



Child Safeguarding
& Protection Service

Procedure for Dealing with
Allegations of Sexual Abuse of
Children or Vulnerable Adults
against Clerics of the Archdiocese
of Dublin, 2019

Archdiocese of Dublin

THE SAFEGUARDING STRUCTURES OF THE ARCHDIOCESE OF DUBLIN

The Archbishop of Dublin has overall responsibility for ensuring that there are adequate arrangements in place to ensure that children and vulnerable adults who participate in the activities of the Catholic Church in the Archdiocese of Dublin are kept safe. Since 1996 a number of structures have been established to assist the Archbishop in this task. For the purposes of this document the most important of these are described below.

The Diocesan Advisory Panel on Child Protection

The Panel was established in 1996 to provide independent, expert advice to the Archbishop on all aspects of the management of cases of alleged or confirmed child sexual abuse by clerics of the Diocese. It is composed of clerical and lay people with a range of expertise in areas relevant to the management of child protection concerns. A majority of the members are lay people and the chair is a lay person. The Panel now considers allegations of all forms of child abuse and in 2016 its remit was extended to include vulnerable adults. As part of this new remit, the advice of the Panel will be sought in any case in which there is any doubt as to whether or not the person alleged to have been abused fits within the definition of a vulnerable adult. The Panel considers cases on an anonymised basis. The identity of the complainant and respondent are not disclosed to the members so that their advice is based on a consideration of the facts of the case, rather than prior knowledge of those involved. This provides for a high level of objectivity.

The Diocesan Safeguarding Committee

This committee was established in 2013. It advises the Archbishop on the creation and maintenance of safe environments for children and vulnerable adults in the parishes and diocesan agencies of Dublin Diocese. It has a particular focus on ensuring that diocesan safeguarding policy is implemented across all of the 197 parishes in the Diocese and, to this end, it drew up a strategic plan in 2017 to replace an earlier one that covered the period from 2013 to 2016. The Safeguarding Committee monitors the implementation of the strategic plan on a regular basis. It also comprises a majority of lay members and it is chaired by a lay person. There are clerics and religious on the committee.

Both the Safeguarding Committee and the Advisory Panel work closely with the Child Safeguarding and Protection Service (CSPS).

The Child Safeguarding and Protection Service

The Child Protection Service of the Archdiocese of Dublin was established in 2003 on the recommendation of the Advisory Panel. The Panel identified a need for a cohesive and effective support service for those who had experienced abuse in childhood by clerics, and for their families, and for a proper system for the monitoring, supervision and support of those clerics against whom allegations of child sexual abuse had been made and who were out of ministry as a consequence. The name of the service was changed in 2011 to the Child Safeguarding and Protection Service (CSPS) to reflect a more proactive and preventive approach to the issue of child abuse within the Archdiocese. In 2016 its remit was extended to include vulnerable adults.

The primary objective of the CSPS is the safeguarding and protection from abuse of children and vulnerable adults who participate in the life and work of the Catholic Church in the Archdiocese of Dublin.

The service has three functions that relate to this procedural guide. These are:

1. Creating and maintaining safe environments for children and vulnerable adults who participate in Church activities. This is done through:
 - providing safeguarding training and advice to diocesan and parish personnel,
 - developing materials to assist parishes and diocesan organisations in creating safe environments,
 - carrying out audits of parishes to ensure they are operating in compliance with the requirements of diocesan safeguarding policy.
2. Providing a support service to those affected by abuse. This is a service provided to those who have experienced abuse in a Church context and to members of their family. The service provided consists of:
 - facilitating people to make complaints about abuse,
 - accessing counselling for those who need and want it,
 - informing them of the steps being taken to address their concerns,
 - providing ongoing support in accordance with their needs and wishes.

3. Case management. The management of child and vulnerable adult protection concerns relating to clerics of the Diocese. These are concerns that abuse may have occurred, is occurring or is at risk of occurring. This involves a range of activities including:

- meeting with those who wish to discuss such concerns,
- meeting with the respondent (the cleric against whom an allegation of abuse has been made),
- notifying the relevant civil authorities, that is, An Garda Síochána and Tusla, the Child and Family Agency or the Health Service Executive (HSE),
- advising the Archbishop on protective measures,
- implementing appropriate measures to minimise risk to children or vulnerable adults.

