

# Standard 3

## Responding Pastorally and Reporting according to Civil and Canon Law



Children and young people occupy a central place in the heart of the Christian community and have a right to be listened to and be heard. The purpose of the Dominican mission is the help people grow in faith and human development, surrounding children and young people in an environment that gives primary consideration to their protection and welfare.

To create and maintain this safe environment, all friars of the Dominican Order in Ireland, (the Irish Province) must respond to all allegations of abuse in accordance with civil and canonical requirements. (*Guidance 12 page 92*)

The only exception to this is the receipt of any information by a priest under the sacramental seal of Confession. (*Guidance 11 page 90*)

It is important that anyone working on behalf of the Dominican Province of Ireland knows how to respond to allegations, including who to tell and how to record the information. This section provides guidance on these issues.

Should any person be unsure of whether information they have received constitutes an allegation of abuse and/or if they want guidance on how they should manage a concern, they should contact the DLP or deputy without delay.

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### 1. Recognising Abuse

There are four defined categories of abuse regarding crimes against children and young people:

1. Neglect.
2. Emotional abuse.
3. Physical abuse.
4. Sexual abuse.

(*Guidance 13 page 94*)

## 2. Reasonable grounds for a child protection or welfare concern

*Children First, National Guidance for the Protection and Welfare of Children, 2017* and *Co-operating to Safeguard Children and Young People, 2024* identify reasonable grounds concerning children protection or welfare. These grounds include:

- Evidence, for example, an injury or behaviour that is consistent with abuse and is unlikely to have been caused in any other way.
  - Any concern about possible sexual abuse.
  - Consistent signs that a child is suffering from emotional or physical neglect.
  - A child saying, or indicating by another means, that he or she has been abused.
  - Admission or indication by an adult or a child or an alleged abuse they committed.
  - An account from a person who saw the child being abused.
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## 3. Signs of abuse

Something such as the behaviour of an adult to a child or young person may make you or them feel uncomfortable.

A child or young person may be subjected to one or more forms of abuse at any given time. For example, the sexual abuse of a child or young person is also a form of emotional abuse, especially when it takes place in the context of a relationship of trust.

Abuse and neglect can take place within a family, in the community or in an institutional setting; and the abuser may be someone known to the child or young person or may be a stranger.

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## 4. Guidance for responding to receiving an allegation

It is best practice to inform a person wishing to discuss suspicion of abuse, of the requirement to report child protection concerns to the civil authorities before any disclosure is made. However, it is not always possible to know when a child or young person or adult is about to disclose child abuse, so, the opportunity to inform them may not arise.

However, where a person, whether child, young person or adult, asks to speak in confidence to a Dominican friar, staff member, and/or volunteer, it is important to tell the person that if they disclose information concerning child protection or welfare concerns, this information will have to be reported to the statutory authorities, i.e., Tusla/HSCT and An Garda Síochána/PSNI. This can help the child, young person or adult to make an informed decision whether to disclose abuse or not.

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

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#### **4.1 Responding to a person making an allegation of abuse**

People may tell you about the following:

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

Extra care needs to be taken if it is a child who is disclosing that they were abused. *(Guidance 14 page 99)*

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#### **4.2 Guidance on responding to children or young people disclosing abuse.**

If a child or young person tells you directly about abuse happening to them, you should allow them to speak and you should listen attentively. However, it is not appropriate to set up a meeting with a child or young person for the purpose of receiving a disclosure or taking a statement. That is the role of the statutory services.

While it is assumed that it is difficult for all people to disclose abuse, the person receiving the allegation should be aware that a child or young person may feel very frightened and may need reassurance and support that they have done the right thing in disclosing the abuse.

The DLP or deputy will consult with Tusla/HSCT about informing the child/young person's parents/carers and/or guardians. It is best practice to inform parents/carers or guardians unless doing so would place the child/young person at further risk.

If the allegation is about Dominican personnel, explain to the child/young person and their parents/carers or guardians that the information will be reported to the statutory authorities and church authorities.

