



Child Safeguarding
& Protection Service

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

2025

Archdiocese of Dublin

ROLES AND RESPONSIBILITIES

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. Those structures with a role in the management of complaints/ allegations of the sexual abuse of children or vulnerable adults by clerics of the Diocese are described below.

The Child Safeguarding and Protection Service

The CSPA was initially established as the Child Protection Service (CPS) in 2003. Its establishment was recommended by the Advisory Panel¹. 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 primary objective of the CSPA is the safeguarding and protection from abuse of children and adults who are vulnerable or at risk who participate in the life and work of the Catholic Church in the Archdiocese of Dublin.

The service has three functions. 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,
 - processing vetting applications on behalf of parishes and diocesan offices for those who require to be vetted in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012;
 - carrying out audits of parishes to ensure they are operating in

¹ The Advisory Panel operated between 1996 and early 2024 to provide independent, expert advice to the Archbishop on the management of cases. Due to a significant decline in the number of new cases in recent years, a decision was made to wind up the diocesan Panel and to use the National Case Management Committee operated by the National Board for Safeguarding Children in the Catholic Church in Ireland as and when the need arises.

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 concerns² relating to clerics of the Diocese and oversight of the management of such concerns as they relate to other diocesan personnel. This involves a range of activities including:

- meeting with those who wish to discuss such concerns,
- meeting with the respondent (the cleric against whom the allegation has been made),
- notifying the civil authorities (An Garda Síochána and Tusla or the HSE),
- advising the Archbishop on protective measures,
- ensuring that appropriate measures are taken to prevent any person who has offended against children or vulnerable adults from doing so again.

In addition the CSPS:

- Provides advice and assistance to parishes and diocesan agencies in their management of child and vulnerable adult protection concerns and
- Oversees practice in parishes and diocesan organisations in order to ensure they are fully compliant with both church and national (state) safeguarding laws, policies and guidelines.

Under the direction of, and reporting to, the Archbishop, the Office is currently made up of a team of six people.

The team consists of the:

- Director, who has overall responsibility for the service;
- Safeguarding and Support Officer, who manages cases and provides support

² Child and vulnerable adult protection concerns are concerns that a child or vulnerable adult may have been, is being or is at risk of being abused or neglected.

to those affected by abuse;

- Priest Delegate, who coordinates the relationship between the Diocese and the respondent, that is, the cleric against whom an allegation of abuse has been made,
- Training and Compliance Manager, who coordinates and delivers safeguarding training in the Diocese, provides advice and support on all aspects of safeguarding, and monitors compliance with diocesan safeguarding policy;
- Garda Vetting Coordinator, who processes Garda vetting applications on behalf of the diocesan offices, parishes and affiliated organisations;
- Administrator, who manages the offices of the service.

CSPS operates out of the Diocesan Offices, 20–23 Arran Quay, Dublin 7, DO7 XK85; 01 8360314. Contact details for all team members are available at <https://csp.s.dublindiocese.ie/contact-us/>

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

Mandated Persons

Under the Children First Act 2015 a mandated person is required by law to report to Tusla, the Child and Family Agency, where he or she: “knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed”. Included in the definition of a mandated person are members of the clergy, Church pastoral workers and safeguarding or child protection officers employed by a religious body or organisation. Parish Safeguarding Representatives, however, are not mandated persons as they work in a voluntary capacity and are not employed.

The Respondent Supervision and Support Committee (RSSC)

The Respondent Supervision and Support Committee brings together the Archbishop, the

Moderator of the Curia (who chairs the Committee) with personnel from the Child Safeguarding and Protection Service, the Chancellery, the Office for Clergy and an independent external child protection expert. The committee monitors the diocesan response to clergy against whom a complaint, allegation or concern has been expressed. The committee meets approximately every two months to ensure that these men are given adequate support and that the arrangements for their monitoring and supervision are operating to effectively minimise the risk of abuse.

PROCEDURAL GUIDE

This procedural guide has been written to comply with both national and church laws, regulations and guidelines, with particular reference to the *Children First Act, 2015*; *Children First: National Guidance for the Protection and Welfare of Children, 2017*; and *A Safe and Welcoming Church: Safeguarding Children Policy and Standards for the Catholic Church in Ireland, 2024*. Laws, policies and guidelines are less developed in relation to vulnerable adults though the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012* makes it an offence not to report to the Gardaí information relating to specified serious offences against a child or a vulnerable person.

A Safe and Welcoming Church sets out the requirements of Church policy including reporting to the civil authorities. It further requires that Church authorities respond pastorally to complainants and provide them with support. It has as one of its guiding principles that there should be a fair and just process for respondents and describes some aspects of that process such as the requirement to carry out a preliminary canonical investigation, once the civil authorities have completed their investigations.

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 harm³. This procedure describes the steps to be taken when information relating to the sexual abuse of a child or vulnerable adult is received. Some of these steps apply also to situations where other forms of abuse are alleged or reported, such as meeting with the complainant and notification to the civil authorities. In addition, in some instances it may be appropriate for allegations of physical or other forms of abuse to be dealt in accordance with this procedure. However, all allegations of the sexual abuse of a child or vulnerable adult are dealt with by reference to this procedure.