In addition the CSPS:

- Provides advice and assistance to parishes and diocesan agencies in their management of such concerns and
- Oversees practice in parishes and diocesan organisations in order to ensure they are fully compliant with legislation and Church and national guidelines relating to the safeguarding and protection from abuse of children and vulnerable adults.

Under the direction of, and reporting to, the Archbishop of Dublin, CSPS is currently made up of a team of ten people.

The team consists of:

- Director, who has overall responsibility for the service;
- Child Protection Officer, who manages cases involving allegations of abuse of children, delivers safeguarding training to parishes and provides support to those affected by abuse;
- Safeguarding Officer, who manages cases involving allegations of abuse of vulnerable adults, delivers safeguarding training to parishes and provides support for those affected by abuse;
- Training and Development Coordinator, who coordinates and delivers safeguarding training in the Diocese and provides advice and support on all aspects of safeguarding;
- Priest Delegate, who coordinates the relationship between the Diocese and the respondent;
- Priest Support Coordinator, who supports and monitors clerics out of ministry due to concerns relating to the protection of children and vulnerable adults;
- Two vetting administrators, who process Garda vetting applications;
- Two other administrators, one assigned to case management and one assigned to training.

The Designated Liaison Person (DLP)

The DLP is a person who has specific responsibility for ensuring that effective procedures are followed within the Diocese when dealing with child protection concerns and those that relate to vulnerable adults.

The DLP for the Archdiocese of Dublin is the Director of the CSPS. The Child Protection Officer and the Safeguarding Officer are the Deputy DLPs. All child and vulnerable adult protection concerns that relate to Church personnel and activities in the Archdiocese of Dublin must be reported to the DLP or the relevant Deputy DLP who have the overall responsibility, entrusted to them by the Archbishop, to ensure that each concern is correctly managed from start to finish.

The Respondent Supervision and Support Committee (RSSC)

The Respondent Supervision and Support Committee brings together personnel from the Child Safeguarding and Protection Service, the Chancery and the Office for Clergy under the direction of the Moderator of the Curia in order to minimise risk of harm to children or vulnerable adults. The committee monitors, on behalf of the Archbishop, the diocesan response to clergy against whom a complaint, allegation or concern has been expressed. The committee meets every four to six weeks to ensure that these men are given adequate support and that the arrangements for their monitoring and supervision are operating effectively.

PROCEDURAL GUIDE

For the purposes of this procedure a child is a person under the age of 18 years. A vulnerable adult is a person, aged 18 and over, who lacks or has seriously impaired capacity to make informed decisions or to defend him/herself from harm¹.

This procedural guide describes both the civil process and the canonical (Church) process. The civil process involves initial information gathering, referral to the civil authorities (HSE or Tusla, the Child and Family Agency and An Garda Síochána) and continuing cooperation and communication with these agencies as they conduct an investigation (An Garda Síochána) and assessment of current risk to children (Tusla) or vulnerable adults (HSE). The initial information gathering and continuing communication and cooperation with the civil authorities, conducted by the Child Safeguarding and Protection Service, support the civil process and also form part of the canonical process. The civil process, however, takes precedence over the canonical process. This has two implications. Firstly, nothing is done as part of a canonical process that would interfere with the civil process. Secondly, the completion of the canonical process awaits the outcome of the civil process and is influenced by it. For example, if a cleric is found guilty in a criminal court of the abuse of a child, the verdict of the court will inform further measures taken as part of the canonical process, such as a decision to invite the cleric to apply for laicisation.

In some instances, there is no civil process. An Garda Síochána will only conduct an investigation if they receive a statement of complaint. Many complainants do not make formal complaints to the Gardai. Similarly, complainants may decide not to engage with Tusla or the HSE and there may then be no assessment of current risk to children or vulnerable adults. Alternatively, there may be no clear outcome to the civil process. Following an investigation, the Director of Public Prosecutions may decide against a

¹ Appendix 3 provides civil and canonical definitions of a 'vulnerable adult'.

prosecution. This does not necessarily mean that there is no case to answer. The DPP could decide that there is not sufficient evidence to prove beyond reasonable doubt that a crime has been committed or that it is not in public interest to prosecute, for example, where the respondent is an older person or in poor health.

