

RESPONDING PASTORALLY AND REPORTING ACCORDING TO CIVIL AND CANON LAW GUIDANCE FOR INDICATOR R1

Children occupy a central place in the heart of the Christian community. They have a right to be listened to and heard.¹ The paramount consideration in all matters relating to children is their safety and protection from all forms of abuse. To create and maintain a safe environment, Church organisations must respond effectively and ensure all suspicions, concerns, knowledge or allegations of abuse (as defined in Appendix C) are reported, both within the Church and to statutory authorities.

Under the law in Northern Ireland this responsibility is mandatory, similarly in the Republic of Ireland legislation requires mandated persons to report child protection suspicions, concerns, knowledge or allegations. Canon law also requires the reporting of allegations to the statutory authorities in compliance with the obligations under national law.²

Clerics should note the requirements under Canon law relating to the sacramental Seal of Confession (Guidance R1.B).

All Church bodies must provide guidance and training on the recognition of abuse, and clear procedures on what to do when a child protection concern arises, so that everyone knows how to respond appropriately. This involves knowing who to tell and how to record it. It is important that the local reporting procedures are fully consistent with statutory legislation, regulations and guidance.³

Reporting a concern can be a challenging responsibility. The procedure is designed to make sure that everyone is clear about what steps to take to ensure that the safety of children is the paramount consideration.

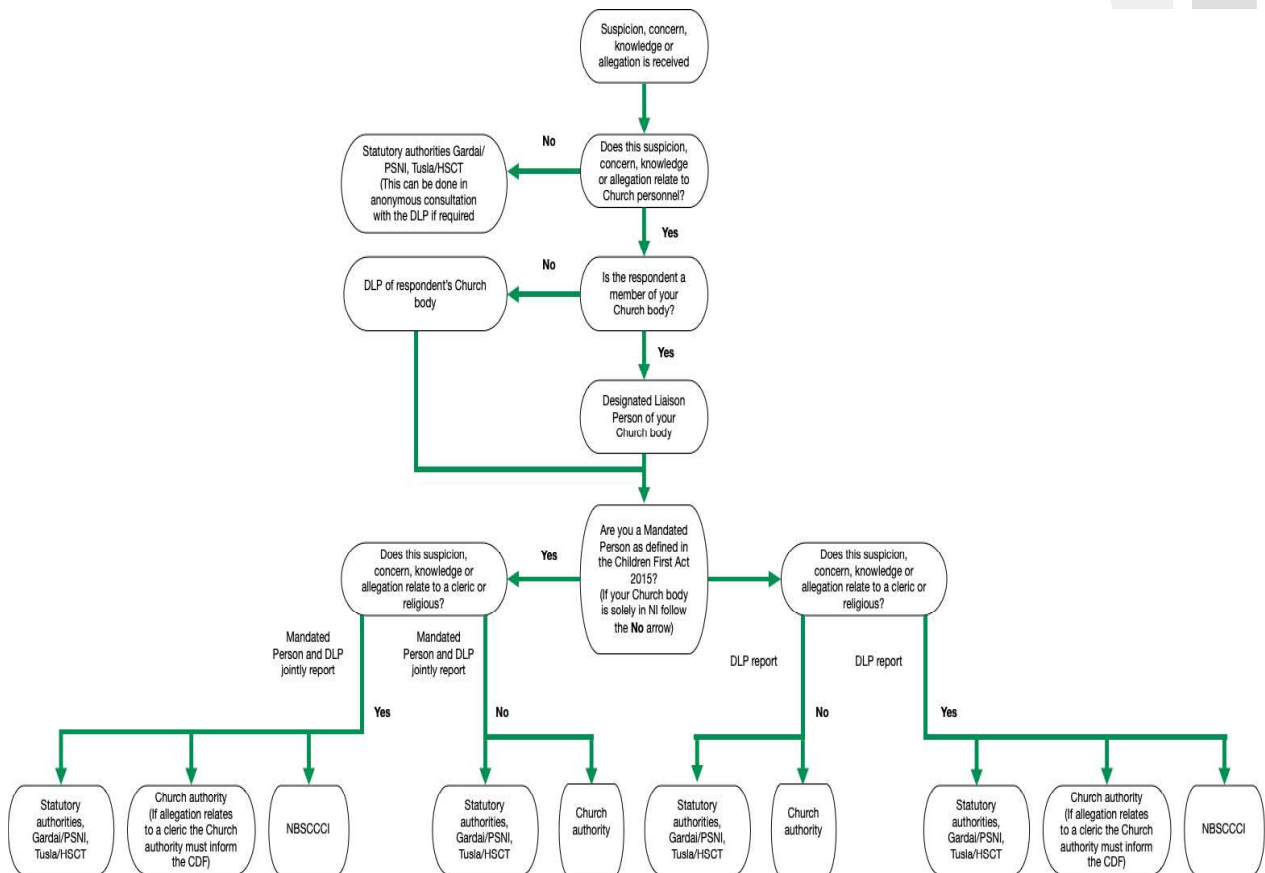
The reporting flow chart below refers to any child protection concern, including where the concern is about a situation or person involved in the Church. It is the responsibility of everyone in the Church to ensure that children who may need help and protection are not left at risk of abuse.

