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Growth Through Fragility

*Protocol for Individual Christian Brothers
after a complaint/allegation has been made.*

PREAMBLE

Over the past several years, there have been complaints/allegations against some Christian Brothers referring to incidents in both the recent and long distant past.

Protocols were set up to deal with these complaints/allegations. Over the past five years, there have been considerable developments in the best practice for dealing with these complaints.

The purpose of this document is to present a way of accompaniment for the brother against whom there have been complaints/allegations. Using the *Towards Healing* document and our own *Christian Brother Protocols*, a pathway is outlined enabling justice for the accused brother.

All brothers in the Province need to be aware of the processes outlined in this document although the document only applies to a number of brothers.

The document will be a clear sign to any interested parties of our accountability as a Congregation in matters of complaint and/or allegation.

In no way does this document diminish our commitment to those who have been abused within our schools and institutions. We still strive to reach out in every possible way to those victims with whom we yearn to be reconciled.

OUR HERITAGE

Issues surrounding *Child Abuse* enable us Christian Brothers to pursue the message that urges us to *acknowledge and accept the truth of our fragility* (New Beginnings with Edmund). Hence the *call to grow to the full potential of our manhood* (New Beginnings with Edmund) is there for all when a brother is accused of an improper action. That call comes to the accused brother and all those around him as well as the Congregation as a corporate body. The opportunity is there to *strengthen the bonds of our brotherhood by sharing our prayer and ministry, our joys, our hopes and fears* (Constitution # 31). Just as Jesus and Edmund reached out in compassion to the marginalised of their times, so do we reach out to our accused brothers.

DEFINITIONS

Complaint/Allegation can be divided into three categories:

1. Criminal - allegations of present sexual abuse against a child or an adult.
2. Criminal - allegations of past child sexual abuse (CSA) made by, or concerning a person who is now an adult. Of course, this category also includes sexual assault and rape.

3. Non-criminal - generally concerning relationships between adults, often referred to as *Professional Misconduct* or *Pastoral Abuse* etc.

Accused is the person against whom the complaint/allegation is made.

Administrative Leave refers to the accused having to move aside from his current ministry.

- An allegation of present or past CSA would normally involve a conservative risk management response, namely that the accused brother could be asked to take administrative leave after a brief investigation of the allegation by either the PLT or their representative or by those in the Towards Healing process.
- A non-criminal allegation involves questions as to whether the relationship was consensual, abusive etc. A considered appraisal of these issues may not necessarily mean a brother is stood down from his current ministry.

Encompass (Sydney) is a therapeutic program for those people who have difficulty in matters of relationship, intimacy and sexuality.

Complainant is the person making the complaint/allegation against a brother.

Flow Chart is a diagram showing the necessary steps which will be pursued in the process. This diagram is on the last page of this document.

Towards Healing document is a set of protocols formulated by the *Australian Bishops' Conference* and the *Australian Congregational Leaders of Religious Institutes* in response to allegations of abuse by Religious or Clergy.

Professional Standards Resource Group (PSRG) is set up by the dioceses of Ballarat, Bendigo, Sale and the Religious Orders in Victoria other than the Jesuits to pursue the processes as outlined in the *Towards Healing* document.

PRINCIPLES - *some general principles which will assist the process when a brother has an allegation against him:*

- There needs to be as little change as possible for the accused's lifestyle in the new environment. Stability is key for the well being of the accused and the processes.
- Stability is also essential in relationships. New relationships should be kept to a minimum. Hence, if relocation in either community and/or ministry is required, then it is recommended that the new community be four members or fewer and ministry be ten people or fewer.
- Moreover, if a new community and/or ministry are recommended, then an appropriate process of welcoming the alleged should be prepared to assist the accused in being included into the ministry and/or community in as pastoral a manner as possible.

- Since there is dignity in work, all opportunities are to be explored in as creative a way as possible to engage the accused in meaningful occupation of their time.
- A strong culture of negotiation, investigation, confidentiality and consultation will need to be pursued with all parties e.g. the accused, his lawyers, the person making the allegations, the Province Leader, the Province Legal representative etc.
- Any person/ministry/community welcoming the accused needs to be conscious of any form of transference and/or countertransference in the new relationship and have the appropriate skills to address such issues.

GOALS - *The following are goals which will be aimed at by those accompanying the accused. Worth noting here is that the accused will most likely be experiencing a range of distressing emotional repercussions. These will vary from outrage and anger directed at the complainant, numbness and denial through to anxiety, distress, humiliation and shame, or even severe depression with suicidal tendencies.*

- If relocation of the accused in either ministry and/or community is considered necessary, then the environment should be one in which the accused feels physically, spiritually and psychologically safe as well as having the support of others.
- To provide substantial professional care:
 - for the accused to accept the process he is involved in.
 - for grieving loss and letting go.
 - for readjustment
 - for psychological testing
 - for some spiritual support
 - for long term planning
- To assist the accused in the short term management of daily living.
- To develop an appropriate time line for the necessary changes.
- To involve the accused in an appropriate ministry, which may mean some volunteer work, office work, gardening etc .
- To engage the accused in consideration of the future.
- To prepare a budget for such services such as legal services and counselling.

PROCESS for this POLICY

The initial stages of this policy are to involve the following:

- The Province Leadership Team.
- The Professional Standards Resource Group
- Legal and Counselling Professionals.