If there is no civil process or if the outcome of the civil process is inconclusive, a preliminary investigation under Canon 1717 is required to determine whether there is a semblance of truth to the complaint or allegation and, if so, a file on the case is sent to the Congregation for the Doctrine of the Faith (CDF) in Rome. This is discussed in further detail in Section 6. The preliminary investigation is formally opened when the complaint is first received but is not completed until after the civil process has come to an end or it becomes clear that there is to be no civil process.

Each concern for the protection of children or vulnerable adults arises within a particular and unique set of circumstances. Professional judgement and discretion are required to determine the most appropriate course of action. The duty to care for, and to protect, children and vulnerable adults overrides any other requirement. Thus, while the CSPS will endeavour to operate in accordance with this procedure, situations may arise in which the steps taken do not follow the sequence set out below or there is some other variation or departure from the procedure. The CSPS will give a clear account of any such decisions taken.

The procedure consists of six stages:

1. Establishing reasonable grounds for concern/ preliminary investigation;
2. Reporting to the civil authorities;
3. Meeting with the respondent;
4. Interim protective measures;
5. Further liaison with the civil authorities;
6. Outcome.

1 - ESTABLISHING REASONABLE GROUNDS FOR CONCERN/ PRELIMINARY INVESTIGATION

When information about a child or vulnerable adult protection concern is received there is a responsibility on the Archdiocese to initiate both a civil and a canonical process. In order to discharge its responsibilities under *Children First National Guidance for the Protection and Welfare of Children*² CSPA carries out preliminary enquiries to determine whether there are “reasonable grounds for concern that a child may have been, is being, or is at risk of being [sexually] abused” (Children First, 2017, page 6). Under Canon 1717, CSPA carries out a preliminary investigation, to determine whether there is a semblance of truth to the allegation or complaint that a cleric has sexually abused a child or vulnerable adult. Given that the civil process takes precedence over the internal church process, the preliminary investigation is opened but suspended until the civil process is completed and its outcome known.

Establishing whether reasonable grounds for concern exist starts with gathering information. Wherever possible a meeting is held with the complainant to hear their account first hand. In other cases, however, the CSPA has to rely on third party information.

Meeting with complainant

Any person wishing to make a complaint of the abuse of a child or a vulnerable adult in a church context is invited to meet with the CSPA at the earliest available opportunity. He or she is advised of the option of making a statement of complaint to An Garda Síochána and informed that it may be preferable to do so before giving an account of the allegation to the Diocese. The complainant is given the contact details of the Sexual Crime Management Unit of An Garda Síochána and the CSPA makes arrangements to facilitate the making of a formal complaint to the Gardaí, where the complainant wishes to proceed in this manner.

Before any disclosure of abuse is made the procedures to be followed are explained to the complainant, in particular the requirement on the CSPA to inform the civil authorities and to put the concern to the respondent. Those who disclose abuse can be in a distressed emotional state and this may impair their capacity to hear and process information. Therefore, a careful explanation is required. In some cases it may be appropriate to contact the complainant a day or so after the initial conversation to reiterate the reporting requirements.

² There is currently no equivalent national guidance on dealing with vulnerable adult protection concerns but the practice of the Diocese is to deal with such cases in a similar manner to child protection concerns.

Disclosing abuse is rarely easy but it can be a significant milestone on the road to healing for the person who has been hurt by abuse and it is received, therefore, in a spirit of acceptance and trust. People who disclose abuse to the CSPS are facilitated to tell their story in a number of ways by:

- suggesting the complainant bring a support person with them when meeting with the CSPS,
- ensuring that the environment in which the account is given is as comfortable as possible,
- travelling to meet those who wish to disclose abuse when the complainant is unable or unhappy to come to the diocesan offices,
- facilitating those living abroad to travel home to Ireland to meet with the CSPS and make a statement to An Garda Síochána, or
- seeking the assistance of the local diocese in situations where those living overseas wish to disclose abuse to a person or persons in their diocese of residence,
- allowing sufficient time to give a complete account. This may take more than one meeting.

