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, 2.1N or 2.1R should be initiated.

The Spiritans will bear all reasonable costs of the review. The chair of the complaints panel and associated reviewers will be selected by the National Board in consultation with the Congregation.

2.8 GUIDANCE ON MANAGING CHILD PROTECTION ALLEGATIONS, SUSPICIONS, CONCERNS OR KNOWLEDGE ABOUT BISHOPS OR THEIR EQUIVALENTS

A. Context for this guidance

Those in a position of power in the Church have additional responsibilities to safeguard children. In his Apostolic Letter, “As a loving Mother”, Pope Francis stated, “This duty of care and protection devolves upon the whole Church, yet it is especially through her Pastors that it must be exercised. Therefore, diocesan Bishops, Eparchs and those who have the responsibility for a Particular Church must pay vigilant attention to protecting the weakest of those entrusted to her care.”

In a further Apostolic letter, *Vos Estis Lux Mundi* (VELM), Pope Francis states that in order for the crimes of the past not to be repeated, action must be taken:

‘... This responsibility falls, above all, on the successors of the Apostles, chosen by God to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master. Because of their ministry, in fact, Bishops, “...as vicars and legates of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant.” (Second Vatican Council, Dogmatic Constitution *Lumen Gentium*, 27).

To put this Letter into context, reference should be made to the important *motu proprio*, *Sacramentorum Sanctitatis Tutela* (SST) promulgated by Saint Pope John Paul II on 30 April 2001. This papal document clarified and updated the list of canonical crimes that had traditionally been dealt with by the DDF.

This guidance sets out the requirements of *Vos Estis Lux Mundi* and should be read and considered alongside 2.1N7 and 2.1R8 . It should be understood that any Church leader⁹ , against whom an allegation of abuse has been made would be subject to the same criminal and civil processes as all other Church personnel.

Separate guidance outlines the canonical process that has now been established to ensure that Bishops or equivalents are held accountable for actions or omissions intended to interfere with or avoid the criminal or civil investigations (See Guidance 2.1R)

6 Vos ~~Estis~~ Lux Mundi also includes reference to delicts against the sixth commandment with a vulnerable person. However, these allegations are outside of the remit of the National Board.

7 2.1N Guidance on Managing Child Protection Allegations, Suspicions, Concerns, Knowledge made against Church Authorities or those who hold or have held leadership within Institutes of Consecrated Life and Societies of Apostolic Life (both Men and Women)

8 2.1R Guidance on Conduct consisting of Actions or Omissions by Bishops and their equivalents intended to interfere with or avoid a criminal or canonical investigation.

9 For definitions see Vos ~~Estis~~ Lux Mundi Article 6.

B. What is covered by this guidance?

National Board guidance in relation to reporting allegations relating to all Church Personnel is set out in Guidance 2.1A10.

This guidance, as distinct from Guidance 2.1A, relates to the reporting and management of allegations against those who fall within the following categories:

- a) Cardinals, Bishops and Legates of the Roman Pontiff;
- b) Clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, for the acts committed durante munere ; e.g. Vicars Apostolic, Prefects Apostolic, Apostolic Administrators and Diocesan Administrators.
- c) Clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed durante munere; (in Ireland Opus Dei is the only Personal Prelature).
- d) Those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries sui iuris, with respect to the acts committed durante munere.

As no distinction has been made in Vos Estis Lux Mundi, it should be noted that this guidance applies to men and women as identified in Article 6 Vos Estis Lux Mundi.

For allegations against other Church leaders other than those listed above, see Guidance 2.1N.

C. Provisions The norms relevant to the management of allegations relating to Bishops or their equivalents are contained in:

- Code of Canon Law 1983 Revised 2021 - Book VI Penal Sanctions in the Church.
- Sacramentorum Sanctitatis Tutela (2001);
- Normae de Gravioribus Delicta (2010); • Motu Proprio – As a Loving Mother (2016); and
- Motu Proprio - Vos Estis Lux Mundi (2019).

Code of Canon Law (Revised 2021)

Canon 1395

§2. A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the offence was committed in public, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

§3. A cleric who by force, threats or abuse of his authority commits an offence against the sixth commandment of the Decalogue or forces someone to perform or submit to sexual acts is to be punished with the same penalty as in §2.

Canon 1398

§1. A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he

1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection;

2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognises equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;

3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.

§2. A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence mentioned in §1 or in can. 1395 §3 is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

SST

While the whole of SST is relevant, two articles are of particular note: SST Art 4 §1. Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years. SST Art 4 §2. One who has perpetrated the delict mentioned in §1 is to be punished according to the gravity of the offence, not excluding dismissal or deposition.

Normae de Gravioribus Delicta

Article 4

§1. The more grave delicts against the sanctity of the Sacrament of Penance reserved to the Congregation for the Doctrine of the Faith are:

4° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, as mentioned in canon 1387 of the Code of Canon Law, and in can. 1458 of the Code of Canons of the Eastern Churches, if it is directed to sinning with the confessor himself.

Article 6

§1. The more grave delicts against morals which are reserved to the congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this number, a person who habitually has the imperfect use of reason is to be considered equivalent to a minor.

2° the acquisition, possession or distribution by a cleric of pornographic images of minors under the age of fourteen, for the purpose of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

Articles 8-31 These reference the procedural norms concerning the constitution and competence of the tribunal.

As a Loving Mother

Article §1: The diocesan Bishop or Eparch, or one who even holds a temporary title, and is responsible for a particular Church, or other community of faithful that is its legal equivalent, according to can. 368 CIC or can. 313 CCEO can be legitimately removed from this office if he has through negligence committed, or through omission facilitated, acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual, or through (the use of) patrimony.

Article §2. The diocesan Bishop or Eparch can only be removed if he is objectively lacking in a very grave manner the diligence that his pastoral office demands of him, even without serious moral fault on his part.

Article §3. In the case of the abuse of minors and vulnerable adults, it is enough that the lack of diligence be grave.

Article §4. The Major Superiors of Religious Institutes and Societies of Apostolic Life of Pontifical Right are equivalent to diocesan Bishops and Eparchs.

Vos Estis Lux Mundi (note this is not retroactive)

Article §1 sets out the scope and definition of the norms as:

§1. These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

a) delicts against the sixth commandment of the Decalogue consisting of:

- i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
- ii. performing sexual acts with a minor or a vulnerable person;
- iii. the production, exhibition, possession or distribution, including by electronic means, of child pornography (under 18 years), as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;

Article 1, §1 a) does not constitute new law and is therefore applicable even if committed by any cleric or religious before VELM came into force on June 1, 2019.

Article 1, §1 b) conduct carried out by the subjects referred to in Article 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of that paragraph.

Article 1, §1 b) is a new law and is not retroactive and can only be applied to those referred to in Article 6 followed upon date of enactment (June 1, 2019).

When initiating action against a Bishop or equivalent, it is important that the correct canon law procedure be applied.

