

When a cleric, religious or other person appointed by an official agency of the Catholic Church is no longer permitted to continue in service, he/she may face one of the following:

- (a) A decree of laicisation and/or dispensation from vows
- (b) A canonical process that could result in dismissal from the priesthood and/or religious life
- (c) An Employment Relations or other process that could result in dismissal from employment, or voluntary service
- (d) Signing a memorandum of understanding with the Bishop/Religious Leader to abide by agreed conditions of work and residence, including re-skilling for paid or volunteer employment to support the ministry of his/her diocese or religious congregation
- (e) Participation in a rehabilitation programme as a safeguard against further offending.

Unfounded allegations

Towards Healing states that 'if either a police investigation or a Church process makes it clear that the accused did not commit the alleged wrong, the Church Authority shall take whatever steps are necessary to restore the good reputation of the accused'. Dialogue between the accused and the Church Authority will determine the process and what actions should be taken in relation to the complaint. To assist in the process, the accused person is advised to communicate with as few people as possible at the time of the allegation. Patterns of behaviour which are open and always respectful of others will assist in defence against false or vexatious allegations.



Towards Healing

Summary of Process for those Accused of Abuse

Introduction

Clergy, religious and other people who are either employed or engaged by an official agency of the Catholic Church are in a special position of trust and authority in relation to those who are in their pastoral care. Where a breach of the pastoral relationship is alleged to have occurred, the Church is committed to a process based on truth, humility, healing for the victims, assistance to other persons affected, an effective response to those who are accused, and an effective response to those who are guilty of abuse.

An allegation of abuse, whether sexual, physical, or emotional, can be extremely distressing for both the complainant and the accused. The timing of a complaint, often many years after an alleged offence, brings its own distress for the accused, as well as causing considerable disruption in ministry, employment, or voluntary service, and lifestyle. It is especially distressing for the accused when an allegation proves to be without foundation. In the interests of providing a compassionate and just system for dealing with complaints of abuse – and an alternative to criminal or civil action – the Catholic Church has established a pastoral process based on the tenets of natural justice and procedural fairness.

When a complaint is received, the accused is often required to stand aside from ministry, employment, or voluntary service. This directive is in accordance with community expectations for all people in positions of trust and authority accused of serious misconduct. It is not an indication of the validity of a complaint; rather it is a statement to all concerned that Church Authorities are not prepared to allow the possibility of other victims in the event of an allegation being substantiated. It must be stressed that whenever a complaint is made, the accused must be regarded as innocent unless or until it is clearly demonstrated that there is substance to an allegation. Presumption of innocence is a basic principle in respect of human dignity, as well as being a central principle of civil and canon law.

The Accused and the Church Authority

When a complaint is one of criminal abuse, the complainant is encouraged to refer the matter to the police. Whenever a complainant indicates a clear intention to pursue that course of action, neither the Director of Professional Standards nor the Church Authority is permitted to bring the matter to the attention of the accused.

When a complainant chooses to enter the *Towards Healing* process the Director of Professional Standards informs the Bishop or Religious Leader of the allegation. The accused person is invited to meet with the Church Authority or his/her delegate to obtain details of the allegation. Details of the allegation are provided only in a face to face meeting between the Church Authority or delegate and the accused. The accused is invited to be accompanied by a support person at the meeting with the Bishop or religious leader. The accused is invited to respond to the allegation, but is not obliged to do so.

The Church Authority explains the *Towards Healing* process to the accused and outlines the avenues of legal and other support that are available. For the duration of the process, be it *Towards Healing* or a civil/judicial process, the accused is entitled to the normal level of financial and residential support. The Church Authority provides a clear directive to the accused and to his/her support person that neither are to have any direct or indirect contact with the complainant or with the complainant's support person.

Support for the Accused

Whenever an allegation is made, the accused is invited by the Church Authority to choose a qualified support person who will accompany the accused for the duration of the process. A support person is not required to have formal counselling skills, although such skills are dependent on the needs of the accused. It is considered a conflict of interest for the therapist of an accused to assume the role of support person.

Equally, the Church Authority is not able to act in the role of support person for the accused. The accused should be provided with a reputable support person of his or her choice.

It should be clearly understood that any allegation carries no implication of guilt. The person against whom the allegation is made has no less a right to justice than the accuser. Support is to be made available by the Church Authority to anyone accused, irrespective of the gravity and nature of the allegation. While an accused is often required to stand aside from ministry, employment, or voluntary service for the duration of any investigation, it should not be assumed that he or she is guilty and that exclusion from ministry, employment or voluntary service is irrevocable.

The Assessment phase of *Towards Healing*

If there is a significant dispute about the facts, or additional information is required, then the complaint must be investigated further. The Director of Professional Standards will follow the procedure in section 40 of *Towards Healing*. The accused is encouraged to co-operate with assessors notwithstanding his/her legal rights as identified in 40.4 and 40.5. The accused is encouraged to seek advice at this stage of the process.

Facilitation stage

Section 41 *Towards Healing* states 'In the event that the Church Authority is satisfied of the truth of the complaint, whether through admission of the offender, a finding of the court, a canon law process or a Church assessment, the Church Authority shall respond to the needs of the victim in such ways as are demanded by justice and compassion'. It is further stated that 'facilitation shall be the normal means of addressing the needs of the victim'.

Consequences of an offence

Once an offence has been substantiated or admitted the Church Authority must evaluate the situation and recommend an appropriate response. Responses may range from disciplinary action to dismissal from priesthood, religious life, employment, or voluntary service. The particular penalty is incurred by the actions of the accused and is not to be seen as the Church Authority inflicting punishment on a person.