The initial meeting with the complainant is typically attended by two members of the team (one of whom will always be the Director, Child Protection Officer or Safeguarding Officer). One will attempt to put the complainant at ease so that he or she can tell their story while the other makes a careful record of it. This record is typed up, sent to the complainant for amendment and correction and he or she is invited to sign the final version as confirmation that it is an accurate account.

After the meeting the member of the team chosen to provide ongoing support maintains contact with the complainant in accordance with his or her needs and wishes. The complainant will generally ask to be kept informed of the steps taken by both the civil and church authorities on foot of their complaint and this information is provided. The support person will also ensure that contact has been made with the other Church support services, such as Towards Healing. In some cases there may be a need to access other services, such as the person's GP or psychiatric services, and the support person can assist with this.

Third party information

Information can also come from third parties and when it does every effort is made to meet with the complainant and hear their story at first hand. For example, when the Diocese receives a letter from a solicitor initiating a civil claim for damages for abuse

a letter is sent to the solicitor requesting that information about the Diocese's support service is given to the complainant and that he or she is urged to make direct contact with CSPS. Similarly, when information comes to the CSPS from the civil authorities, they too are asked to share information with complainants about the support provided to complainants by CSPS and to suggest to them that they make direct contact with the Diocese.

In these situations time is given to the complainant to come forward and meet with CSPS. However, if it becomes apparent that the complainant does not intend to give their complaint directly to the Diocese as much information as possible is gathered and put to the respondent cleric, after consultation with the Gardai (to avoid interfering with their investigation if one is ongoing).

2 - REPORTING TO THE CIVIL AUTHORITIES

The CSPS reports all allegations of the sexual abuse of children and vulnerable adults to An Garda Síochána. These reports are made to the Garda National Protective Services Bureau, based in Harcourt Square, Dublin 2.

The CSPS reports allegations of child sexual abuse to Tusla, the Child and Family Agency in accordance with the requirements of the Children First Act 2015.

The CSPS deals with many more historical or retrospective cases than contemporary ones, that is, situations where adults disclose abuse experienced as children. For reasons that are now clearly understood, it can take people a very long time to disclose abuse, especially sexual abuse, experienced in childhood. Children First requires that reasonable grounds for concern are established that a child has been, is being or is at risk of abuse before a report is made. At this point CSPS makes enquiries to determine whether such reasonable grounds exist for reporting to the Gardai and Tusla (in respect of children) or the HSE (in respect of vulnerable adults) and these enquiries form part of the preliminary investigation under Canon law.

The CSPS reports allegations of the sexual abuse of vulnerable adults to the HSE as a matter of good practice. There are no national guidelines for the reporting of such concerns, equivalent to Children First National Guidance for the Protection and Welfare of Children 2017. It may not be apparent, at the time that the allegation is made, whether the alleged victim falls within the definition of a vulnerable adult. In these situations, the advice of the HSE will be sought and followed.

3 - MEETING WITH THE RESPONDENT

The approval of An Garda Síochána is sought for putting the information to the respondent. This is done to ensure that information is not shared with the respondent in a manner that would prejudice a Garda investigation.

The respondent is invited to a meeting in Archbishop's House, convened at the first available opportunity. Present in the House is a Priest Advisor who has been chosen for the respondent by the Priest Delegate from a list of trained Advisors³. The Priest Advisor does not know the identity of the respondent until he is introduced to him by the Archbishop and if the respondent refuses the assistance of the Priest Advisor, the Priest Advisor leaves Archbishop's House without learning his identity.

The Archbishop informs the respondent of the purpose of the meeting on his arrival at Archbishop's House so that he receives the information that a complaint has been made against him in a situation where support is on hand to assist him to process this information. The Archbishop informs the respondent that a complaint has been made against him and explains his rights to him (see Appendix 1). He then informs him that a Priest Advisor is on hand to assist him.