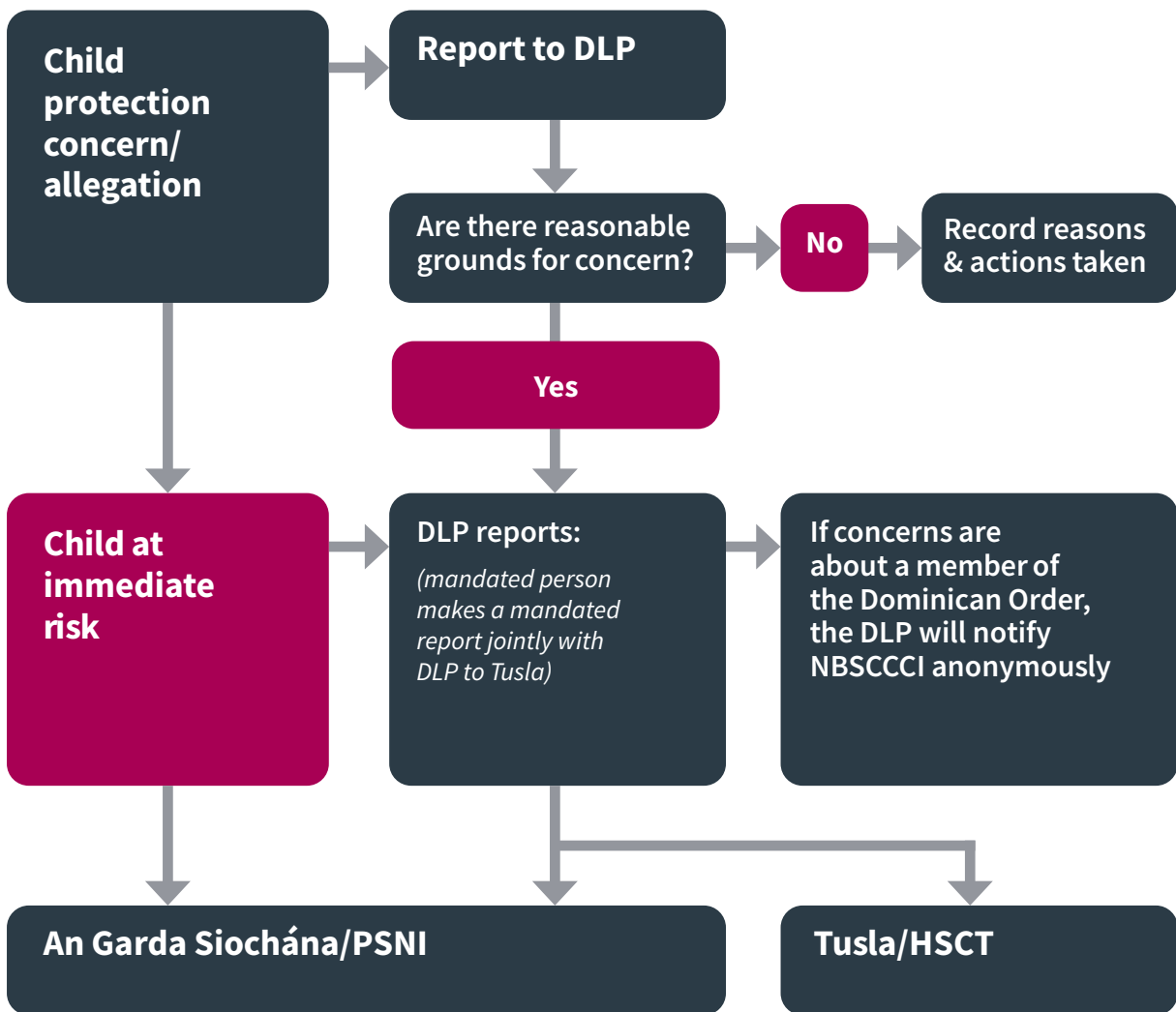
All offers of further support to the child/young person should be conveyed via the child/young person's parents/carers and/or guardians or an appropriate adult.

