

SAFEGUARDING CHILDREN: POLICY AND STATEMENT FOR THE CATHOLIC CHURCH IN IRELAND 2016

Child Safeguarding Policy Statement of the Constituent Members of the Catholic Church in Ireland

As a constituent member of the Catholic Church in Ireland, we recognise and uphold the dignity and rights of all children, are committed to ensuring their safety and well-being, and will work in partnership with parents/guardians to do this. We recognise each child is a gift from God, and we value and encourage the participation of children in all activities that enhance their spiritual, physical, emotional, intellectual and social development.

All church personnel (including clergy, religious, staff and volunteers) have a responsibility to safeguard children to promoting their welfare, health and development in a safe and caring environment that supports their best interests and prevents abuse.

Details of Personnel to Contact if You Are Concerned About the Welfare and Safety of Children

DLP: Br. Peter Roddy Ph 087 9970760 Email: peterrodgy2015@gmail.com

Deputy DLP: Br. Conal Thomas Ph. 087 2269426 Email: conalpthomas@eircom.net

POLICE: Dublin - Domestic Violence and Sexual Assault Unit
Harcourt Square, Dublin 2 Ph. (01) 6663430 Email: dvsaiu@garda.ie

Contact your local Police (Garda) Station
See a list of Garda Stations on the Garda website: www.garda.ie/stations

CHILD PROTECTION SERVICE: 'Tusla' Child and Family Agency: www.tusla.ie
Galway/Roscommon: 25 Newcastle Road, Galway Tel. 091 546366

Laois, Longford, Offaly and Westmeath: Primary Care Centre, Harbour Road, Mullingar,
Co. Westmeath Tel. 044 9353967/3965

The Franciscan Brothers' procedures to support this policy are contained in the Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016. The full policy can be viewed at: www.safeguarding.ie.

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Foundations

In developing and implementing the Child Safeguarding Policy, this Church body is guided by the following foundations:

1. Gospel

Children have a key place in the heart of Jesus who said: 'Whoever does not receive the kingdom of God like a child shall not enter it' (Luke 18:17). This places a sacred obligation on the Church to ensure that children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church.

2. Children's rights, international and national law

The United Nations Convention on the Rights of the Child (UNCRC) outlines the forty-two fundamental rights to be implemented in national law by signatories to the convention (this includes the Holy See, Ireland and the United Kingdom). Full realisation of these rights will ensure that children will be 'brought up in a spirit of peace, dignity, tolerance, freedom, equality and solidarity',¹ whilst respecting the cultural identity of each child.

A number of the child protection rights contained in the UNCRC are already present in key pieces of national law, canon law, and child and family policy and guidance, including:

Republic of Ireland law, policy and guidance

- Children First Act, 2015
- Better Outcomes Better Futures, DCYA, 2014
- National Vetting Bureau (Children and Vulnerable Persons Act), 2012
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act, 2012
- Children First: National Guidance for the Protection and Welfare of Children, DCYA, 2011
- Criminal Justice Act, 2006
- Our Duty to Care, DCYA, 2002
- Protection for Persons Reporting Child Abuse Act, 1998
- Child Care Act, 1991
- The Constitution of Ireland

Northern Ireland law, policy and guidance

- Safeguarding Board Act (NI), 2011
- Our Duty to Care (Volunteer Now), 2011
- Our Children and Young People: Our Pledge, 2006

¹ Preamble to the United Nations Convention on the Rights of the Child, 1989 (United Nations).

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- Cooperating to Safeguard Children, 2003
- Children (NI) Order, 1995
- Criminal Law Act (NI), 1967

In the laws of both jurisdictions, where there is a conflict between the best interests of the child and the interests of other parties, the best interests of the child are considered to have paramourty.

3. Learning from the past

In his *Ad Limina* address to the Irish Bishops on 28 October 2006, Pope Benedict XVI stressed the need to (i) establish the truth of what happened in the past; (ii) to take whatever steps are necessary to prevent it from occurring again; (iii) to ensure that the principles of justice are fully respected; and (iv) above all, to bring healing to the victims and to all those affected by these egregious crimes.²

The statutory³ reports into historical child abuse that have involved the Catholic Church in Ireland, as well as the reports of the reviews conducted by the National Board of individual Church bodies, highlight past errors and recommend how child safeguarding can be significantly improved.

As a Church we commit to this journey of justice, truth, healing and abuse prevention.

Commitments

Together with the foundations outlined above, this Church body, as part of the Catholic Church, commits to:

Mandatory reporting

Each of us has a duty to notify the statutory authorities of suspicions, concerns, knowledge or allegations that a child is being or has been abused:

- physically
- emotionally
- sexually
- through neglect

Suspicions, concerns, knowledge or allegations may relate to possible abuse by a member of Church personnel, but they can also relate to incidents in the child's family, or elsewhere in the community.