The role of a Priest Advisor is to provide support to the respondent by:

- Accompanying him to the meeting at which the details of the allegation are outlined,
- Ensuring he is aware of his right to obtain civil and canon law advice,
- Assisting in the identification of any therapeutic or other needs of the respondent and suggesting how these might be met,
- Considering his wishes in relation to a pastoral response by the Diocese to his family,
- Being available to him throughout the process of inquiry and later, as required and agreed,
- Ensuring he understands the civil and canonical processes and is kept informed of their progress,
- Representing the needs of the respondent to the Diocesan authorities.

³ The respondent may decline the services of a Priest Advisor. In that instance he will be asked to sign that he has been offered a Priest Advisor and has declined the offer (Appendix 2).

The respondent meets with the DLP and the Priest Delegate, accompanied by his Priest Advisor. At the beginning of this meeting, the Priest Delegate repeats the advice given to the respondent by the Archbishop in relation to his rights. Specifically he is advised that:

- He may respond to the allegation of abuse made against him and, if he does so, his response will be recorded and sent to him for amendment and correction;
- He may choose not to give any response;
- He may choose to give a response once he has obtained civil and /or canonical legal advice. The priest delegate gives him a list of civil and canon lawyers and informs him that the Diocese will cover reasonable costs incurred in obtaining civil and canonical legal services for the purpose of responding to the allegation (this would not include, for instance, defending himself in a criminal prosecution, if there is one);
- The outcome of the meeting will be shared with the civil authorities and they will be informed of the safeguarding measures taken as a result of the meeting (for example, whether the respondent has stepped aside from ministry);
- He should consult with his Priest Advisor before making any decision about his response to the allegation.

Once all this has been carefully explained and the necessary clarifications offered, the DLP explains accurately and substantially the nature of the allegation, including the name of the person who has provided the information and the respondent is given a written account of it. The DLP and Priest Delegate then leave the room to give the respondent time to consider the allegation and to discuss it with his Priest Advisor. The meeting reconvenes when the respondent has decided how he wishes to proceed.

The outcome of the meeting is conveyed to the Archbishop by the Priest Delegate and the DLP. The Archbishop decides what immediate protective measures need to be taken, taking account of all of the available information, including the response of the respondent, where one has been given. The Archbishop's decision is then conveyed to the respondent.

An account of the respondent's response is written up and sent to him for amendment, if necessary, and signature. The respondent is informed that he must not, under any circumstances, attempt to make contact, directly or through a third party, with the complainant.

4 - INTERIM PROTECTIVE MEASURES

If, following the meeting with the respondent and taking account of all of the information available at this point, it is established that there are reasonable grounds for concern that abuse may have occurred or a risk that it may occur the respondent cleric is asked to step aside from ministry pending a full investigation. Asking a cleric to step aside from ministry at this point is a precautionary measure that carries no imputation of guilt. It facilitates the progress of the enquiries and reduces possible risk to children or vulnerable adults while these are being conducted. The respondent is entitled to the presumption of innocence and to his good name and this is reflected in any announcement made in his parish.

If the respondent is asked to step aside from ministry he is:

- Informed of the reasons for being so asked;
- Informed of the enquiries undertaken to date and their outcome;
- Informed of the content of the announcement in his parish, where one is made;
- Informed that temporary withdrawal of ministry does not constitute withdrawal from his appointment;
- Assured that the Diocese will continue to support him financially (if he is a priest), provide him with accommodation and pay for medical insurance for him during the period of temporary withdrawal from ministry;
- Issued with a canonical decree (precept) setting out the restrictions on his activities.

If, following the meeting with the respondent, there are grounds for believing that the allegation against the respondent is mistaken or untrue, appropriate protective measures, proportionate to the level of risk to children or vulnerable adults, are put in place in the form of a safeguarding plan. Such a situation could arise, for example, where there is reason to believe that the complainant is mistaken about the identity of his or her abuser. A proportionate response always involves the respondent refraining from all unsupervised contact with children and/or vulnerable adults while further enquiries are carried out. Additional measures are decided on a case by case basis and may include sharing information with people in the cleric's parish who can assist in the implementation of the safeguarding plan. Such information sharing is done with the agreement of the cleric and in confidence and with no announcement in the parish. Such measures are taken in consultation with Tusla / HSE and the advice of the Advisory Panel may be sought.