Figure R1.A1 on the next page shows flow chart for reporting concerns.

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Figure R1.A1

When an allegation comes to light



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Following receipt of an allegation, suspicion or concern, the following steps should be taken.

If the respondent is not a member of Church personnel

- **and the complainant is an adult or child in Northern Ireland-** the person who receives the allegation must report it to the HSCT and PSNI (they can consult the DLP anonymously about this).
- **and the complainant is an adult in ROI-** the person who receives the allegation should complete form https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf and forward to Tusla or they can use the web portal <http://www.tusla.ie/children-first/web-portal>. The person who receives the allegation should also report to An Garda Síochána using the email address gnpsb_scmu@garda.ie (they can consult the DLP anonymously about this).
- **and the complainant is a child in ROI-** the person who receives the allegation should complete form [Child Protection and Welfare Report Form FINAL.pdf](#) and forward to Tusla or they can use the web portal <http://www.tusla.ie/children-first/web-portal>. The person who receives the allegation should also report to An Garda Síochána using the email address gnpsb_scmu@garda.ie (they can consult the DLP anonymously about this).

If the respondent is a member of Church personnel but is not a cleric or religious (lay personnel)

- **and the complainant is an adult or child in Northern Ireland-** the person who receives the allegation must report it to the DLP of the respondent's Church body who will then assess if it meets the threshold for reporting and make the referral to the HSCT and PSNI.

The DLP will also report it to the Church authority.

- **and the complainant is an adult in ROI-** The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting. When "reasonable grounds for concern" are identified this must be reported without delay to Tusla, using form https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf or use the web portal <http://www.tusla.ie/children-first/web-portal>. If the person who received the allegation is a mandated person, they will complete the Tusla form jointly with the DLP of the respondent's Church body.

The person who receives the allegation should also report to An Garda Síochána at the email address gnpsb_scmu@garda.ie using R1.A Template 3.

The DLP of the respondent's Church body will also report it to the Church authority.

- **and the complainant is a child in ROI-** The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting. When "reasonable grounds for concern" are identified this must be reported without delay to Tusla, using form [Child Protection and Welfare Report Form FINAL.pdf](#) or use the web portal <http://www.tusla.ie/children-first/web-portal>. If the person who received the allegation is a mandated person, they will complete the Tusla form jointly with the DLP of the respondent's Church body.

The person who receives the allegation should also report to An Garda Síochána at the email address gnpsb_scmu@garda.ie using form R1.A Template 3.

The DLP of the respondent's Church body will also report it to the Church authority.

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If the respondent is a member of Church personnel and is a cleric or religious

- **and the complainant is an adult or child in Northern Ireland-** the person who receives the allegation must report it to the DLP of the respondent's Church body who will then assess if it meets the threshold for reporting and make the referral to the HSCT and PSNI.

The DLP will also report the allegation to the Church authority (who will inform the DDF if the allegation relates to sexual abuse and the respondent is a cleric who is not deceased using 2.1A Template 2) and the National Board using 2.1A Template 1.

- **and the complainant is an adult in ROI-** The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting to the statutory authorities. When "reasonable grounds for concern" are identified, this must be reported without delay to Tusla, using form https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf or use the web portal <http://www.tusla.ie/children-first/web-portal>. If the person who received the allegation is a mandated person they will complete the Tusla form jointly with the DLP of the respondent's Church body.

The person who receives the allegation should also report to An Garda Síochána at the email address gnpsb_scmu@garda.ie using R1.A Template 3.

The DLP of the respondent's Church body will also report the allegation to the Church authority (who will inform the DDF if the allegation relates to sexual abuse and the respondent is a cleric who is not deceased using R1. A Template 2) and the National Board using R1. A Template 1.

- **and the complainant is an child in ROI-** The person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting. When "reasonable grounds for concern" are identified, this must be reported to Tusla, without delay, using form [Child Protection and Welfare Report Form FINAL.pdf](#) or use the web portal <http://www.tusla.ie/children-first/web-portal>. If the person who received the allegation is a mandated person they will complete these forms jointly with the DLP of the respondent's Church body.

The person who receives the allegation should also report to An Garda Síochána at the email address gnpsb_scmu@garda.ie using R1.A Template 3.

The DLP of the respondent's Church body will also report the allegation to the Church authority (who will inform the DDF if the allegation relates to sexual abuse and the respondent is a cleric who is not deceased using R1. A Template 2) and the National Board using R1. A Template 1

Please note the steps outlined above are the procedures to be followed if the respondent is alive. The statutory authorities to be informed in the Republic of Ireland may differ if the respondent is deceased.