### 5. Guidance for reporting an allegation

When you have reasonable grounds for concern that a child/young person may have been, is being, or is at risk of being abused or neglected, contact the DLP or Deputy DLP without delay. The DLP or Deputy DLP will assist in ensuring the notification procedures are completed and can make a joint report to the statutory authorities with any other person.

In an emergency or if there is an immediate concern for the protection of a child/young person, a report should be made directly to An Garda Síochána/PSNI.

#### 5.1 REPORTING FLOW CHART



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### 5.1.1 Allegations against Dominican Friars

The DLP or deputy will report the matter to the statutory authorities on behalf of the person making the report about the possible abuse of a child/young person or will make a joint report if the person is a mandated person making a mandated report. If the complaint concerns a member of the Dominican Province of Ireland, the Prior Provincial and the NBSCCCI are also informed. (*Guidance 14 page 99*)

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### 5.1.2 Allegations against Staff and Volunteers (who are not Dominican friars)

Where an allegation of abuse is made against a Dominican staff member there are two procedures that are put in place:

- a** the reporting procedure in respect of the child/young person.
  - b** the reporting procedure for dealing with the staff member/volunteer.
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## 5.2 Guidance on responding to an anonymous allegation of abuse

Anonymous complaints are to be managed and responded to carefully. Anxiety and fear may persuade some people not to reveal their identity immediately. It is sometimes difficult to act on information under these circumstances, unless at some point the name of the person raising the concern or making an allegation becomes known. If you are unsure whether the information you have received reaches the threshold for reporting, consult with the DLP or Deputy DLP. An approach to the statutory authorities may be appropriate.

The person raising the concern should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child or young person. As much openness as possible should be encouraged. However, if you receive any identifiable information that relates to an allegation of abuse (current or past), you must pass this information on to the appropriate statutory authorities so that an investigation can be undertaken to assess child protection risks.

## 6. Guidance for recording an allegation

- Whenever possible and practical, take notes during the conversation.
- Always ask permission to do this and explain the importance of recording all information. Where it is not appropriate to take notes at the time, make a written record as soon as possible afterwards or before the end of the day.
- Record the time, date, location, persons present, and how the allegation was received, e.g., by telephone, face-to-face conversation, letter.
- This initial recorded information will be transferred to a child protection referral form and will become the first entry in a file of information about the case that will be retained by the DLP or Deputy DLP.
- Please always sign and date the record. The record would also normally include
  - Accurate identifying information of the complainant, as far as it is known. This should include the name, address, and age of the complainant when the alleged abuse occurred.
  - Where the person who has raised a concern or allegation is a child or young person, details of parents/carers or guardians should also be given.
  - Name of the individual against whom the concern or allegation is being raised, and any other identifying information.
  - Dates when the concern arose, or when the incident occurred.
  - The person's own words used to describe the event or incident. Do not make assumptions about the intended meaning of the words used.
  - Details of any action already taken about the incident or concern or allegation.
  - Do not be selective. Include details that to you may seem irrelevant. This may prove invaluable at a later stage in an investigation.
  - All original records, including rough notes, should be passed immediately to the DLP or Deputy DLP.
  - Copies of retained records should be kept secure and confidential.

### **Remember – it is not your role to investigate.**

- In cases of emergency (and/or outside normal business hours), where a child or young person appears to be at immediate and serious risk, an urgent report must be made to Tusla/HSCT, as well as to the DLP or deputy. Where the appropriate Tusla/HSCT staff are not available, An Garda Síochána/PSNI must be contacted to ensure that under no circumstances is a child or young person left in a dangerous situation pending social services intervention. (*see direct option arrow in Reporting Flowchart*)