Once the Province Leadership Team have consulted sufficiently with the Legal and Counselling Professionals, then this policy will be presented to all the brothers in the Province. The goal here is to involve all the brothers in the Province so they will be informed of the process, own the process and be able to comply with the process. Hence the following steps are outlined:

- Presented to the Community Leaders to take to their communities on 23 November 1998.
- Presented to the Growth Through Fragility support group on 4 March 1999.
- Presented to the Community Leaders for ratification on 16 March 1998.

This policy will initially be in a draft or working format to allow for best practice to develop over a twelve month period. This policy will then be evaluated after a two year period.

INITIAL CONTACT - *with the Accused after a complaint has been made.*

1. Invite the accused to a meeting with two members of the PLT.
2. Protect the name of the victim and insist that no contact be made with the victim.
3. Arrange for supports and be supportive.
4. Beware of re-inforcing denial. Usually, asking whether the accused has done the offence or not would be done once only.
5. Always provide a positive way forward e.g. assessment, medical leave, phone contacts with counselling.
6. While the initial interview is verbal, always document the interview after it is over.
7. Seek from the accused some indication that what has been said has been heard e.g. What have you heard us say?
8. Keep regular contact over a two to three day period.
9. Be aware that the accused could be highly stressed, depressed and suicidal. Hence, those involved in the initial contact need to have counselling skills sufficient to be able to assess the level of difficulty the accused is in.

PROFESSIONAL STANDARDS RESOURCE GROUP

1. Following the *Towards Healing* document through the PSRG enables the PLT to be guided by independent assessors.
2. Generally allegations come the complainant directly to the PSRG.
3. When allegations come firstly to the PLT, one alternative for the complainant is to pursue the *Towards Healing* pathway, which the complainant should be made aware of.

4. The accused will not be contacted until assessors are named and approved of by both parties. This section of the process enables a speedy result to the process and causes least stress to the accused.

• *Comp. National*
 • *Person numbers*
 • *allegation*

ASSESSMENT - *done at Encompass Sydney.*

1. A full assessment as a form of protection will be recommended in some instances.
2. One possible way of encouraging an assessment is to have rung Encompass Sydney to have possible times for the assessment or provide the contact names and numbers for Encompass Sydney such that the accused may make contact.
3. Where an assessment is refused, make sure the accused is aware of the consequences of that refusal.
4. In the process of this assessment taking place, confidentiality will be maintained.

FINANCE - *There is a need to outline the Province's financial commitment to the accused.*

Finance for the following therapy costs will be provided:

- Initially, individual psychological counselling to be offered until the accused is accepted into a specific therapeutic program devised after a full psychological assessment.
- The cost of a therapeutic program such as offered by Encompass. Normally, only programs within Australia will be funded.
- Any post-program workshops which follow up and support the therapeutic programs.

Legal costs can vary depending on each individual situation. Hence the following are a set of principles suitable for our lifestyle:

- There should not be a limitless sum available.
- Limits should be set in negotiation with legal experts, the PLT and the accused.
- A barrister will immediately be engaged by the accused in consultation with the Province Bursar for the period of preliminaries, committal and trial.
- If the accused pleads guilty, then one could expect costs to be minimal.
- If the accused pleads not guilty, then the limit of money available should be continually revised.
- Where criminal proceedings are pursued and the accused is found guilty, if the accused's legal advisers recommend an appeal, finances available should not exceed \$20,000
- Other forms of legal aid which could be possible are to be ratified by the

Province Leadership Team.

COMMUNITY - *Some general principles for a community which would be available to an accused are:*

- A new community formed in a small housing situation, which may mean using a Congregational house or a rented house..
- The community to number four members or fewer.
- One person in the community to be quite skilled in pastoral care and is expected to accompany the accused.
- A third person who would be the home-maker/skilled in pastoral issues/maybe in a nearby ministry.
- If a rented house is required, consideration should be give to accessibility to transport, both private and public, as well as provide scope for appropriate work or ministry.
- Other people, beyond our Congregation, with the appropriate skills may be involved in the making of these communities.

When a brother is involved in court procedures, a brother will be asked to accompany the accused throughout that period.

Any individual brother or community providing accompaniment for the accused will be expected to be involved in professional supervision.

MINISTRY/OCCUPATION

The accused would be expected to be involved in ministry with some of the following features:

- May provide services for the house such as computing.
- Be acceptable to the accused's current life situation.
- Subject to community safeguards, voluntary work to be encouraged as an opportunity to enhance emotional, physical and psychological well-being.

Any other opportunity to be gainfully employed should also be explored.

OTHER LIFESTYLE OPTIONS

The options for some of the accused may well be to depart from the Congregation or the Province Leadership Team may have to follow Canonical Counsels to remove the accused from the Congregation.

Some guidelines for the Province Leadership Team in this matter are:

- Each case to be treated individually.

- The brother concerned is unable to adhere to the structures set up for him to live out his commitment to Religious Life.
- The brother shows a pattern of continual behaviour, which is either a criminal behaviour or considered as professional misconduct.
- The brother's lifestyle is not congruent with the public witness he professes as a Religious Brother.

CONCLUSIONS TO THE ALLEGATION PROCESS

When the processes of following up on the complaint have been completed, then the brother, after dialogue with the PLT, will pursue an appropriate lifestyle. The dialogue with the PLT will include:

- Need for any public statement.
- Future continual care of the brother.