5 - FURTHER LIAISON WITH THE CIVIL AUTHORITIES

The civil authorities are informed of the interim safeguarding measures taken by the Diocese and the CSPS seeks the views of Tusla/ HSE on their adequacy.

At this point in the process the CSPS:

- Ensures that the complainant and his/her family, as appropriate, are aware of the supports available to them and encourage them to avail of them;
- Assists with the Garda investigation, where one is being pursued, and the Tusla assessment of current risk to children or the HSE assessment of current risk to vulnerable adults;
- Supervises and supports the respondent;
- Reports to the Archbishop and Advisory Panel on the outcome of the Garda investigation and/ or Tusla/ HSE assessment.

The support provided to complainants consists of:

- Counselling (through Towards Healing) and spiritual support (through Towards Peace);
- Keeping them informed of the steps being taken to address their concerns and to protect children and/or vulnerable adults;
- Arranging a pastoral meeting with the Archbishop. This usually comes at the end of the process when all other issues, such as civil claims for compensation, have been concluded. The purpose of the meeting is made clear and the timing carefully judged so that pastoral integrity is ensured.

6 - OUTCOME

As stated above, the preliminary investigation under Canon law, awaits the outcome of the civil process (Garda investigation, criminal prosecution, Tusla/ HSE assessment) and is informed by it. However, in many instances there is no clear outcome to the civil process. In these cases, the CSPS presents the case to the diocesan Advisory Panel which provides a recommendation to the Archbishop to assist him to decide on whether or not there is a semblance of truth to the allegation against the cleric.

There are three possible outcomes of the preliminary investigation:

- I. It may be determined that there is a semblance of truth to the allegation and the respondent has a case to answer;
- II. It may be determined that there is no semblance of truth to the allegation of sexual abuse but that there is a concern about the appropriateness of the respondent's behaviour (for example, a failure to observe appropriate boundaries);
- III. It may be decided that there is no semblance of truth to the allegation and, therefore, no case to answer. In this case, the respondent cleric is deemed a cleric in good standing with no restrictions on his ministry.

Where it has been determined that there is a semblance of truth to the allegation a file is prepared in the Chancellor's Office and sent to the Congregation for the Doctrine of the Faith (CDF) in Rome. The file contains the facts of the case as discovered through the preliminary investigation, any additional material that has come to light through the civil process, the observations of the Advisory Panel and the Archbishop's votum. The votum is the Archbishop's authoritative opinion on the matter.

After its consideration of the case, the CDF may invite the cleric to seek laicisation or face a penal process, either judicial or administrative. If the cleric is an older person he may be left in the clerical state but with no possibility of acting as a cleric and required to live a life of prayer and penance. If the cleric contests the allegation, a judicial process is the usual outcome.

An administrative process involves the case being considered by the Archbishop and two assessors. A judicial process is a canonical trial. For both, there are three possible outcomes: that the case against the respondent is unproven; or that he is innocent or guilty. If found guilty, the penalty is proportionate to the offence. For example, it may be determined that the respondent should not return to ministry but that he should not be dismissed from the clerical state.

If the allegation of abuse made against a cleric is substantiated he is not permitted to minister again in the Archdiocese of Dublin. An allegation against a cleric is deemed substantiated when he admits to having abused a child or when he has been found guilty of abuse in a criminal prosecution or through a canonical process.

Those cases that lack a clear outcome are given further consideration by the Advisory Panel. These are the cases where, for example, the allegation against the cleric is not

proven but there is clear evidence of inappropriate behaviour. The Panel considers whether a return to ministry carries a risk to the safety of children, vulnerable adults and/or the good of the Church. A specialist risk assessment carried out by a suitably qualified person may be sought to inform the recommendation of the Panel to the Archbishop.

Those respondents not returned to ministry and not laicised are placed under canonical precept. This requires that the respondent, among other things, refrains from public ministry, does not present himself as a cleric and has no unsupervised contact with children and/or vulnerable adults. Other measures are included to take account of the specific circumstances of the case. A respondent priest is provided with support by the Diocese (accommodation, medical insurance and an income). Such support by the Diocese is understood as a safeguard to children and vulnerable adults as it depends on the respondent's compliance with the terms of the precept and this is monitored through regular visits by the Priest Support Coordinator. The Priest Support Coordinator also supports the respondent and he is encouraged to build an alternative life for himself.

