

Loreto Sisters

Guidance on the Protection for Persons Submitting a Report

In line with Guidance 2.1A, there is a requirement to report all allegations, suspicions and concerns of child abuse.

Protection must be provided to all people who report child abuse to the statutory authorities in good faith. Within civil law in the Republic of Ireland, anyone who notifies the Gardaí and Tusla of an allegation, suspicion or concern relating to the abuse of a child, who has the best interests of the child in mind is protected from any legal action for defamation.

Equally steps must be taken, as required by canon law to ensure that anyone who reports allegations should not be treated adversely. The following sets out the civil and canon law requirements:

Civil Legislation - Republic of Ireland:

People are protected in civil law for reporting abuse, in line with Protections of Persons Reporting abuse Act 1998 (ROI). Which states that a:

‘person [...] shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that –

- (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- (b) a child’s health, development or welfare has been or is being avoidably impaired or neglected,

unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.’ In addition, whistleblowing in the Republic of Ireland is enshrined in legislation entitled the Protected Disclosures Act 2014.

Civil Legislation – Northern Ireland:

In Northern Ireland the law that covers whistleblowing is The Public Interest Disclosure (Northern Ireland) Order 1998, (as amended in October 2017).

Canon Law:

There is now a requirement in canon law to ensure that those making a report pursuant to the delicts outlined in Vos estis lux mundi² shall not constitute a violation of office confidentiality. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited. Additionally Vos estis lux mundi explicitly forbids any imposition of silence on a person making a report regarding the delicts outlined in Article 1.