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- In all cases, consideration should be given as to whether an immediate referral is necessary in order to preserve and safeguard against the possibility of any loss, deterioration or destruction of forensic or other potential evidence. (see *direct option arrow in Reporting Flowchart*)
  - Explain to the person raising the concern what will happen next. You should inform the person making the suspicion, concern or allegation that their identity and the identity of the respondent and complainant will be shared with the statutory authorities.
  - Provide contact details for the DLP or Deputy DLP if the referrer needs to ask questions later. The incident or concern should not be shared with anyone other than those who need to know, apart from the statutory authorities and appropriate church authorities detailed in these procedures.
  - Written confirmation should be given to the person making the referral to the DLP or Deputy DLP that the information has been passed on to the statutory authorities. If this has not happened, an explanation should be recorded (this will not be possible when dealing with anonymous allegations).
  - It is essential to respond appropriately to the complainant to ensure that they feel heard and taken seriously.
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## 7. Caring for Complainants

Those who have alleged child abuse should receive a compassionate response from all Dominican personnel and be offered access to appropriate care, advice and support.

Complainants need to be listened to and heard to ensure that any allegation or disclosure of abuse is handled compassionately, effectively and professionally. Disclosing abuse takes enormous courage and calls for a high level of trust. Child abuse by its very nature can damage trust. It is therefore imperative that when a complainant is ready to tell their story, the listener responds with great sensitivity and compassion.

The Dominican leadership and safeguarding personnel will engage in ongoing reflection to identify who is best placed to offer pastoral care to complainants, recognising that providing pastoral care may not be the sole responsibility of any one person. Pastoral care may be offered and provided by the DLP or deputy managing the case, the support person, if the offer of a support person is requested by the complainant, the Prior Provincial at an appropriate time, or indeed another identified representative if there is something specific they can offer.

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### 7.1 How support is offered:

- Once an allegation has been received, the DLP/Deputy DLP will arrange a face-to-face meeting with the complainant, in a manner that respects the wishes of the person.
  - The complainant may be accompanied by a person of their choice to the meeting.
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- Every complainant is offered access to a support person. The role of the support person is to ensure that the complainant is appropriately supported throughout the process of disclosure and thereafter. It is the prerogative of the complainant whether or not they wish to accept the assistance of a support person.
- The complainant will be provided with details of support or counselling services, for example *Towards Peace* and *Towards Healing* and will be assisted in making an appointment, if required.
- The Dominican Province of Ireland is committed to pastorally supporting the family of the complainant.
- If the threshold for reporting has been reached, the DLP/Deputy DLP will help the complainant to understand the necessity to refer the matter to the statutory authorities.
- At an appropriate time in the process, the complainant will be invited to meet with the Prior Provincial and/or another representative of the Dominicans if this is their wish. This meeting is not for the purpose of determining the outcome of any investigations, but for the Prior Provincial to hear and acknowledge the experience of the complainant.
- At the end of this meeting, the support being provided to the complainant can be reviewed. Some complainants may wish to remain engaged with their Church despite the effect that the abuse may have had on their relationship with it, and, perhaps, with God. By meeting with and listening to complainants, the response from the Church that might best meet their spiritual needs can be identified with them. *Towards Peace* may be of assistance in this regard.
- The Dominican Province of Ireland is open to providing independent facilitation or mediation for meetings if this is required.
- The Dominican Province of Ireland is committed to engaging with the complainant in a thoughtful and respectful manner, aimed at acknowledging and addressing the harm that has occurred and, in accordance with the wishes of the complainant, to collaboratively determine a suitable process of reparation.

A leaflet is available to support people making allegations and/or complaints detailing support/counselling services. (*Guidance 16, Leaflet for complainants, page 102*)

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## 8. Just Process for Respondents

It is important that there is fair procedure about the management and investigation of allegations. A proper balance should be struck between protecting children/young people and respecting the rights of respondents. Where there is a conflict, the child/young person's welfare must come first.

The Dominican Province of Ireland employ different processes in accordance with civil and canonical requirements, regarding the management of the respondent, depending on the stage the case is at. Care is an important element at every stage of the process.