With some respondents a precept is supplemented by a safeguarding agreement or a case management plan which sets out in detail the measures he must take in order to minimise any risk to children or vulnerable adults.

The diocesan Respondent Supervision and Support Committee reviews the supervision and support of those respondents about whom there are child and vulnerable adult protection concerns. The civil authorities are informed of their whereabouts and the arrangements made for them. Some live outside the Diocese and the local bishop is informed of their circumstances and location.

Where it is established that the allegation of abuse by the respondent is without foundation, he is restored to full ministry. Every effort is made to undo whatever damage has been done to his reputation, including communication with relevant parties. He is offered support to help him deal with the trauma of mistaken or false accusation.

APPENDIX 1

THE RIGHTS OF THE RESPONDENT

These rights are explained to the respondent at two stages in the procedure described above:

1. By the Archbishop on his arrival at Archbishop's House;
2. By the Priest Delegate at the start of the meeting at which he is given a written account of the complaint/ allegation.

The respondent has the right to be informed of the complaint made against him, including the identity of the person he is alleged to have abused, and to respond to it. In order to assist him in exercising this right he is provided with:

- a Priest Advisor;
- a list of canon lawyers;
- a list of civil lawyers;
- assurance that the Diocese will cover reasonable costs incurred in obtaining civil and canonical legal services for the purpose of responding to the allegation (though not, for example, to defend himself in a criminal prosecution, if there is to be one).

The Respondent is then informed that he may:

1. Respond to the complaint immediately, in which case his response will be written up and sent to him for amendment and correction;
2. Defer his response until he has consulted with a civil and/or canon lawyer;
3. Make no response.

The Respondent is further informed that he must not make any attempt to contact the person who has made a complaint against him or any person in any way connected with the complainant.

APPENDIX 2

(to be given to respondent, in the event that he refuses a priest advisor)

Dear Father _____,

An allegation of the sexual abuse of a child/ vulnerable adult has been made against you.

You have the right to hear this complaint and to respond to it. A priest advisor has been assigned to you to assist you in this. Your priest advisor will:

- Accompany you to the meeting at which the details of the allegation will be outlined;
- Ensure you are aware of your right to obtain civil and canon law advice;
- Ensure you understand the civil and canonical processes;
- Support you on an ongoing basis, in accordance with your wishes.

You are strongly urged to avail of the services of your priest advisor. If, however, you decline you are asked to sign below.

I [name] understand that an allegation of the sexual abuse of a child/ vulnerable adult has been made against me and that a Priest Advisor has been assigned to assist me to respond to this allegation. I, however, do not wish to avail of the services of the Priest Advisor.

Signed by respondent:

Witnessed by Priest Delegate:

Date:

APPENDIX 3

DEFINITIONS OF A 'VULNERABLE ADULT'

There is no single agreed definition of a vulnerable adult in Irish civil law. A new definition of a vulnerable adult is contained in Pope Francis's recent (May 2019) Apostolic Letter, "Vos Estis Lux Mundi".

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012 defines a 'vulnerable person' as an adult:

- a) who -
 - (i) *is suffering from a disorder of the mind, whether as a result of mental illness or dementia or*
 - (ii) *has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard him or herself against serious exploitation or abuse, whether physical or sexual, by another person, or*
- b) *who is suffering from an enduring physical impairment or injury which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.*

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 has a similar but not identical definition. It defines a vulnerable person as: a person other than a child, who -

- (a) *is suffering from a disorder of the mind, whether as a result of mental illness or dementia,*
- (b) *has an intellectual disability,*
- (c) *is suffering from a physical impairment, whether as a result injury, illness or age, or*
- (d) *has a physical disability,*

which is of such a nature or degree -

- (i) *as to restrict the capacity of the person to guard himself or herself against harm by another person, or*
- (i) *that results in the person requiring assistance in the activities of living including dressing, eating, walking, washing and bathing.*

Pope Francis's recent Apostolic Letter "Vos Estis Lux Mundi", published in May 2019 defines a vulnerable person as: *any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence [that is, the offence of sexual abuse].*



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