

## **Handbook of Procedures for Responding to Child Abuse**

**These are the procedures associated with the Standard:  
Responding Pastorally & Reporting According to Civil and  
Canon Law in “A Safe And Welcoming Church: Safeguarding  
Children Policy and Standards for the Catholic Church in  
Ireland 2024”**

**Note: The following procedures cover the Irish Province across the  
Republic of Ireland and Northern Ireland. Where legislation or statutory  
guidance is specific to one jurisdiction, this will be stated.**

## Roles in the Safeguarding Structure

Where a child, young person or adult, discloses child abuse to a person working in any capacity for the Jesuits it is crucially important that the situation is handled sensitively and compassionately. It should be borne in mind that the person may feel that they have taken a huge risk in disclosing the abuse. Our response will help a person to disclose as much as they can remember, which will help any future investigation.

Extra care needs to be taken if it is a child who is disclosing that they were abused. See guidance note on responding to children making disclosures.

Where information is given in person, consider the following:

- Adopt a listening style that is compassionate, calm and reassuring. If the information given to you shocks, disgusts or distresses you, do not allow these feelings to show. If you do, you may inadvertently dissuade the person from giving any further information.
- Listen carefully to that person but do not ask intrusive or leading questions.
- Stay calm, take what the person raising the concern says seriously and reassure them.
- Allow the person to continue at their own pace.
- Check with the person to make sure that you have understood what they actually said. Do not suggest words – use theirs.
- Make no promises that cannot be kept, particularly in relation to confidentiality, but listen carefully to what is being sought in this regard.
- Explain the reporting procedures to the person i.e. that child protection concerns must be reported to statutory agencies.
- Do not make any comments about the respondent; do not make assumptions or speculate.
- Be aware that a person's ability to recount their concern or allegation will depend on their age, culture, nationality or any disability that may affect speech or language.
- Avoid statements about your reaction to the information given.
- Do not question beyond checking what has been said. It is the responsibility of Tusla/HSCT and An Garda Síochána/PSNI to investigate. There should be no probing for detail beyond that which has been freely given.
- Do not offer wording or language to the person making the allegation that may assist in the provision of an account of the concern or allegation.

### **Guidance on responding to a child disclosing abuse**

- If a child tells you directly about abuse happening to them, you should allow them to speak and listen attentively. However, it is not appropriate to set up a meeting with a child for the purpose of receiving a disclosure or taking a statement. That is the role of the statutory services.
- The person receiving the allegation should be conscious that a child may feel very frightened and need reassurance and support that they have done the right thing in disclosing the abuse.
- The DLP will consult with Tusla/H SCT about informing the child's parents/guardians.
- If the allegation is about Jesuit personnel, explain to the child and their parents that the information must be reported to Church authorities, along with the statutory authorities.
- All offers of further support to the child should be conveyed via the child's parents or an appropriate adult.

The appropriateness of the response given to a complainant is vital to ensure that they feel heard and taken seriously.

# What is Child Abuse:

## Categories and Indicators

Information taken from “Children First: National Guidance for the Protection and Welfare of Children” (Department of Children and Youth Affairs, 2017)

### A Child

A child is a person under the age of 18.

### Reasonable grounds for concern

Tusla/HSCT should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected (Children First 2017). Children are sometimes abused by members of their own family, by peers or by others outside the family environment such as strangers, workers or trusted adults. Reasonable grounds for concern are listed as:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw a child being abused.

### Neglect

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by

being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

### **Emotional abuse**

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen. A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family

violence

- Seriously inappropriate expectations of a child relative to his/her age and stage of development

### **Physical abuse**

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

# What is Child Abuse:

## Categories and Indicators (ctd)

### Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
  - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography
  - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
  - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
  - Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

### Definition of Exploitation (Northern Ireland)

This definition is taken from "Co-operating to Safeguard Children and Young People in Northern Ireland, 2016" (Department of Health, Social Services and Public Safety) Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature

### Dealing with a retrospective disclosure of abuse

The term retrospective abuse refers to abuse that an adult discloses that took place during their childhood. According to the Children First Act 2015, if a professional working with an adult receives such a disclosure, you must report this to Tusla (and to the HSCT if in Northern Ireland). The rationale for this is that the alleged abuser may continue to pose a risk to children. Jesuit personnel should also be aware of the reporting requirements of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

# Am I a Mandated Person? (Republic of Ireland)

Schedule 2 of the Children First Act 2015 specifies classes of persons as Mandated Persons for the purposes of the Act. The section most relevant to Jesuit personnel is:

*15 (g)- member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community.*

**Mandated persons** are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm.

Mandated persons have two main legal obligations under the Children First Act 2015.