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

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 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 a file on the case is sent to the Dicastery for the Doctrine of the Faith (DDF) 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.

This procedure has been developed to deal with complaints made against clerics of the Archdiocese of Dublin who hold diocesan appointments. Diocesan clerics may hold other appointments, for example, as hospital chaplains. In those situations, they are employed by the hospital which will have its own procedure for dealing with such matters. CSPS will work in close cooperation with the hospital's HR department if and when such situations arise to ensure that the principles underpinning this procedure, which prioritises the safety

and protection of children and vulnerable adults, are applied. A diocesan cleric who is not permitted to minister in a parish setting due to child or vulnerable adult protection concerns will not be permitted by the Diocese to minister in another setting that involves contact with children or vulnerable adults. Similar considerations apply to members of religious orders or priests of other dioceses who hold diocesan appointments. The order or other diocese will deal with the situation in accordance with their own procedures but the cleric will not be permitted to minister in the Archdiocese of Dublin unless and until a procedure that embodies the same principles as this one has been applied to dealing with an allegation of the sexual abuse of a child or vulnerable adult made against him.

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 Diocese 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 Diocese will give a clear account of any such decisions taken.

The procedure consists of six stages:

1. Establishing whether there are reasonable grounds for concern that a child or vulnerable adult has been abused;
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 WHETHER THERE ARE REASONABLE GROUNDS FOR CONCERN THAT A CHILD OR VULNERABLE ADULT HAS BEEN ABUSED

Establishing whether reasonable grounds for concern exist starts with gathering information. This begins with clarifying the nature of the alleged offence and whether it fits within the definition of sexual abuse, identifying the respondent, determining whether he is (or was) a cleric of the Archdiocese of Dublin, whether he was or could have been in the location where the abuse is said to have occurred at the relevant time. This information may not all be readily available to CSPA at this initial stage in situations where the abuse is alleged to

have occurred before the respondent became a cleric of the diocese.

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 one of the Sexual Crime Management Units of An Garda Síochána. The CSPA assists by making arrangements with the Gardai, if this is required or requested by the complainant.

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 and time taken to ensure the complainant takes the information on board.

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 CSPA 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 CSPA⁴,
- 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 CSPA and make a statement to An Garda Síochána, or
- seeking the assistance of the local diocese in situations where those living

⁴ The particular needs of vulnerable adult complaints need to be considered also. They may benefit from the presence of an advocate instead of, or as well as, a support person.

overseas wish to disclose abuse to a person or persons in their diocese of residence,

- allowing sufficient time to give a complete account, if necessary, by suggesting a second meeting to the complainant.

Where possible, two members of the team attend the initial meeting with the complainant. 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 other support services, such as Towards Healing or One in Four.

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 of reply is sent enclosing a leaflet explaining the role and function of CSPA. The solicitor is requested to ensure that the leaflet, which contains information about the support offered to complainants is given to the complainant and to urge their client to make direct contact with CSPA. Similarly, when information comes to the CSPA from the civil authorities, they too are asked to share information with complainants about the support provided to complainants by the Diocese and to suggest to them that they make direct contact with the CSPA. In these situations time is given to the complainant to come forward and meet with CSPA. 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 CSPA 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. The CSPA 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 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 is 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 Advisors⁵. 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 information⁶. 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 and tells him who the priest advisor is.

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,

⁵ 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).

⁶ In some instances, the respondent, anticipating the purpose of the meeting, may bring a support person with him. If so, the support person is permitted to attend the meeting.

- 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.

The respondent then 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, however, the Diocese paying for his defence 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.

If the respondent offers a response to the allegation made against him, the DLP makes a note of it and sends it to him for checking and amendment, if required. He is asked to sign and return the account once he is happy that it accurately reflects his response.

4. INTERIM PROTECTIVE MEASURES

The outcome of the meeting is conveyed to the Archbishop by the Priest Delegate and the DLP. The Archbishop must decide at this point whether or in what circumstances the respondent can continue to minister pending the outcome of the investigation of the complaints made against him. A decision to limit or to suspend a cleric's ministry will not normally be taken unless and until:

- i. There has been an initial determination as to whether or not the information to hand indicates that there are grounds to believe abuse may have occurred;
- ii. The respondent has been given an opportunity to know what information is available and to offer a response to it.

If, following the meeting with the respondent and taking account of all of the information available at this point, the possibility that abuse has occurred cannot be ruled out, appropriate protective measures, proportionate to the level of risk to children or vulnerable adults, are put in place pending the outcome of a full investigation. There are two options to be considered:

- stepping aside from ministry or
- remaining in ministry subject to restrictions, including withdrawal from ministry with children and/ or vulnerable adults, and with limited sharing of information with key parish personnel on a confidential need to know basis.