If there is any uncertainty about whether the allegation/concern meets the threshold for reporting, a consultation should take place with the relevant DLP (anonymously if required) who may consult with the statutory authorities, who will advise on the requirements for notification.

Remember – it is not your role to investigate.

1. 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

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2. 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/allegation is a child, details of parents/guardians should also be given;
- Name of the individual against whom the concern/allegation is being raised, and any other identifying information;
- Dates when the concern arose, or when the incident occurred;
- The person's own words they 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/concern/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 relevant DLP. Any copies of retained records should be kept secure and confidential.

In cases of emergency (and/or outside normal business hours), where a child appears to be at immediate and serious risk, an urgent report must be made to Tusla/HSCT, as well as to the DLP of the respondent's Church body. Where the appropriate Tusla/HSCT staff are not available, An Garda Síochána/PSNI must be contacted to ensure that **under no circumstances a child is left in a dangerous situation pending Tusla/Health and Social Services intervention** (see emergency option in Figure R1. A1).

1. In all cases, consideration should also 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 emergency option arrow in Figure R1.A1).
2. 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. The incident/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.
3. Written confirmation should be given to the person making the referral to the DLP of the respondent's Church body 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).

The appropriateness of the response given to a complainant is vital to ensure that they feel heard and taken seriously.

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R1. A Template 1: Child Protection Referral Form

When completing this form any information which you feel would directly identify the respondent or complainant should be removed.

Date allegation received by Church body:	
Date reported to Garda/PSNI	
Date reported to Tusla/HSCT	
Type of abuse alleged	
Date or year of alleged abuse	
Age of complainant at time of alleged abuse	
Church body respondent belongs/belonged to	
Is respondent alive, dead, former, in prison? Specify	
If alive is the respondent in ministry?	
If alive, is there a risk management plan in place?	

Completed by

Name of Church Body

Role in Church body.....

Date.....

For National Board use only

Date acknowledged by the National Board	
Signature of staff member	

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**Referring Sexual Abuse Allegations Against
Clerics who are alive**

Promoter for Justice

Dicastery for the Doctrine of the Faith

Palazzo del Sant'Uffizio

00120 Città del Vaticano

Your Excellency

This is to advise you, in line with Article 26 of the Vademecum, 2020, that I have received an allegation of child sexual abuse on [INSERT DATE].

The allegation relates to Father [INSERT NAME] who was born on [INSERT DATE OF BIRTH]..

The allegation was received from [INSERT NAME OF PERSON WHO RECEIVED THE ALLEGATION] and states that on [INSERT DATE] Father [INSERT NAME OF RESEPPONENT] sexually abused them.

I have reported the allegation to the Police and civil authority agencies in this jurisdiction. I have also reported the matter to the National Board for Safeguarding Children in the Catholic Church (without identifying information, in line with data protection legislation)

Fr [INSERT NAME] is alive and as active investigations are in process restrictions have/have not [DELETE AS APPROPRIATE] been placed on his public ministry.

I will notify you further once the preliminary investigation under canon 1717 is complete.

Yours Sincerely

[INSERT SIGNATURE OF CHURCH AUTHORITY]



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R1.A Template 3 :Safeguarding Report Form to An Garda Síochána

This form must be stored securely and in line with NBSCCCI guidance on retention of records.

1. Disclosure Details

Date Disclosure/Concern received	
Person making the disclosure	Victim <input type="checkbox"/> Third Party <input type="checkbox"/>
Information Received	Phone/Letter/Email/ In person
Category of Abuse	

2. Details of Alleged Perpetrator

Name:		Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Other
Address:		DOB		Age	
Contact Number		Position in Church/Order			
Deceased	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	If yes, is Death Certificate available: Yes <input type="checkbox"/> No <input type="checkbox"/> Death Certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>			

3. Details of Concern/Allegation

Date(s):		Time:	
Location:			
Frequency:			
Details of the disclosure/allegation			
Current contact with children:			
Additional Information			

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R1.A Template 3 :Safeguarding Report Form to An Garda Síochána

4a. Details of Victim

Name:		Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Other
Address:		DOB		Age	
Contact Number					

4b. If third party disclosure, please provide details below of person making the disclosure

Name:	
Address:	
Contact Number	

5. Measures Implemented

Has the victim been notified of this disclosure:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Action Taken:	
Referred to TUSLA:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Date referred:
Next Steps:	

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**R1.A Template 3 :Safeguarding Report Form to
An Garda Síochána**

7. Sign Off

Person Completing Form		Date	
Tel/Mobile		Email	
Position in Church/Order			
Date Form sent to GNPSB			

For submission to email: gnpsb_scmu@garda.ie

Please attach any additional documents