

# Loreto Sisters

## Guidance on Responding to Allegations Against a Deceased Member of Church Personnel

When someone comes forward to disclose that they have been abused and it is established that the respondent is deceased, a pastoral response should be offered. The complainant should be advised that an investigation under civil or canon law may not be possible but that there are still requirements to report the allegation.

### Reporting to the statutory authorities Republic of Ireland:

Report must be made to An Garda Síochána and Tusla, within one month of receiving the notification. The Children First Act 2015 states that where a mandated person believes or has reasonable grounds to suspect that a child has been harmed, is being harmed or is at risk of being harmed they should report to Tusla. In addition, Children First Act 2015, Guidance states, 'In cases of retrospective abuse, a report needs to be made where there is a current or potential future risk to children from the person against whom there is an allegation. The term retrospective abuse refers to abuse that an adult discloses that took place during their childhood'. This has been confirmed in a recent High Court Judgement (McGrath v Health Service Executive 2022) to include respondents who are deceased.

Northern Ireland: A Report must be made to PSNI, within one month of the notification being received.

In summary if the allegation relates to a member of Church personnel who is deceased:

- **and the complainant is an adult or child in Northern Ireland:** the person who receives the allegation must report it to the DLP of the respondent's Church body who will then assess if it meets the threshold for reporting and make the referral to the PSNI. They will also report it to the Church authority and the National Board using 2.1A Template 1 (for clerics and religious only).
- **and the complainant is an adult in ROI:** the person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting, and report it to Tusla and An Garda Síochána. If the person who received the allegation is a mandated person, they will complete the form jointly with the DLP of the respondent's Church body. The DLP of the respondent's Church body will also report it to the Church authority and the National Board.
- **and the complainant is a child in ROI:** the person who receives the allegation must report it to the DLP of the respondent's Church body who will assess if it meets the threshold for reporting and notify Tusla and An Garda Síochána. If the person who received the allegation is a mandated person, they will complete the form jointly with the DLP of the respondent's Church body. The DLP of the respondent's Church body will also report it to the Church authority and the National Board.

In both jurisdictions in Ireland

- The HSCT/Tusla have a statutory duty to provide support to children and their families and adult carers.
- An Garda Síochána/PSNI have a statutory duty to assess whether a criminal offence has occurred.
- The Church authority has a responsibility to provide a pastoral response to the complainant and consideration should be given to any further action by the Church authority.



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