Whichever option is chosen a safeguarding agreement will be drawn up and signed by the Archbishop and the respondent. The details of the safeguarding agreement will depend of the circumstances of the case but will generally include supervision and monitoring by CSPS.

Given that interim protective measures are precautionary and do not imply any finding of guilt, it is preferable that they are agreed with the respondent rather than imposed, wherever possible. It may be, for example, that the respondent, while denying any wrongdoing, recognises that the good of the parish and the Diocese is best served by him voluntarily stepping aside from ministry to allow the process of investigation to proceed. Taking account of the far reaching consequences for his reputation, well-being and future happiness, it is desirable for the respondent to retain an appropriate level of control over the process of stepping aside by, for example, discussing it with the parish team before the making of an announcement, agreeing with the parish team and the Archbishop on the timing of the stepping aside, agreeing the text of the announcement with the Archbishop and delivering it himself. If done in a spirit of goodwill and cooperation, this will help to minimise the negative impact on the parish and the Diocese and ease the respondent's eventual return to ministry if and when that is the outcome. In a situation where the respondent withholds cooperation,

a canonical decree (precept) may be issued requiring him to step aside from ministry.

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 (typically such announcements are made when the respondent holds a current diocesan appointment);
- 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.

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 usually immediately after the meeting with the respondent. However, the Archbishop may wish to consider the matter and/ or seek advice before making this decision. He may, for example, seek the advice of the National Case Management Committee at this or any other stage in the process.

Situations can arise when it is not possible to follow this procedure, for example, where the only information to hand is third party information which does not include the specifics of what is alleged or where the civil authorities withhold permission to share some or all of the information to hand. The preferred option in these circumstances is restricted ministry with a safeguarding agreement and limited sharing of information. However, if the circumstances are such that this is not deemed appropriate to the level of risk to the safety of children or vulnerable adults (where, for example, the Diocese becomes aware of multiple allegations without knowing the specifics of each of them) the respondent may be requested to voluntarily step aside from ministry.

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 encourages 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, monitors and supports the respondent;
 - Reviews the case bi-monthly with diocesan colleagues at meetings of the RSSC.

The support offered to complainants include:

- 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;
- Identifying and, where possible, addressing other needs of the complainant and the complaint's family as these become apparent through the contact between CSPA and the complainant;
- 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 Diocese arranges with a suitably qualified canon lawyer to carry out a preliminary investigation under Canon 1717.

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 sent to the Dicastery for the Doctrine of the Faith (DDF) in the Vatican. 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, and the Archbishop's votum. The votum is the Archbishop's authoritative opinion on the matter.

After its consideration of the case, the DDF 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 ministering 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 sexual abuse of a minor or a vulnerable adult 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 vulnerable adult 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 may be referred to the National Case Management Committee. These are the cases where, for example, the allegation against the cleric is not proven but there is clear evidence of inappropriate behaviour. The Committee may be asked to advise whether a return to ministry carries a risk to the safety of children, vulnerable adults and/ or the good of the Church.

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

A respondent priest is provided with support by the Diocese (accommodation, medical insurance and an income). Such support 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 Safeguarding and Support Officer. The Safeguarding and Support Officer also supports the respondent and he is encouraged to build an alternative life for himself. The diocesan RSSC regularly reviews the supervision, monitoring and support of these men. 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.

Summary and Conclusion

A Safe and Welcoming Church: Safeguarding Policy and Standards for the Catholic Church in Ireland, 2024 comprises a safeguarding children policy statement and three safeguarding standards. One of these standards is *Responding Pastorally and Reporting According to Civil and Canon Law*. This procedure sets out how this standard is realised in the Archdiocese of Dublin and applied to cases involving vulnerable adults as well as children. The paramount consideration for the Diocese has been and will continue to be the safety and protection from harm of the vulnerable, whether they are minors or vulnerable adults. Prioritising safety and protection does not, however, imply that other considerations are unimportant. Caring for those who have been harmed by abuse in a Church context is central to our beliefs and values as a Christian community. Ensuring that those against whom allegations are made are treated justly is self-evidently the right thing to do. It also promotes good safeguarding practice. Countless inquiries and reports into child and vulnerable adult protection failures have highlighted the importance of sharing information. At its simplest this means that anyone who knows that a child or vulnerable adult is being abused or is at risk of being abused must share this information with someone who is in a position to stop the abuse or minimise the risk. Such sharing of information is much more likely to occur in situations where there is confidence in the system that has been put in place to deal with such reports. It is much less likely to occur in situations where there is a perception that those against whom allegations are made are not going to get a fair hearing and where their rights are going to be sacrificed in order to protect the reputation of an institution.

We have learned from the failures of the past. We have made the Church a safer place for children and vulnerable adults. We must continue to do so. Having a credible procedure for dealing with complaints and allegations of abuse is one of the ways of doing so.

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 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/Deacon _____,

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 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 of herself against harm by another person, or*
- ii. *that results in the person requiring assistance in the activities of living including dressing, eating, walking, washing and bathing.*

Vos Estis Lux Mundi 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].



Archdiocese of Dublin

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