These are:

1. To report the harm\* of children above a defined threshold to Tusla

Note: Remember this may be present harm or abuse that occurred in the past but where there may be an ongoing risk to children.

2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

## What is meant by \*harm?

Harm is defined as follows: 'harm means in relation to a child – (a) assault, ill-treatment or neglect of the child in a manner that seriously affects, or is likely to seriously affect the child's health, development or welfare, or, (b) sexual abuse of the child.' (Section 2 of the Children First Act 2015)

## Important note for mandated persons

The statutory obligation under the Children First Act 2015 to make a mandated report to Tusla rests with the mandated person and this applies regardless of whether the DLP makes a report or not. A mandated person who reports to Tusla jointly with the DLP meets their statutory obligation under the Children First Act 2015.

## How to report a concern or allegation of child abuse

1. All concerns or allegations of child abuse received in the course of your Jesuit work or ministry should be brought to the Jesuit DLP for consultation. If the concern is not relating to a member of Jesuit personnel, the DLP will be consulted with for advice and this can be done without sharing identifying information.
2. If the concern relates to Jesuit personnel, the DLP will report to the statutory authorities (both health services and police). If the person receiving the allegation is a mandated person, they will make a joint report with the DLP.
3. If there is any uncertainty about whether the allegation/concern meets the threshold for reporting, a consultation should take place with the relevant DLP (anonymously if required) who may consult with the statutory authorities, who will advise on the requirements for notification.
4. Actions concerning the reporting of possible child abuse should be completed without delay where it is likely that the respondent is living and continuing to pose a risk to children.
5. If any member of Jesuit personnel has a concern for the immediate safety of a child, they should report this to Tusla/HSCT or An Garda Síochána/PSNI without delay. They should inform the DLP at the earliest opportunity.
6. Where the concern relates to a child, it is good practice to inform the parent/carer that a report is being made and the reasons for the decision to report. It is not necessary to inform the parent/carer where doing so might place the child at further risk or where the reporter may be put at risk of harm from the family.
7. If the DLP decides that the concern should not be reported to Tusla/HSCT, the DLP shall give a clear statement in writing as to the reasons why action is not being taken. If the reporter remains concerned, he or she should report the matter themselves or seek advice from Tusla/HSCT.

Note: if the person about who the allegation is being made is deceased, this will not be reported to Tusla. However it is still reported to An Garda Síochána by the Jesuits.

### Summary of Flowchart

1. If the person who is subject to the complaint/allegation (“the respondent”) is not a member of church personnel, the person who receives the allegation should report this to the statutory authorities. They can consult the DLP anonymously for advice.
2. If the respondent is Church personnel but not a Jesuit, the person receiving the allegation should report this to the Jesuit DLP. The DLP will assess if the allegation meets the threshold for reporting and if yes, they will report to the statutory authorities (both health services and police). If the person receiving the allegation is a mandated person, they will make a joint report to the authorities.
3. If the respondent is a Jesuit, the procedure at point 2 above is followed. The Provincial is also informed.
4. If there is any uncertainty about whether the allegation/concern meets the threshold for reporting, a consultation should take place with the relevant DLP (anonymously if required) who may consult with the statutory authorities, who will advise on the requirements for notification.
5. Actions concerning the reporting of possible child abuse should be completed without delay where it is likely that the respondent is living and continuing to pose a risk to children.
6. If any member of Jesuit personnel has a concern for the immediate safety of a child, they should report this to Tusla/HSCT or An Garda Síochána/PSNI without delay. They should inform the DLP at the earliest opportunity.

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where doing so might place the child at further risk or where the reporter may be put at risk of harm from the family.