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### 8.1 Care of respondents

The Dominican Province of Ireland has access to appropriately trained personnel whose role is to listen to, regularly communicate with and represent the needs of respondents and their families throughout the civil and canonical processes. This includes access to an Advisor.

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### 8.2 Management of Cases

The DLP/Deputy DLP has case management responsibility and for ensuring that appropriate protective measures have been taken, and that support is offered to the respondent. Through this time, it is important that the good name of the respondent is maintained.

- On receipt of an allegation, the priority is to ensure that information that has reached the threshold for reporting is referred to the statutory authorities.
- The DLP/Deputy DLP will check with the Gardaí/PSNI if there is any reason as to why the information cannot be shared at that time with the respondent. In specific circumstances, the Gardaí/PSNI will ask the DLP/Deputy DLP to delay informing a respondent so as not to hamper an investigation.
- At the earliest opportunity, the Prior Provincial will call a meeting with the respondent, for the purpose of informing him that an allegation has been made and invite him to bring a person for support/Advisor.
- The role of the Advisor is to support the respondent at meetings, direct him to counselling or other professional services, and to keep him informed of the progress of the case.
- At a further meeting, the DLP/Deputy DLP will share the details of the allegation with the respondent. The respondent will be offered canonical and civil legal advice. He will be advised that he can respond to the allegation if he wishes and that this response will be shared with the statutory authorities. However, he is advised that he does not need to make a response at this stage.
- A decision will be made as to whether an interim management plan is required, which may include restrictions to sacred ministry. This plan includes a written reminder from the Prior Provincial to the respondent advising him to continue to adhere to the child safeguarding policies and procedures.
- If required, the DLP/Deputy DLP and Advisor will meet the respondent and present him with the interim management plan, which the respondent will be asked to agree to and sign. During this meeting, the respondent must be advised that the preliminary investigation will be resumed following the conclusion of any statutory authority enquiries.
- The Prior Provincial and leadership team have responsibility to oversee the case and ensure that the relevant personnel are in place and acting in accordance with their role.
- While statutory and/or church investigations are underway, pastoral support is offered to the respondent. It is recognized that as this can be a difficult time for any person, they are offered the support of an Advisor and have access to therapeutic support, canonical and legal advice.

- If the threshold for reporting has been reached, a preliminary investigation in accordance with canon law will be initiated by the Prior Provincial (CIC can. 1717). The preliminary investigation will be paused until formal confirmation is received from the statutory authorities that their investigations have concluded.
- The preliminary investigation is an inquiry into the facts and circumstances and imputability of the alleged delict. The person conducting the investigation produces a written report for the Prior Provincial. The Prior Provincial will determine the appropriate person to complete the investigation.
- If, as a result of the preliminary investigation, the Prior Provincial concludes there is no semblance of truth to the allegation and no case to answer, he informs the respondent of this decision, deeming that he is considered a friar in good standing. It is important all outstanding matters be dealt with to allow the friar to move forward with their life and ministry. Therefore, in preparation for return to ministry, the Respondent should be provided with professional and pastoral support, including counselling and spiritual direction.
- If, as a result of the preliminary investigation, the Prior Provincial concludes there is no semblance of truth to an allegation of sexual abuse, but there is concern about the appropriateness of the respondent's behaviour, the Prior Provincial will determine the course of action.
- However, if the Prior Provincial finds there is a semblance of truth to the allegation and there is a case to answer, the Prior Provincial must forward a file to the Master of the Order who in turn submits the file to the Dicastery of the Doctrine of the Faith (DDF).
- The DDF will authorise the appropriate canonical process to be followed.
- It is the responsibility of the Prior Provincial to ensure that the direction of the Dicastery or the outcome of the canonical process is implemented.
- In accordance with NBSCCCI policy and standards, risk management arrangements must be in place for the respondent until and if the Church authority no longer has responsibility for managing the respondent, as guided by civil and canonical requirements.