D. Types of Allegations Allegation of abuse that can be made against a Bishop or their equivalent as defined above include¹¹ :

- Sexual abuse of children (this relates to minors under 18 years of age)¹² (and vulnerable adults)
- Production, exhibition, possession or distribution of child pornography (under 18 years
 - Sexual activity with another by force, by violence or threat or through abuse of authority¹³
 - Conduct consisting of actions or omissions intended to interfere with or avoid civil or canonical investigations against a cleric or Bishop or their equivalent is dealt with in Guidance 2.1R.

11 Please note earlier comment that the allegation must relate to the period of the Bishop or equivalent during their period in office.

12 Canon 1395 has [been changed](#). The current canon that refers to child sexual abuse is canon 1398. A minor is any person under 18 years of age. In the 1983 Code, a minor was defined as a person under 16 years of age. However, this changed for different countries due to the petitioning of local bishops' conferences: In 1994, it was changed to a person under 18 for the United States. In 1996, the same change [was introduced](#) in Ireland, and in 2001 it became universal law for the whole church that a minor is a person under 18 years of age.

Allegations can be received from a variety of sources including from the complainant themselves, a third party or anonymous source. In all situations regardless of the source of the allegation, action should be taken to consider whether the threshold for reporting to the statutory authorities has been reached and whether canonical investigations are required.

E. Receiving, reporting and responding to an allegation against Bishops and their equivalents Civil law in both jurisdictions requires the reporting of child protection allegations, knowledge, suspicions and concerns to the statutory authorities. This requirement takes priority over canonical processes.

This guidance cannot account for every situation, which will depend on a number of factors including:

- To whom the allegation was made
- The person appointed by the competent dicastery to manage and investigate the allegation
- Data protection considerations

If at any point it is unclear whether an allegation meets the threshold for reporting, a consultation with the statutory authorities should take place.

At any stage throughout this process the Metropolitan, Suffragan Bishop, Supreme Moderator or Papal Nuncio can consult their nominated advisor or group (this could be DLP, the National Case Management Committee (NCMC), or dedicated advisory panel or any person or group deemed to have suitable skills).

Process of Receiving and Reporting

- When an allegation is received, depending on the status of the respondent, it should be reported to the Metropolitan/Suffragan Bishop/Supreme Moderator and the Papal Nuncio, who will in turn inform the competent dicastery,
 - If the report concerns a former Supreme Moderator then it is referred to the current Supreme Moderator, if it concerns the current Supreme Moderator it is referred to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.
 - If the allegation relates to a Metropolitan, the senior Suffragan Bishop may be appointed.

- For allegations against a Bishop, the metropolitan or if the metropolitan See is vacant, the senior Suffragan Bishop may be appointed.
- In the case of a Supreme Moderator, (for abusive behaviour, or actions of omission committed while in office) the relevant dicastery will appoint the investigator.
- It should be understood that Vos Estis Lux Mundi requires in the first instance that all communication to the Holy See must be carried out via the Papal Nuncio; unless the allegation relates to the Papal Nuncio, and in this instance, communication would go to the Secretariat of State.
- Vos Estis Lux Mundi (Article 7) establishes that the competent dicastery is in the first instance the DDF for delicts that are reserved to it. To ensure efficient coordination, the DDF will liaise with other dicasteries and the Secretariat of State of the Holy See as appropriate.
- A report should be made to the statutory authorities if it meets the threshold. If a DLP has been informed about an allegation relating to a Bishop or equivalent in another Church body in addition to the notifications made above they can inform their own Church authority of their actions, without providing identifying information.
- The National Board should be informed without providing identifying information.

Responding

The canonical investigation can only proceed once the statutory authorities have advised that their investigations have concluded.

- If it is clear from the information received, that the concern is manifestly false, (depending on the status of the respondent), the Metropolitan, Suffragan Bishop, Supreme Moderator or Papal Nuncio will consult with the competent dicastery, and the respondent should be confirmed as being in good standing. Otherwise, the next part of the canonical investigation must take place as outlined below.
- The competent dicastery will appoint a relevant Church authority to manage the case; this Church authority will appoint relevant personnel to assist in managing the case.
- It is not recommended that a DLP conduct inquiries into their own Church authority. However, the DLP may be contacted by the person appointed by the competent dicastery, to access information or records relating to the respondent.
- The person will be appointed by the competent dicastery to inform the respondent and advise them of their rights to access canon and civil law support. When the allegation is put to the respondent, he should be advised that he does not have to respond, but that anything he says will be recorded and may be used in civil or canonical proceedings.

- The respondent should be offered the services of an advisor, or other supports that the respondent requests or that the investigating Church authority may determine.
- Precautionary measures in relation to a respondent's ministry will have to be considered at the point of receipt of an allegation. A decision about restricting the ministry of a Cardinal, Archbishop or Bishop will be taken by the Holy Father on the advice of the competent dicastery. A decision about restricting the ministry of a Supreme Moderator will be made by the competent dicastery

F. Process following conclusion of statutory authorities if a concern is not manifestly false

As outlined in Figure 2.1A2, this process will begin with the Metropolitan or suffragan Bishop requesting appointment as an Investigator by the competent dicastery or with the appointment of some other suitable investigator by the competent dicastery.

The Investigator must declare any conflict of interest and is obliged to recuse themselves and report the circumstance to the competent dicastery (c.f. VELM Art 12 §6) whereby the dicastery will appoint an uncompromised Investigator.

In each case, the appointed investigator may further appoint someone (e.g. DLP/canon lawyer) to conduct inquiries on their behalf, but the appointed investigator is the person who liaises with the competent dicastery.

Within thirty days of receipt of the first report by the Pontifical Representative or the request for the assignment by the metropolitan, the competent dicastery will advise how the case will proceed.

Every thirty days, the investigator will send a status report on the state of the investigation to the competent dicastery.

G. Carrying out the investigation

The Investigator will take their instructions from the competent dicastery.

