

# Loreto Sisters

## Guidance on Reporting of Allegations of Abuse against Lay Church Personnel

All allegations of child abuse against a lay member of Church personnel which have been brought to the attention of any member of the particular Church body must be referred to the DLP of the respondent's Church body. The role of the DLP is to listen to all safeguarding concerns and to pass on to the statutory authorities those that reach the threshold for reporting. If there is any suggestion that the lay member of Church personnel has abused a child as part of their ministry, appropriate support should be offered to the complainant and their family.

The procedures for managing the continued involvement (if appropriate) of the lay volunteer or paid staff in the Church's ministry are set out below. This procedure does not relate to safeguarding concerns which are not allegations of abuse (for advice on this see Guidance on Complaints Procedure).

### Step 1:

*Reporting Allegation received against lay Church personnel (volunteer or paid employee):*

- The DLP of the respondent's Church body assesses whether the allegation meets the threshold and reports it to the statutory authorities, and to the relevant province leader.
- If the allegation relates to the respondent's ministry in the Church advice from the statutory authorities should be sought about who should inform the respondent that the allegation has been made.
- If a decision is made to inform the respondent prior to notifying or consulting the statutory authorities, their response should be recorded and passed on to the statutory authorities.
- If the allegation relates to the respondent's actions outside the Church body, responsibility for informing them that an allegation has been made rests with the statutory authorities.

### Step 2:

*Church action following notification.*

*Volunteers:*

- If the allegation is made against a volunteer, the province leader should consult with the DLP of the respondent's Church body about whether the volunteer should remain in role during the investigation by the statutory authorities. Factors that influence this decision will include:
  - the volunteer's role in the Church (if known).
  - their level of contact with children and an assessment of any risk that arises from this.
  - the degree of credibility of the allegation.

The DLP may wish to consult with the statutory authorities for guidance.

- The province leader should consider appointing a person to offer pastoral support to the volunteer during any statutory investigation.
- Following the conclusion of any statutory authority investigation and assessment, where there is no case to answer and there are no outstanding child safeguarding concerns, if the volunteer has stepped aside they may be reinstated.
- If there is a case to answer the volunteer should be asked to permanently resign from the role.
- If the DPP/CPS decides to prosecute, the volunteer should be asked to permanently vacate their Church role.
- The province leader should consider the need to conduct a review of safeguarding arrangements in the particular area where the volunteer was working, following conclusion of the statutory authority investigations. The purpose is to review whether all appropriate safeguards were in place and to take any corrective action required.

### *Paid Employees:*

- If the allegation is made against a paid employee, the province leader should consult with the DLP of the respondent's Church body about whether the employee should remain in role during statutory authority investigations and assessments. Factors that influence this decision will include:
  - the employee's role in the Church (if known).
  - whether the allegation relates to the employee's role in the Church.
  - their level of contact with children and an assessment of any risk that arises from this.
  - the degree of credibility of the allegation.

The DLP may wish to consult with social services for guidance.

- If a decision is made to suspend the employee, HR advice should be sought.
- Any suspension during the process of statutory authority investigations, and during any internal disciplinary action that may follow, should be with full pay.
- The province leader should consider offering a pastoral support person to the employee.
- Following notification of a prosecution and/or conviction, a disciplinary process should be initiated.
- An investigator should be appointed by the province leader (possibly DLP) to gather any evidence and provide a report to the province leader.
- If the province leader determines, based on the evidence that further action is required, the employee should be invited to attend a disciplinary meeting and may be supported at the meeting by a union representative or a friend; (as this is not a legal process a lawyer will not be permitted to support the employee).
- Any disciplinary hearing should be conducted by a panel of 3 individuals and be chaired by the province leader.
- Any finding should be notified to the employee in writing.
- If the panel considers that the employee has committed gross misconduct, HR advice should be sought on how to dismiss the employee from their post.
- If the statutory authorities investigation results in no further action, an assessment of whether any misconduct has been committed should be undertaken by a suitably qualified person appointed by the province leader.
- A disciplinary panel should be established to consider the investigating person's report and consider the future employment of the employee.
- The employee can be represented by a union representative or a friend at any disciplinary hearing.
- If a decision is made to reinstate the employee, appropriate support should be offered for a return to work.
- If a decision is made to dismiss the employee, and if the employee is resident or has worked in Northern Ireland, a referral must be made to the Disclosure and Barring Service (DBS) in accordance with the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. The DBS website provides further information on checks, referrals and barred lists.
- Any appeal by the employee who has been disciplined/dismissed should be made in writing to a higher province leader in the Church body, or by an independent person appointed by the province leader.

This is in line with national legislation and policy as outlined in Guidance on Reporting Allegations of Abuse.

### **Further guidance for employers:**

Guidance for employers dealing with an allegation of abuse can be found in:

ROI: Children First National Guidance for the Protection and Welfare of Children – Appendix 9 Guidance for employers dealing with an allegation of abuse.

Northern Ireland: Co-operating to Safeguard Children 2016 (Section 7.2.10).

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