

Fr John Doherty

From: John F. Davoren [john.davoren@cathprofstandards.com]
Sent: Friday, 7 June 2002 1:11 PM
To: John Doherty (E-mail); Michael Casey (E-mail)
Subject: Ellis and Duggan

In the matter of the complaint of John Ellis against Fr Aidan Duggan

I note the following provisions in *Towards Healing* and respond as required. The italicised references are, of course, from *Towards Healing*. :

38.3 The Director of Professional Standards shall determine whether the complaint concerns conduct which could reasonably be considered to fall within the definition of abuse in this document.

My advice is that does fall within the definition.

38.— the Director shall forward it to the appropriate Church authority and may make a recommendation concerning any immediate action that needs to be taken in relation to the protection of vulnerable children and adults.

As I understand, Duggan is in a retirement village and not well. I assume that he is not in contact with children.

38.5 As soon as possible after receiving notice of the complaint, the Church authority or its representative shall inform the accused of the nature of the complaint if it is possible to do so. The accused needs to be given enough detail about the complaint, and the complainant, to be able to offer a response. The Director of Professional Standards may be involved in such a process. The accused shall be entitled to information about his or her rights and about the process for dealing with the complaint. The accused shall be offered a support person.

38.6 The Church authority (or his or her delegate) shall seek a response from the accused in order to determine whether the facts of the case are significantly disputed. If they are not, then the Church authority shall proceed in accordance with Clause 42 of these procedures.

These provisions depend on the state of health of the accused and I suggest that we need to discuss this before any action is taken.

I suggest that a letter from the Archbishop's office be sent to John Ellis acknowledging his complaint and expressing concern but without any acceptance of the facts of the complaint or responsibility at this stage.

38.7 Where there is a significant dispute about the facts, or the accused is unavailable to give a response, the matter shall be investigated in accordance with the procedures set out in this document

Whether or not the priest is in a fit state to respond I recommend that we appoint an independent assessor to meet the complainant.

38.4 [2] The Director may also make recommendations concerning the funding of counselling or other such assistance for the complainant pending the outcome of the investigation.

John Ellis has asked for assistance in support in addressing the effects of the abuse. I recommend that

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he be asked if he wishes some kind of immediate counselling. The Contact Person Brother Laurie Needham may be prepared to act in support. I have not been able to confirm his preparedness to do so at this point.

39.4 If allegations emerge which indicate that a criminal offence may have been committed, --- the matter will be dealt with in accordance with 37.1-37.3. 37 which reads in part .[1 When the complaint concerns an alleged crime or reportable child abuse, the Contact Person shall tell the complainant of the complainant's right to take the matter to the police or other civil authority and, if desired, provide assistance to do so.] If the complainant indicates an intention not to take the matter to the police, this should be recorded and confirmed by the signature of the complainant before the Church procedure resumes.

The complainant was 14 to 17 years at the time of the alleged offences and it is therefore prima facie criminal. The complainant was advised of his right to go to the police and has indicated in writing that he does not wish to do so. He is fragile man and I expect that he will continue not to want to go to the police.

We do need to make a formal report that we have received this complaint against Aidan Duggan alleging criminal acts in the years 1975-78.

John Davoren

John Davoren

Director Professional Standards

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