Vos Estis Lux Mundi sets out relevant information in Article 12, and the Investigation Report will usually include the following:

- Collection of relevant information regarding the facts including:
- Complainant and witness statements.
- Corroborating information.
- Relevant information from records.
- A statement from the respondent

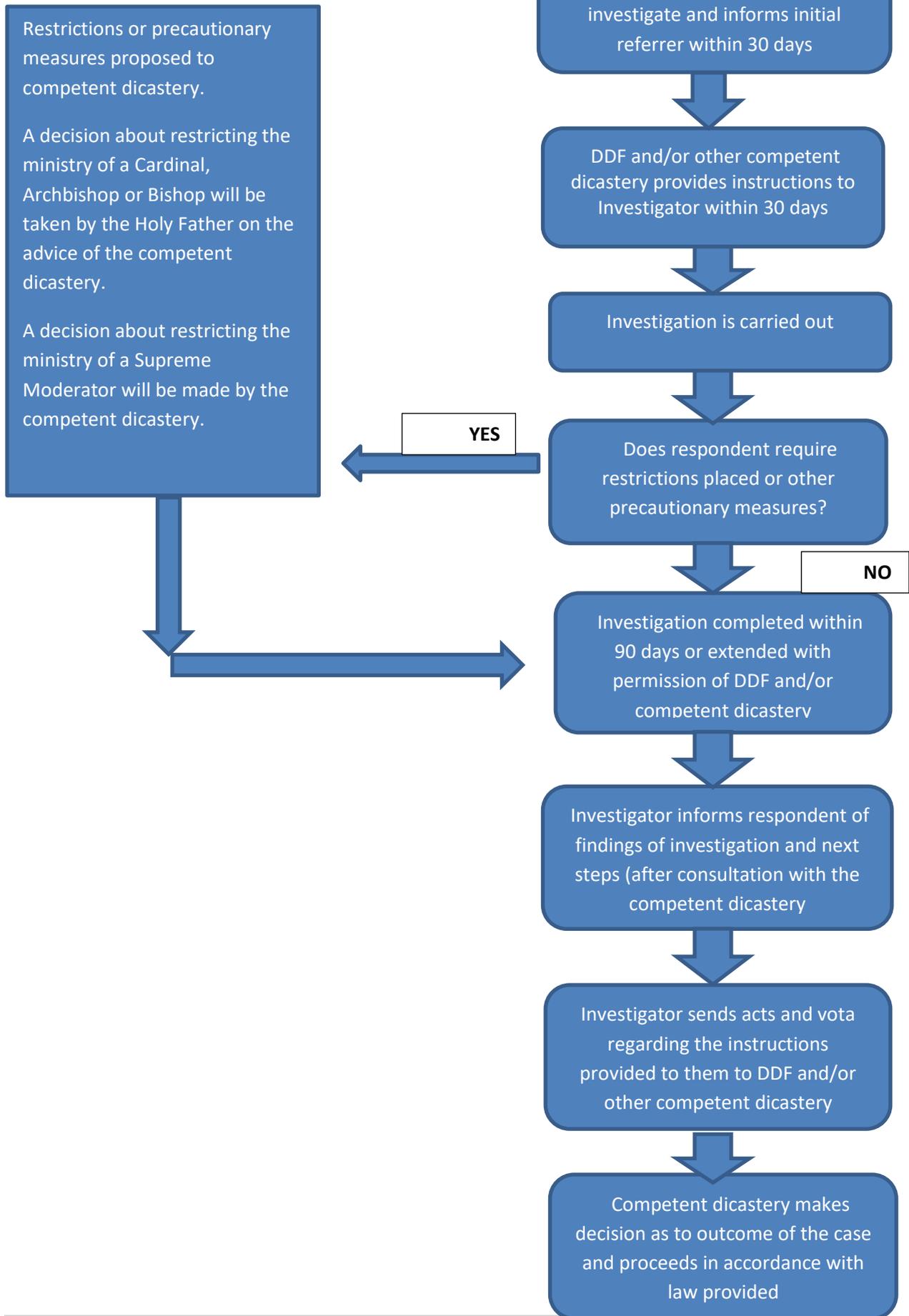
- Evidence from civil inquiries if this exists. The investigation should be completed within the term of ninety days or within a term otherwise provided in the instructions from the competent dicastery.

H. Conclusion of the investigation

At the conclusion of the investigation, the Investigator:

- Produces a detailed report setting out the allegation against the Bishop or equivalent, inquiries that have been undertaken and an opinion about the allegation of abuse by the Bishop or equivalent.
- Consults with the competent dicastery about next steps.
- Consults with the competent dicastery about who should inform the bishop or equivalent about the findings of the inquiry. Once these tasks are completed, the Investigator has no further part in the proceeding. The competent dicastery then makes a decision as to next steps as outlined in Figure 2.1A2 below

Figure 2.1A2



2.9 GUIDANCE ON CONDUCT CONSISTING OF ACTIONS OR OMISSIONS BY BISHOPS AND THEIR EQUIVALENTS INTENDED TO INTERFERE WITH OR AVOID A CRIMINAL OR CANONICAL INVESTIGATION AGAINST A CLERIC OR A RELIGIOUS REGARDING THE DELICTS AGAINST THE SIXTH COMMANDMENT.

A. What this guidance covers

This guidance outlines the canonical process that has now been established to ensure that Bishops or equivalents are held accountable for actions or omissions intended to interfere with or avoid the criminal or civil investigations against a cleric accused of child sexual abuse.

It is derived from the *Motu Proprio, Vos Estis Lux Mundi (VELM)* (note this is not retroactive) and should be read and considered alongside Guidance 2.1I and 2.1N.

B. What this guidance is not

This guidance does not cover situations where complainants are unhappy with how their allegation has been processed by the Church body. This is available under Guidance 2.7.

C. What is meant by an action or omission?

Actions or omissions are defined within Article 1 b) of the *Motu Proprio, Vos Estis Lux Mundi* as the following:

‘...conduct carried out by the subjects referred to in Article 6 (See Section 3), consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts against the sixth commandment of the Decalogue.’

Some examples of actions or omissions may include:

Civil law:

Failure to report child protection allegations, suspicions, knowledge or concerns (which meet the threshold) to the statutory authorities or Church authorities;

Inappropriate or unauthorised destruction of records relating to allegations, suspicions or concerns;

Failing to act in line with law and guidance in relation to managing child protection allegations, suspicions, concerns or knowledge of child abuse;

Failing to co-operate with criminal or civil investigation;

- Failing to assess risk or to take action to minimise risk in the management of respondents under the authority of the Church leader;
- Interfering with a criminal investigation.

There is legislation in place in both jurisdictions, which governs some of the examples given above. These are:

Republic of Ireland legislation

- Reckless endangerment of Children

As defined in the Criminal Justice Act 2006, (176:2) reckless endangerment of a child is committed by a person having authority or control over a child or abuser, who intentionally or recklessly endangers a child by—

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

- Withholding of Information on Offences against Children and Vulnerable Persons

As defined in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, a person shall be guilty of the offence of failing to report if:

3.1 (a) he or she knows or believes that an offence, that is a Schedule 2 offence, has been committed by another person against a vulnerable person, and

(b) he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence.

- Children First 2015 - Mandated persons

As outlined in Section 14 (1) of the Children First Act 2015, a mandated person includes all of those listed in Article 6 of Vos Estis Lux Mundi; and this section requires that

‘...where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child –

- (a) has been harmed,
- (b) is being harmed, or
- (c) is at risk of being harmed,

he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.’ Failure to report under the Children First Act (2015) is not an offence in criminal law, but may have civil law repercussions. For more information, see Guidance 2.1L.

- Perverting the Course of Justice

This is a common law crime, which occurs where a person fabricates or disposes of evidence or intimidates or threatens a judge, witness or juror.