7. If the DLP decides that the concern should not be reported to Tusla/HSCT, the DLP shall give a clear statement in writing as to the reasons why action is not being taken. If the reporter remains concerned, he or she should report the matter themselves or seek advice from Tusla/HSCT

### Record-keeping, Confidentiality, and Data Protection

Where a concern or allegation arises during the course of Jesuit work or ministry, the DLP shall make a written record of the concern brought to their attention. They shall place this record in a secure location. All personnel must have due regard to the need for confidentiality at all times. All information regarding concerns of possible child abuse or neglect should be shared only on a “need to know” basis in the interests of the child. The test is whether or not the person has a legitimate involvement or role in dealing with the issue.

The Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) are designed to protect the rights of individuals with regard to personal data. The term ‘personal data’ means any information concerning or relating to a living person who is either identified or identifiable. The Acts give a right to every individual to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes.

## **Internal Case Management**

### **Process for Allegations against Jesuits, Staff and Volunteers and Support for Complainants**

# Procedure for allegations of abuse against staff and volunteers: Action taken after reporting to statutory authorities

It is recognised that it is important that there is a fair procedure in regard to the management and investigation of allegations. A proper balance should be struck between protecting children and respecting the rights of respondents. Where there is a conflict, the child's welfare must come first.

The following procedures seek to describe the process that should be followed if the Jesuits become aware of a child protection concern against one of their personnel. This concern may arise from a Jesuit/Church context or from a non-Jesuit context. Irrespective of where the concern arises, the Jesuits must be entirely satisfied through a robust process of inquiry that the member of personnel does not pose a risk to children before allowing them to continue in their role.

## **Allegations against volunteers**

- If the allegation is made against a volunteer, the manager/superior should consult with the DLP 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;
  - 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 manager 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 vacate the role.
- If the DPP decides to prosecute, the volunteer should be asked to permanently vacate the role.
- The Provincial 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.

### Allegations against Paid Employees

- If the allegation is made against a paid employee, the manager/superior should consult with the DLP about whether the employee should remain in role during statutory authority investigations and assessments. Factors that influence decision will include:

- the employee's role;
  - whether the allegation relates to the employee's role in the Jesuits;
  - 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.
- 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 manager 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 Provincial (possibly DLP) to gather any evidence and provide a report to the Provincial.
  - If the Provincial 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.
  - Any disciplinary hearing should be conducted by a panel of 3 individuals and be chaired by the Provincial.
  - 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 Provincial.
- 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 an independent person appointed by the Church authority.

# Procedures for Allegations of Abuse against Living Jesuits

Internal Case Management i.e. action taken after reporting to statutory authorities

**“Respondent”** refers to the person who has had an allegation made against them

- On receipt of an allegation, the priority is to ensure the prompt reporting of relevant information to the statutory authorities.
- The DLP will check with the Police, if there is any reason as to why the information cannot be shared at that time with the respondent. In rare circumstances, the Police will ask the DLP to delay this so as not to hamper an investigation.
- The Provincial initiates a preliminary investigation by decree and appoints a delegated person. This preliminary investigation is suspended until it is clear that it will not impede any statutory investigation.
- At the earliest opportunity and in consultation with the statutory authorities about the timing, the Provincial will call a meeting with the respondent and invite him to bring a person for support.
- At the meeting, the DLP will share the details of the allegation with the respondent. The respondent will be invited to seek canonical advice and if appropriate, civil legal advice. He will be advised of his right to remain silent and that any response will be recorded and referred to the statutory authorities.
- The Provincial will judge the level of risk in consultation with the statutory authorities, NCMC and the DLP. 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 Provincial to advise him to continue following the child safeguarding policies and procedures.
- If required, the DLP will meet the respondent and present him with the interim management plan, which the respondent will be asked to agree to and sign. This will be in the form of a precept if needed. During this meeting, the respondent must be advised that the preliminary investigation will be resumed following the conclusion of any statutory authority enquiries.
- If the allegation is of child sexual abuse and the respondent is a cleric, the Dicastery for the Doctrine of the Faith (DDF) are informed of the allegation.

# Canonical Inquiry including Preliminary Investigation

- The preliminary investigation is the initial stage of the canonical inquiry. It is an inquiry into the facts and circumstances around the allegation. The investigator produces a written report for the Provincial. Conclusion of this report should enable the Provincial in deciding whether there is a case to answer, and that the case it is not manifestly false or frivolous.
- The preliminary investigation is completed once formal confirmation is received from the statutory authorities that their investigations have ended. The DLP may complete the investigation with the support of a canon lawyer or the Provincial may instruct another appropriate person/s to complete it.
- If the preliminary investigation finds there is no case to answer, the respondent should be advised that the case is closed and returned to ministry if relevant. Notification of this should be sent to the DDF.
- If the preliminary investigation finds there is a case to answer, the Provincial must forward a report to the DDF via the Jesuit Procurator General.
- The DDF will authorise the appropriate canonical process to be followed (e.g. a judicial penal process, an administrative penal process, confirm precept, etc.).

