

Loreto Sisters

Guidance on Leave from Sacred Ministry

Among the actions that may be necessary during both a statutory investigation and a church inquiry is the restriction of a respondent's exercise of their office and/or sacred ministry and apostolate. A respondent may be asked to withdraw from a particular office and from other forms of sacred ministry and apostolate during the course of any statutory, as well as church and canonical, investigation. The respondent may be required to cease from wearing religious attire.

There are two factors that will determine the province leader's action in this regard:

- The threshold for reporting to the statutory authorities has been reached.
- An initial assessment of the potential risk to children has been conducted.

Prior to deciding how to respond, advice may be sought on either or both of these issues from the NCMC, from an advisory panel supporting the province leader or from the statutory authorities.

Each case will have to be considered on its own merits. The advice provided to the province leader should specifically include an assessment of the credibility of the allegation, and the potential risk arising as a consequence.

If a decision has been made by the province leader that it is necessary and appropriate to ask that a period of leave from sacred ministry be initiated the following procedure must be employed.

This procedure outlines the processes to be engaged when leave and restriction from sacred ministry and apostolate are required. It should be read in conjunction with the procedures for responding to child protection suspicions, concerns, knowledge or allegations which sets out in detail actions to be taken following receipt of an allegation.

All actions should be confirmed in writing and a date of review of actions set.

The process of leave for sacred ministry:

The province leader will judge the level of risk and may be assisted in doing so by the statutory authorities, DLP, NCMC, advisory panel and advisor. A decision will be made at this stage as to whether an interim management plan is required which may include restrictions to sacred ministry.

A written reminder is given to the respondent from the province leader to advise them to continue following the child safeguarding policies and procedures.

If required, the DLP and advisor will meet the respondent and present them with the interim management plan which the respondent will be asked to agree to and sign. During this meeting, the respondent must be advised that the canonical process, which has been paused, will resume following conclusion of any statutory authority enquiries.

While the allegations are being investigated the presumption of innocence applies. Leave from sacred ministry is therefore a precautionary measure. It does not impute guilt nor should the action (of leave from ministry) per se prejudice any statutory or canon law process.

If the respondent is in a role that involves contact with children and young people, and if it is in the interests of safeguarding children and young people, then the respondent should be invited to request leave from sacred ministry and apostolate for the course of the statutory and/or canonical investigation. Where this is agreed there should be clarity regarding what the restrictions on sacred ministry and apostolate are.

Limitations to sacred ministry and apostolate are made in accordance with canon law and should be considered by the province leader. If the respondent declines to request leave from ministry and if continuing sacred ministry or apostolate would constitute a risk to children advice may be sought from the statutory authorities, the NCMC, or an advisory panel. The province leader should also take canonical advice on how to proceed in each case. The province leader can issue a decree or precept outlining, at least in summary form, their decision, and outlining the respondent's restrictions on the exercise of their ministry or apostolate.*

Agreement should be reached, if possible, between the province leader and the respondent in relation to the following:

How to bring to completion the transfer of any unfinished tasks, in relation to the respondent's ministry, that do not involve access to children and young people.

Residency of the respondent: consideration may be given to allowing the respondent to continue to reside in their current accommodation if it is perceived not to present any risk to children, and where alternative accommodation is available for any administrator/ replacement. This should be agreed with the respondent, together with a reasonable time frame for vacating the current residence (if considered necessary). The province leader should also ensure that reasonable costs incurred in obtaining suitable alternative accommodation are met.

If possible, the respondent should be supported to engage in other work/study during the period of leave from sacred ministry and apostolate, as long as it does not involve sacred ministry and apostolate or contact with children.

If the respondent is engaged in ministry in Northern Ireland, there is a legal requirement to refer the respondent to the Independent Safeguarding Authority (ISA) if the respondent has been invited to take administrative leave for causing harm, and if it is judged that there is the risk of harm to a child or vulnerable adult.

During this meeting, the respondent should be advised of the canonical process that will be initiated following conclusion of any statutory authority enquiries or for non-ordained religious. After this meeting, if the respondent has been removed from ministry, the following should be considered -

- When an allegation has been received and a sister is taking leave from sacred ministry, the province leader is responsible for what is communicated about this change, to whom, and how this is communicated. The preferred approach is for any public communication to be agreed with the respondent, where the presumption of innocence should be emphasised.
- Great care needs to be taken not to prejudice the outcome of any civil, criminal or canonical investigation, and consultation with relevant statutory authorities may assist in this regard.
- Consideration may also be given to the inclusion in any public communication, if one is to be made of information regarding how people affected can access pastoral support.

Appeals:

Where restrictions to sacred ministry and apostolate have been directed through a decree or precept, there is the possibility of an appeal in accordance with canon law.

*The right to the respondent's reputation, privacy, financial support, accommodation and advisor, restrictions on public exercise of ministry, restrictions on use of religious dress and possible prohibition regarding contact with children.



August 2017