Canon Law

- Failure to follow canon law requirements in relation to reporting and managing suspected delicts.
- Interfering with a canon law inquiry.
- Inappropriate destruction of records relating to suspected delicts or Canonical investigations.

Article 1, §1 (b) VELM is a new law and is not retroactive, and it can only be applied to those referred to in Article 6 followed upon date of enactment (1st of June 2019).

D. To whom does this guidance apply?

As outlined in Article 6 of VELM, those covered by this guidance as it relates to Ireland are:

- (a) Cardinals, Bishops and Legates of the Roman Pontiff;
- (b) clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, for the acts committed *durante munere*; e.g. Vicars Apostolic, Prefects Apostolic, Apostolic Administrators and Diocesan Administrators;
- (c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*; (in Ireland Opus Dei is the only Personal Prelature);
- (d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris*, with respect to the acts committed *durante munere*;

For allegations against other Church leaders other than those listed above, see Guidance 2.1N.

E. Process of responding to allegations of actions or omissions

Reporting and responding to allegations of actions or omissions, which may constitute offences in both civil and criminal law in both the Republic of Ireland and Northern Ireland, must take priority over pursuing the canonical process.

This guidance cannot account for every situation, which will depend on a number of factors including:

- To whom the allegation was made.
- The person appointed by the competent dicastery to manage and investigate the allegation.
- Data protection considerations.

If at any point it is unclear whether an allegation meets the threshold for reporting, a consultation with the statutory authorities should take place. At any stage throughout this process the Metropolitan, Suffragan Bishop, Supreme Moderator or Papal Nuncio can consult

advisors (this could be DLP, NCMC, or dedicated advisory panel, or any person or group deemed to have suitable skills).

F Process of Receiving and Reporting:

- When an allegation is received, depending on the status of the respondent, it should be reported to the Metropolitan/Suffragan Bishop/Supreme Moderator and the Papal Nuncio, who will in turn inform the competent dicastery.
- If the report concerns a former Supreme Moderator, then it is referred to the current Supreme Moderator; if it concerns the current Supreme Moderator, it is referred to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.
- If the allegation relates to a Metropolitan, the senior Suffragan Bishop may be appointed.
- For allegations against a Bishop, the Metropolitan, or if the Metropolitan See is vacant, the senior Suffragan Bishop may be appointed.
- In the case of a Supreme Moderator, (for abusive behaviour, or actions of omission committed while in office) the relevant dicastery will appoint the investigator.
- It should be understood that *Vos Estis Lux Mundi* requires in the first instance that all communication to the Holy See must be carried out via the Papal Nuncio; unless the allegation relates to the Papal Nuncio himself, and in this instance, communication would go to the Secretariat of State.
- *Vos Estis Lux Mundi* (Article 7) establishes that the competent dicastery is in the first instance the DDF for delicts that are reserved to it. To ensure efficient coordination, the DDF will liaise with other dicasteries and the Secretariat of State of the Holy See as appropriate.
- If an allegation that a failure to act, cover up, or through negligence a child has been exposed to risk and could constitute a criminal offence, is made against a Bishop or equivalent, this should be reported to An Garda Síochána/PSNI for their investigation. If a DLP has been informed about an action or omission relating to a Bishop or equivalent in another Church body, in addition to the notifications made above, they can inform their own Church authority of their actions, without providing identifying information.
- The National Board should be informed without providing identifying information.

G. Responding

The canonical investigation can only proceed once the statutory authorities have advised that their investigations have concluded.

- If it is clear from the information received, that the concern about an action or omission is manifestly false (depending on the status of the respondent), the Metropolitan, Suffragan Bishop, Supreme Moderator or Papal Nuncio will consult with the competent dicastery, and the respondent should be confirmed as being in good

standing. Otherwise, the next part of the canonical investigation must take place as outlined below.

- The competent dicastery will appoint a relevant Church authority to manage the case; this Church authority will appoint relevant personnel to assist in managing the case.
- It is not recommended that a DLP conduct inquiries into their own Church authority. However, the DLP may be contacted by the person appointed by the competent dicastery, to access information or records relating to the respondent.
- The person will be appointed by the competent dicastery to inform the respondent and advise them of their rights to access canon and civil law support. When the allegation is put to the respondent, he should be advised that he does not have to respond, but that anything he says will be recorded and may be used in criminal, civil or canonical proceedings.
- The respondent should be offered the services of an advisor, or other supports that the respondent requests or that the investigating Church authority may determine.
- Precautionary measures in relation to a respondent's ministry will have to be considered at the point of receipt of the concern about an action or omission. A decision about restricting the ministry of a Cardinal, Archbishop or Bishop will be taken by the Holy Father on the advice of the competent dicastery. A decision about restricting the ministry of a Supreme Moderator will be made by the competent dicastery

H. Process following conclusion of statutory authorities if a concern is not manifestly false

The Metropolitan or suffragan Bishop requests appointment as an Investigator by the competent dicastery.

The Investigator must declare any conflict of interest and is obliged to recuse himself and report the circumstance to the competent dicastery (c.f. VELM Art 12 §6) whereby the dicastery will appoint an uncompromised Investigator.

In each case, the appointed Investigator may further appoint someone (e.g. DLP / canon lawyer) to conduct inquiries on their behalf, but the appointed Investigator is the person who liaises with the competent dicastery.

Within thirty days of receipt of the first report by the Pontifical Representative, or the request for the assignment by the Metropolitan, the competent dicastery will advise how the case will proceed.

Every thirty days, the Investigator will send a status report on the state of the investigation to the competent dicastery.

I. Carrying out the investigation

The Investigator will take their instructions from the competent dicastery.

Vos Estis Lux Mundi sets out relevant information in Article 12, and so the following will usually be included in the Investigation Report:

- Clarification of what is being alleged.
- Statement from the person alleging an action or omission which caused a child to be at risk
- Statements from third parties who may have relevant information about alleged abuse, which was not acted upon.
- Corroborating information such as civil or criminal law inquiries.
- Relevant information from records such as chronology from case files, letters etc.
- A statement from any complainant who made an allegation to ascertain what response was made by the Bishop or equivalent.
- Statement from any respondent to clarify what action the Bishop or equivalent took once the allegation against him was made.

The investigation should be completed within the term of ninety days or within a term otherwise provided in the instructions from the competent dicastery.