## **If there is no case to answer**

If at the end of a preliminary investigation, it is found there is no case to answer, it is important that all outstanding matters be dealt with to allow the person to move forward with their life and ministry. Therefore, in preparation, the respondent should be provided with counselling and support to assist them to deal with any residual anger/distress. This may

include spiritual direction, reflection and discussions with the Provincial or a member of leadership.

## **Risk management**

- Once an allegation is received against a living member, a risk assessment and management process is engaged in. Protective measures may be taken at an early stage. This is covered in the earlier section “Procedure”.
- Tools and templates for risk assessment and management plans are accessed from the National Board for Safeguarding Children in the Catholic Church in Ireland “Safeguarding Children- Guidance; [www.safeguarding.ie](http://www.safeguarding.ie)”.
- If there is an adjudication criminally or canonically that abuse was committed, a permanent management plan is put in place. A clinical risk assessment may be commissioned to inform this plan. The plan will detail, amongst other things, how the respondent is to be monitored.

## **Support**

- While statutory and/or Church investigations are underway, pastoral support is offered to the respondent. They are provided with an advisor/ support person and offered therapeutic support as well as canonical and legal advice.
- If the allegations are substantiated at the end of the canonical process, the person requires pastoral and therapeutic support and also to help address any offending behaviour.

## Allegation of abuse against a deceased Jesuit

Very often, complainants report experiences of abuse by Jesuits who are deceased.

In this instance, the DLP will complete only limited inquiries to establish the basic facts e.g. if the respondent was in the location at the time complained about. Any information shared by the complainant about the abuse is entirely their choice and at their pace.

The purpose of the DLP's contact with the complainant is to offer support, give information on pathways available to the complainant and to facilitate a response from the Jesuits to the complainant.

## Supporting Complainants

Any person who contacts the Jesuits to disclose child abuse should receive a compassionate response from Jesuit personnel and be offered access to appropriate care, advice and support. Complainants need to be listened to and heard to ensure that any allegation or disclosure of abuse is handled compassionately, effectively and professionally.

Pastoral care may be offered and provided by the DLP managing the case, the support person if taken up by the complainant, the Provincial at an appropriate time, or indeed another identified representative if there is something specific they can offer.

Disclosing abuse takes enormous courage and calls for a high level of trust. Child abuse by its very nature can damage trust; it is therefore imperative that when a complainant is ready to tell their story, the listener responds with great sensitivity and compassion.

### How support is offered:

- When a complainant makes contact with the Safeguarding Office for the first time, they should receive a prompt response; within one working day.
- The DLP will try to arrange a face to face meeting with the complainant, in a manner that respects the wishes of the person. If the complainant does not want to meet, contact will be facilitated in the manner they are comfortable with.
- At the earliest opportunity, the DLP will help the complainant to understand the necessity to refer the matter to the statutory authorities. Note: Reports to social services (Tusla/HSCT) are not needed if the respondent is deceased.
- The complainant may be accompanied by a person of their choice to the meeting.
- The complainant will be provided with

details of support services and assisted in making an appointment if required.

- The Jesuits makes a commitment to funding such professional support, as appropriate.
- At an appropriate time in the process, the complainant will be invited to meet with the Provincial or another representative of the Jesuits if this is their desire. This meeting is not for the purpose of determining the outcome of any investigations, but for the Provincial to hear and acknowledge the experience of the complainant.
- At the end of this meeting, the support needs can be reviewed. Some complainants may wish to remain engaged with their Church despite the effect that the abuse may have had on their relationship with it, and, perhaps, with God. By meeting with and listening to complainants, the response from the Church that might best meet their spiritual needs can be identified with them. Towards Peace may be of assistance in this regard.
- The Jesuits are open to providing independent facilitation or mediation for meetings if this is required.
- A separate leaflet is available at [www.jesuit.ie](http://www.jesuit.ie) which provides more fulsome information to people wishing to make a complaint.