Caring for the welfare of all children and the adults who work with them

Measures to create and maintain environments that are safe for children, that prevent abuse, and that create nurturing, caring conditions within the Church for children and the adults who work with them, will continue to be strengthened and reviewed. This will be done through training, support, communications and quality assurance.

² Pope Benedict XVI, Address of His Holiness Benedict XVI to the Bishops of Ireland on their Ad Limina visit, 28 October 2006 (Vatican: Liberia Editrice Vaticana).

³ For further details, see Department of Children and Youth Affairs (2013), An examination of recommendations from inquiries into events in families and their interactions with State services, and their impact on policy and practice (Dublin: Stationery Office).

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Responding appropriately to child protection suspicions, concerns, knowledge or allegations

Anyone who brings any suspicion, concern, knowledge or allegation of current or past abuse of a child to the notice of the Church will be responded to sensitively, respectfully, actively and in a timely manner, in line with statutory child protection procedures and Church requirements.

All suspicions, concerns, knowledge or allegations that reach the threshold for reporting to the statutory authorities (apart from those received in the Sacrament of Reconciliation)⁴ will be reported via the designated liaison person to the appropriate statutory authorities. This will be done irrespective of the status of the person (lay, cleric or religious) who is suspected of having been abusive to a child. If the allegation relates to a lay member of Church personnel, in addition to notifying the statutory authorities, the allegation must be reported to the Church authority. If the allegation relates to a cleric or religious, in addition to notifying the statutory authorities, the allegation must also be reported to the Church authority and the National Board for Safeguarding Children in the Catholic Church in Ireland.

All Church personnel will cooperate with the statutory authorities in all cases.

In responding to complaints of child sexual abuse relating to clergy and all those in forms of consecrated life, Church authorities will act in accordance with the requirements of civil law and canon law, and so will respect the rights and uphold the safeguards afforded in these, both to the complainant and respondent.

Caring pastorally for complainants and other affected persons

Those who have suffered child abuse by Church personnel will receive a compassionate and just response, and will be offered appropriate pastoral care, counselling and support as they seek to rebuild their lives.

An appropriate pastoral response to the family, parish, congregation or order and to the wider community will be provided, with due regard to the right of privacy of those directly involved, and to the administration of justice.

Caring pastorally for respondents and other affected persons

This Church body in its response to suspicions, concerns, knowledge or allegations of child sexual abuse will respect the rights under civil law and canon law of an accused cleric or religious or other Church personnel. A legal presumption of innocence will be maintained during the statutory and Church inquiry processes. As the processes develop, additional assessment, therapy and support services may be offered to the respondent.

The Church authority will take responsibility for ensuring that any cleric or religious who is considered to constitute a danger to children is managed according to a risk management plan.

All requisite steps will be taken to restore the good name and reputation of anyone who has been wrongly accused of abusing a child.

Respondents belong to families and diocesan or religious communities. The Church authority will be mindful of the need to provide support to members of families and communities affected by the respondent's changed situation.

⁴ The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason, Code of Canon Law, c.983.1, in Catholic Church (1983), The Code of Canon Law: Latin-English Edition (Washington, DC: Canon Law Society of America).

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Scope of the Policy

This policy applies to all Church bodies and is addressed to all Church personnel who are required to comply with it. Full understanding of and adherence to this policy should lead to a deepening in the understanding of, and respect for, the rights of children and young people to participate as people of faith in the life of the Church.

The care and protection of children involved in Church activities is the responsibility of the whole Church, and is a requirement that applies regardless of the nature of the Church activities in which children are involved. Everyone who participates in the life of the Church has a role to play in creating an environment in which children can develop and be safe.

Putting the Policy into Action

This Church body will implement this policy by ensuring that all our ministry and activities comply with applicable indicators of the seven safeguarding standards.

1. Creating and Maintaining Safe Environments.
2. Procedures for Responding to Child Protection Suspicions, Concerns, Knowledge or Allegations.
3. Care and Support for the Complainant.
4. Care and Management of the Respondent.
5. Training and Support for Keeping Children Safe.
6. Communicating the Church's Safeguarding Message.
7. Quality Assuring Compliance with the Standards.

Commitment by the Church Authority

On behalf of this Church body, as part of the Catholic Church in Ireland, I commit to safeguarding children by agreeing to follow this Child Safeguarding Policy.

I will abide by and uphold the seven standards and the applicable indicators in our entire ministry and contacts with children.



Br. Sean Conway, OSF

Date: November 8th, 2016