J. Conclusion of the investigation

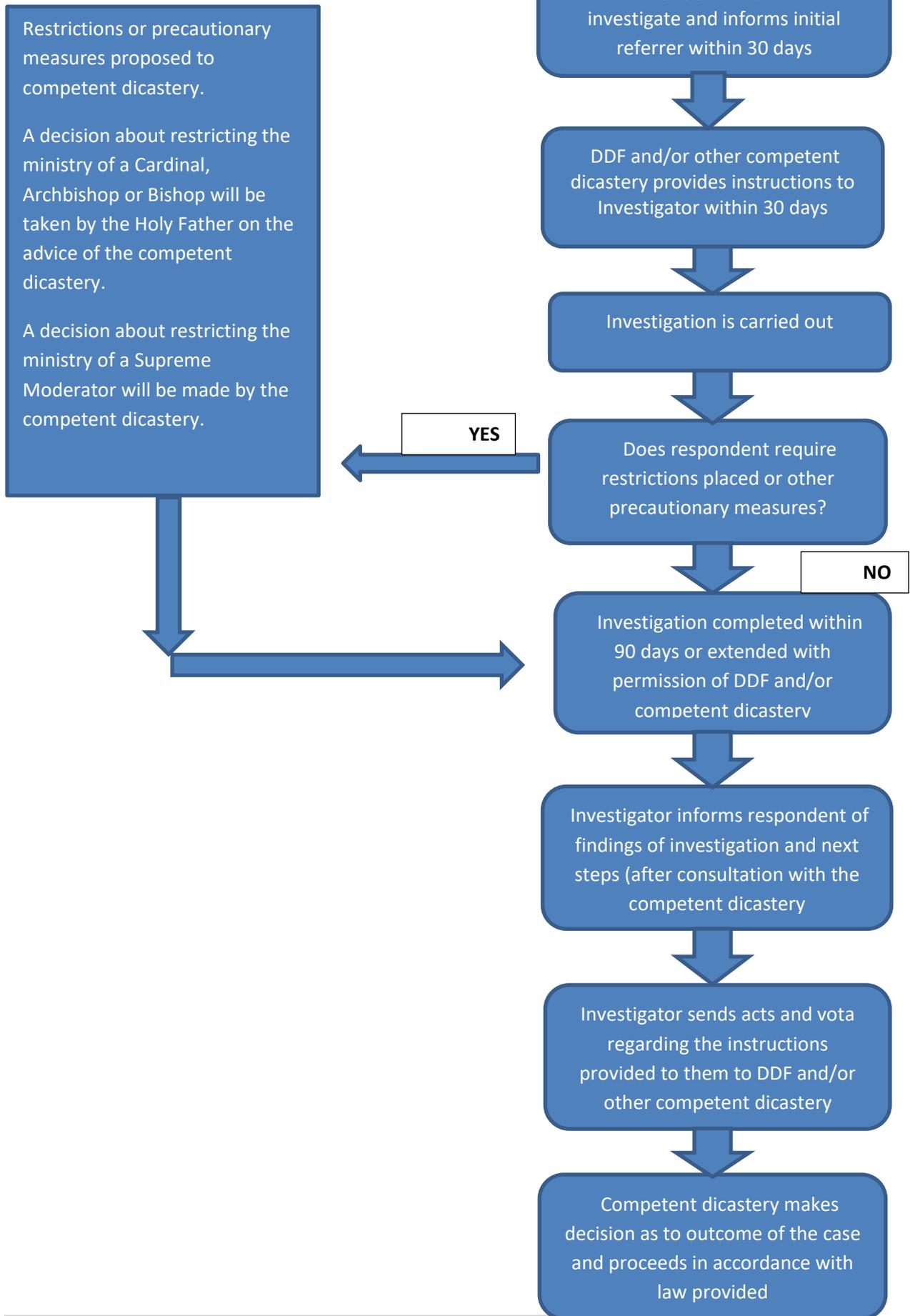
At the conclusion of the investigation, the Investigator:

- Produces a detailed report setting out the allegation against the Bishop or equivalent, inquiries that have been undertaken, and an opinion about whether there has been an action or omission by the Bishop or equivalent.
- Consults with the competent dicastery about next steps.
- Consults with the competent dicastery about who should inform the Bishop or equivalent about the findings of the inquiry.

Once these tasks are completed, the Investigator has no further part in the proceeding.

The competent dicastery then makes a decision as to next steps as outlined in Figure 2.1A3.

Figure 2.1A3



STANDARD 3

Care and Support for the Complainant and their Family

The Congregation encourages anyone who has a concern or allegation regarding the abuse of a child by a Spiritan, either currently or in the past, to contact the Spiritan Safeguarding Office. Through its Safeguarding Office, the Spiritan Congregation is committed to offering care and support to anyone who has been abused by a Spiritan and who is seeking pathways of recovery.

To ensure the highest level of care, the trained personnel from the Safeguarding Office will deal directly with Complainants. The Spiritan Safeguarding Office will provide information about what to do and where to go for help - a Complainant who does not want to engage with the Spiritan Safeguarding Office, may wish to contact any of the agencies listed below in 3.5 of this document.

This section will outline:

- 3.1 Initial contact with the Complainant
- 3.2 Pastoral Support
- 3.3 Meeting the Provincial Leader
- 3.4 Financial Compensation
- 3.5 Contact Details for the Complainant

3.1 INITIAL CONTACT

In line with the reporting procedure outlined in Standard 2 once an allegation has been received by the Congregation, the following steps are taken:

The DLP makes contact with the Complainant to arrange a meeting (unless this is against the wishes of the Complainant) and, with the knowledge and agreement of the Complainant, invites the Support Person to attend the initial meeting or to meet with the Complainant immediately or thereafter.

- If a face-to-face meeting has been agreed, the DLP and Support Person will meet the Complainant at a time and place that is convenient and acceptable, along with a family member or friend whom the Complainant may have asked to accompany them.
- The Complainant will be informed that the Spiritans wish to provide appropriate support, counselling and pastoral care to all Complainants of abuse by the Spiritans.
- In a situation where the Complainant is still a child, a parent/guardian will always be asked to be present with their child, and the offer of care and support will be made to the child's parents/guardians.
- Every Complainant is offered access to a Support Person. It is the prerogative of the Complainant to accept - or not - the assistance of a Support Person.
- After the meeting, the Support Person will continue the contact with the Complainant and will keep the Provincial Leader or his Delegate up to date with the needs and requests of the Complainant.

3.2 PASTORAL SUPPORT

A Support Person will be made available to those who make an allegation/disclosure of abuse by a Spiritan, if the Complainant so wishes.

The Support Person is responsible for:

- Attending the initial meeting of the Complainant with the DLP (if agreed in advance with the Complainant) in order to support the Complainant.
- Keeping the Complainant informed of the process of the case.
- Ensuring that the Complainant is offered pastoral care that meets their individual needs.
- Helping direct the Complainant/family members to counselling and support.
- Recording the date of meetings/contact with the Complainant and passing this on to the DLP.
- Reporting any safeguarding issues to the DLP.
- Facilitating meetings between the Complainant and the Provincial Leader at an appropriate time during the process if the Complainant wishes.
- Meeting Complainants/family members to provide pastoral support as requested and mutually agreed.

CLARITY ABOUT THE ROLE

- The Support Person is not a counsellor for the Complainant and should not act in that role
- The Support Person is not a spiritual guide for the Complainant
- The Support Person is not an advocate for the Complainant.

FREQUENCY OF MEETINGS

The frequency of contact/meetings should be dictated by the Complainant, but the Support Person needs to keep the communication open and initiate contact at least once a year, unless the Complainant states otherwise.

STORAGE OF RECORDS

Information regarding meetings between the Support Person and the Complainant must be stored safely and securely (Appendix B). The following will be used as a guide to information that must be recorded:

- The date and time the meetings took place
- Any relevant child safeguarding issues that have arisen
- Any requests for support the Complainant wishes to make to the Provincial Leader.

Training and ongoing Supervision for the Support Person

- The Support Person will attend a local full-day training programme facilitated by trainers registered with the NBSCCCI.
- The Provincial Leader will ensure that Support Person is given the opportunity to attend training provided by the NBSCCCI, in accordance with the NBSCCCI Training Strategy.
- These training needs will be included in the annual training plan, which is produced by the Safeguarding Committee.

- The Support Person will avail of Clinical Supervision in order to ensure that a professional caring service is offered to the Complainant.

3.3 MEETING WITH THE PROVINCIAL LEADER

If the Complainant so wishes and when appropriate, the Provincial Leader will meet with the Complainant together with the Support Person.

The agenda, time and venue of any such meeting are negotiated by the Support Person in consultation with the Complainant and the Provincial Leader.

- All parties need to be fully prepared for the meeting.
- The overall purpose of the meeting is determined by the Complainant.
- Towards the end of this meeting ongoing support can be reviewed and issues that need further attention can be agreed.

Alternatively, the services of a mediator/facilitator may be used by agreement between the Complainant and the Provincial Leader.

3.4 FINANCIAL REDRESS

Some Complainants may wish to claim financial compensation for the harm they have suffered. In such cases Complainants should seek independent legal advice if they wish to pursue a civil case against their alleged abuser and/or the Provincial leader. Whilst this process is adversarial every effort will be made to provide support for the Complainant – See 3.2 above

3.5 CONTACT DETAILS FOR THE COMPLAINANT

All-Ireland Church bodies

Towards Healing is an organisation that provides a professional therapy service to those who have experienced abuse. This service is funded by the Church and offers direct services to survivors through a range of counselling, helpline and restorative justice approaches. More information can be found at www.towardshealing.ie

Towards Peace offers spiritual support and guidance to survivors of abuse by Church personnel. This service is funded by the church and offers confidential one-to-one spiritual companionship. For further information, visit www.towardspeace.ie

Republic of Ireland

- The Child and Family Agency – Tusla: www.tusla.ie
- An Garda Síochána: www.garda.ie
- ISPCC: www.ispcc.ie
- Barnardos: www.barnardos.ie
- HSE National Counselling Service:
[http://www.hse.ie/eng/services/list/4/Mental Health Services/National Counselling Service/](http://www.hse.ie/eng/services/list/4/Mental_Health_Services/National_Counselling_Service/)
- Rape Crisis Network of Ireland: www.rcni.ie
- Children at Risk in Ireland (CARI): www.cari.ie
- One in Four: www.oneinfour.ie
- Connect: www.connectcounselling.ie

Northern Ireland

- Social Services: www.dhsspsni.gov.uk
- The PSNI: www.psni.police.uk
- One in Four: www.oneinfour.org.uk
- The Nexus Institute: www.nexusinstitute.org
- The Samaritans: www.samaritans.org
- The Rowan Sexual Assault Referral Centre: www.therowan.net
- Lifeline: www.lifelinehelpline.info
- NSPCC: www.nspcc.org.uk
- Barnardos: www.barnardos.org.uk

Further resources

The following resources may also be useful:

- Childline: 1800 666666 & CARI: 1890 924567

STANDARD 4 Management of Respondents

Those who have allegations of child abuse made against them will be offered access to appropriate advice and support. Safeguarding structures will provide consistent and effective responses to the safeguarding needs of adult Respondents under the Spiritan jurisdiction. Respondents have a right to a fair process in the investigation and management of any child abuse concerns. This section will outline:

- 4.1 Support for the Respondent
- 4.2 Preliminary Investigation
- 4.3 Management of the Respondent
- 4.4 Spiritans out of Ministry

Congregation for the Doctrine of the Faith (CDF)

The ex is a congregation of the Roman Catholic Curia. It is responsible for promulgating and defending Catholic doctrine. In Relation to Standard 4 the CDF are informed of sexual abuse allegations where the respondent is a cleric. In addition, the CDF have a key role in deciding the penal process to be followed after the preliminary investigation is concluded.

The Church authority will inform the CDF if the allegation relates to sexual abuse and the respondent is a cleric.

4.1 SUPPORT OF RESPONDENT

The Congregation will provide appropriate assistance to a Spiritan, and/or co-worker who has been accused of child abuse in his/her Spiritan work, and as required, to his/her family.

1. At the initial meeting with the DLP and Provincial/Provincial Delegate, the Spiritan will be provided with an “Advisor” to support and assist him to have access to both civil and canonical advice. (See Appendix B for the Role of the Advisor). The Advisor will meet the Respondent as required. There will be regular meetings between the Advisor and the DLP.
2. The Advisor will provide the DLP with dates of the meetings with the Respondent and advise the DLP of any safeguarding concerns.
3. At the initial meeting the Respondent is made sufficiently aware of the broad outlines of the allegation to enable him to respond – if he chooses to do so. An interim management plan may be presented and agreed to in writing.
4. A Respondent may be required to withdraw from a particular office and from other forms of sacred ministry and apostolate during the course of the civil and church preliminary investigation. While the allegation is being investigated, the presumption of innocence applies. The Respondent may also be required to move to another Community.

4.2 PRELIMINARY INVESTIGATION

- 1) At the conclusion of the statutory investigation, there will be a preliminary investigation in accord with Canon 1717.
- 2) If the conclusion is that there is a case to answer, the matter in the case of a Spiritan priest will be referred to the CDF through the Superior General; in the case of a non-ordained Spiritan, it is referred to CICLS through the Superior General.
- 3) In Relation to Standard 2 as part Article 26 of the Vademecum on Certain Points and Procedures in Treating cases of Sexual Abuse of Minors Committed by Clerics all allegations relating to clerics involving the sexual abuse of children must be reported to both the statutory authorities and the CDF.

4.3 MANAGEMENT OF RESPONDENT

Where members with substantiated allegations remain Spiritans, the DLP in conjunction with the Monitoring Panel will put in place a system of monitoring and a permanent management plan based on risk assessment.

- The CDF may decide, having read the documentation sent to it by the Church authority that the case requires no further action; and having communicated this back to the Church authority, the case file will be archived. It may happen from time to time that an archived case could be reactivated if additional information of concern becomes available about a cleric.
- In cases where the CDF believes that further information is required, it can direct the Church authority to reopen the preliminary investigation and to conduct a more thorough search for and review of proofs (evidence).

4.4 SPIRITANS OUT OF MINISTRY

Spiritans who are prohibited from public ministry because of allegation are to abide by the policies and procedures of this document. They must abide by the agreement signed by both the respondent and the Provincial regarding restriction of ministry / residence or precepts placed on them.

STANDARD 5 Training and Support

The Congregation of the Holy Spirit recognises the important role of training in identifying and responding to child abuse and welfare concerns. Taking part in Safeguarding training is one of the most effective ways to ensure Spiritans and co-workers are aware of safeguarding policies, procedures and their duty of care to the children.

This section will outline:

- 5.1 Induction Process for Spiritans and Co-workers
- 5.2 Training
- 5.3 Support and Supervision

5.1 INDUCTION PROCESS FOR SPIRITANS AND CO-WORKERS

As soon as possible after their appointment, all Spiritans and Co-workers should undertake an induction process, a core component of which must include child safeguarding.

The induction process includes the following steps:

- A representative of the Spiritans provides the newly appointed member with a copy of the Safeguarding Policy and Procedures or link to the webpage.
- The newly appointed member is asked to carefully read the Safeguarding Policy and Procedures and to come back to the representative of the Congregation with any questions they may have within 7 working days.
- The newly appointed member is made aware that they will be required to attend a basic child safeguarding awareness training event, appropriate to their role.
- The newly appointed member is made aware of how to access support regarding their role.
- Having read the Safeguarding Policy and Procedures, if the newly appointed member has any questions, they should direct them to the Spiritan Safeguarding Office. The newly appointed member is asked to sign and date the Agreement Form (*Form 1.4*) to say that they have read and understood the child safeguarding policies and procedures, and that they will abide by these in their role with the Spiritans.
- This signed Agreement Form is stored securely in the Safeguarding Office.

5.2 TRAINING

A training needs analysis will be carried out in order to provide specific and concrete information to assist the Provincial, via the Safeguarding Committee, to make informed decisions about the particular needs and skills within the Congregation. The training analysis will help the Safeguarding Committee to create a training plan for the year ahead. This plan will form part of the overall three-year child safeguarding plan.

Training Needs Analysis

The training needs analysis will:

- Identify any gaps between the current and required levels of knowledge and skills
- Identify who needs training and what training they need
- Identify gaps in training provision for particular roles or Communities
- Enhance skill levels to ensure the implementation of best practice in child safeguarding and child protection
- Assist in the evaluation of a training plan.

The training needs analysis will address the following:

- What level and type of training are members currently participating in?
- What are the specific training needs of Spiritan personnel?
- Who needs to be trained and what level of training is needed
- What are the key roles where training needs to be considered?
- What is the time frame within which this needs to happen?
- Which training programmes should be given priority?
- What additional/external support, if any, is needed to deliver this training?
- What training is being offered by the NBSCCCI and who would benefit from it?

Collecting Data

The Safeguarding Committee will seek advice from Community Leaders, local safeguarding representatives, safeguarding trainers, the Provincial Leadership Team, DLP, Support Person, the NBSCCCI, the Advisory Panel, the Monitoring Panel and statutory partners.

The Safeguarding Committee will:

- Go through the evaluations of all training events.
- Listen to the needs of the local safeguarding representatives.
- Examine the annual Community Audit in order to identify the training needs of each ministry and respond appropriately.
- Following completion of this training plan and its approval by the Safeguarding Committee, the Safeguarding Co-ordinator of Training should consult with the Provincial to agree a training budget and to prioritise the training needs.

Training Plan and NBSCCCI

The Safeguarding Committee will develop a Spiritan Training Plan based on the training needs analysis and the strategic plan from NBSCCCI. The Spiritan Safeguarding Office will take part in the annual review of training by the NBSCCCI and forward the training needs analysis and relevant information on to the NBSCCCI.

Safeguarding Awareness Training

Basic child safeguarding awareness is offered in two programmes – a one full-day training and a shorter information session.

Full-Day Training

The training lasts for six hours and covers the following topics:

- The seven safeguarding standards
- What is safeguarding?
- Recognising, responding and reporting abuse
- How to safeguard, and the roles involved in safeguarding.

Information sessions

These sessions take place over a half day, and cover topics including the reporting procedures required under Standard 2.

Trainers

The Spiritan Safeguarding Committee advises the Safeguarding Co-ordinator in relation to training and its delivery. Full-day training and Information sessions are delivered by trainers who are registered with the NBSCCCI.

Who is the training delivered to?

The minimum requirement is as follows:

- For each Spiritan activity that involves children, at least one leader/coordinator must attend the full-day training programme.
- All Spiritans, who are in active ministry, must attend the full-day NBSCCCI training programme
- Any personnel with a key position of responsibility for child safeguarding must attend a full-day training programme e.g., DLP, Advisor, Support Person, Safeguarding Committee member, members of the Advisory Panel and Monitoring Panel and local Safeguarding representatives.
- All other personnel must be given the opportunity to attend an information session. Regardless of the level of training required, all personnel are required to abide by good child safeguarding practice.

On-going training

If there are significant updates in the area of safeguarding, the NBSCCCI trainers will deliver updates to new and existing personnel. If updated training is not required, all personnel will be retrained at least every three years. The Safeguarding Committee will plan how training is delivered; this requirement can also be fulfilled by shorter refresher sessions, delivered more regularly over a three-year period to cover the content of the full-day training.

5.3 SUPPORT AND SUPERVISION

Everyone involved in dealing with child abuse requires support and/or supervision.

Support can be provided in face-to-face meetings, or by phone calls, emails etc. It is supportive to let someone know that they are being thought about positively, being remembered in prayer, and that they can seek assistance if they need to.

A structure of appropriate support is available to all of those affected by child abuse including:

- The Complainant and their family (Standard 3)
- The Respondent and their family (Standard 4)
- Spiritans who have been affected by an allegation of abuse against a confrère
- Lay faithful who has been affected by an allegation of abuse
- Safeguarding personnel.

How can support be provided?

The nature of the support provided will depend on the need expressed and/or identified. It may vary from outreach, where the initiative is taken to contact and stay in touch, to the provision of information, making counselling/spiritual support available or providing and facilitating a support group. Support can also be provided through Line Management Accountability and Supervision.

Line management accountability

Line management accountability is designed for individuals to work with their line manager to ensure and develop the efficacy of working situations.

Formal and informal meeting to discuss work provides the opportunity to consider individual actions, behaviours and feelings about work, together with the line manager's reactions, comments and challenges. The goal is to ensure that the recipient of the ministry provided by the Spiritans is well served.

Supervision

Spiritans personnel who have a designated role in safeguarding must attend regular supervision sessions with an appropriately trained person.

It is envisaged that the supervision will have interrelated functions:

1. The educative function, which focusses on developing the skills, understanding and abilities of the supervisee.
2. The supportive function, which will allow the supervisee to understand the emotional impact of the work on his/her well-being.
3. The managerial function, which provides accountability and 'quality control' in work with people.
4. The reflective function, which will help the supervisee reflect on their own work practices and attitudes.

Elements of Supervision

1. A contract or written agreement is produced, which covers:
 - Costs
 - Frequency of supervision
 - An agreed meeting-place
 - A shared understanding of confidentiality.
2. Periodic review:
 - Set milestones are agreed at the first session and include a time frame in which the supervision process will be evaluated.
3. Record-keeping:

The supervisor and supervisee will maintain an agreed record of supervision, in line with guidelines on the storage and protection of data. At a minimum, a record should be kept of the dates and times that supervision was carried out.

STANDARD 6

Communicating the Safeguarding Message

Communicating child safeguarding policies, procedures and practice is a core element of the Spiritans' strategy to safeguard children in order to ensure that Spiritans and all who engage with them understand the purpose of the procedures and how to use them.

A range of methods to communicate what the Spiritans are doing to create safe environments for children, and how it is responding appropriately to allegations of child abuse consist of:

- 6.1 A Communication Plan
- 6.2 Safeguarding Poster and Contact Details
- 6.3 Spiritan Newsletter and Website
- 6.4 Policy Agreement
- 6.5 Maintaining links with other agencies
- 6.6 Review.

6.1 COMMUNICATION PLAN

The child safeguarding policies, procedures and practice of the Province are to be effectively communicated to all involved in ministry to children, and recipients of same. The Safeguarding Committee, in consultation with the Community Representatives and the Safeguarding Office will oversee the development of a Communications Plan. The plan will be sent to the PLT for approval and will be reviewed after 3 years if no interim changes are required.

6.2 SAFEGUARDING POSTER AND CONTACT DETAILS

Every Spiritan Community in Ireland will clearly display a copy of the latest "Spiritans Safeguarding Children Notice" in all its properties to which the public have access. This Safeguarding Notice will detail:

- The Spiritan Safeguarding Policy Statement, clearly stating the Province's commitment to safeguarding children, specifically indicating that the welfare of the child is of paramount importance.
- The names and contact details of the Designated Liaison Person.
- Contact Numbers of the local Tusla office.
- Contact number of the local Garda Síochána.

Each Spiritan Community will be notified when there are changes to the detail on this Notice and each Community will be immediately issued with an updated Safeguarding Notice by the Spiritan Safeguarding Office to replace those already in existence.

N.B. In communities where for a significant percentage of co-workers English is not the first language, an appropriate translation of the Policy Statement will be made available.

6.3 SPIRITAN NEWSLETTER AND WEBSITE

The Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016 is available on the National Board for Safeguarding Children in the Catholic Church in Ireland website:

<https://www.safeguarding.ie/images/Pdfs/Standards/Safeguarding%20Children%20Policy.pdf>

The Spiritan Safeguarding Office will give updates of developments in safeguarding children by means such as the Province's Newsletters which will be distributed to all members of the Congregation of the Holy Spirit and their co-workers, and the Spiritan website.

Contact details of the Safeguarding Co-ordinator, the Designated Liaison Person and the Support Person for Survivors and their Families are available on the website and in the Spiritan Directory.

6.4 POLICY AGREEMENT

All Spiritans and co-workers are required to understand, commit to and sign their agreement to adhere to the Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016 and to the Spiritan Safeguarding Procedures.

6.5 MAINTAINING LINKS WITH OTHER AGENCIES

The Spiritan Safeguarding Office will seek to maintain and develop links with the civil authorities and agencies and others working to provide safe environments for children.

6.6 REVIEW

The Spiritan Safeguarding Committee will develop mechanisms for consultation and feedback from interested parties to ensure that the safeguarding message is effectively heard, understood and adapted to the needs of the target groups.

STANDARD 7: Quality Assuring Compliance with the Standards

The Congregation of the Holy Spirit will conduct a systematic assessment of the safeguarding standards at all levels of Spiritan mission.

This section outlines the following methods of compliance to the Standards:

- 7.1 Community visits by the PLT and members of the Spiritan Safeguarding Office
- 7.2 Annual community audit
- 7.3 Annual report by the DLP to the Provincial on Standards 2, 3 and 4
- 7.4 Handover and induction of new leadership team and replacement of Safeguarding personnel.

7.1 COMMUNITY VISITS

During community visits the PLT and members of the Safeguarding Office will meet with the safeguarding representative and check that effective practice is being implemented. The checklist will include:

- a. Safeguarding Posters
- b. Community Safeguarding Folder
- c. Storage of Safeguarding Documents
- d. Sacristy Register
- e. Register of people using Spiritan properties
- f. List of people who are living in the community other than the one to which they are appointed.

7.2 COMMUNITY SAFEGUARDING AUDIT

A Community Safeguarding Audit on Standards 1, 5 and 6 will be completed annually by the Safeguarding Co-ordinator with the assistance of the Community Leader and the Safeguarding Representative.

Audit Process

- a. The Safeguarding co-ordinator forwards the audit procedure to the Community houses on an annual basis and organises a visit.
- b. The Safeguarding co-ordinator fills in the audit form, the forms are analysed for compliance by the Safeguarding Office/Committee.
- c. An annual report is prepared for the Provincial Leader reviewing compliance and providing recommendations for further action and improvement where necessary.
- d. Recommendations for change are incorporated into the three-year child Safeguarding Plan
- e. The Provincial will notify the NBSCCCI each calendar year that:
 - The local Child Safeguarding Audit has been completed
 - The DLP has completed the annual report.

7.3 ANNUAL REPORT BY DLP TO THE PROVINCIAL

The DLP will make an Annual Report to the Provincial on Standards 2, 3 and 4.

The DLP will:

- a. Analyse all allegations and case files for the previous year.
- b. Review compliance.
- c. Make recommendations for further action and improvement.
- d. Recommendations for change are incorporated into the three-year child Safeguarding Plan, if appropriate.
- e. All documents produced will be in compliance with data protection requirements.

7.4 SAFEGUARDING HANDOVER & INDUCTION OF A NEW LEADERSHIP TEAM / SAFEGUARDING PERSONNEL

The responsibility to ensure all necessary child safeguarding actions have been taken rests with the Provincial. Upon coming into office, the new Provincial and his Leadership Team will familiarise themselves with the:

- a. Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016
- b. Spiritan Safeguarding Procedures
- c. Child safeguarding structure of the Province
- d. Safeguarding personnel
- e. Case management records.

The incoming Provincial Leadership Team (PLT) will:

- a. Meet with the outgoing PLT to discuss relevant safeguarding issues.
- b. Meet with the Safeguarding Committee to familiarise themselves with the processes that are in place to create safe environments.
- c. Meet with the Safeguarding Co-coordinator, DLP, Canon lawyer and Support Person to receive a briefing on:
 - All cases against living Spiritans and co-workers
 - Responses to Complainants
 - Safeguarding in the province
- d. Develop a Safeguarding Handover File.

New Safeguarding Coordinator, DLP or Support Person

A new Safeguarding Coordinator, DLP or Support Person will receive induction for their role and be briefed by his/her predecessor.

