



CATHOLIC DIOCESE  
OF ROCKHAMPTON

# Responding to Allegations Procedure

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# 1. Purpose

To outline the steps to follow in the event that a member of clergy or lay person in ministry is the subject of an allegation of abuse in order to ensure the safety and wellbeing of all.

# 2. Scope

This procedure applies to:

- anyone who works or ministers on behalf of the Diocese or any of its parishes, agencies, or ministries, including clergy, religious, employees, contractors, students on placement, and volunteers;
- any entity or organisation that has been authorised to use the property of the Diocese or any of its parishes, agencies, or ministries.

# 3. Procedure Overview

This procedure outlines the steps to take upon receipt of an allegation against a member of clergy or a lay person in ministry. This may require the person's temporary removal from ministry and establishment of a Covenant of Care. It also outlines the reporting requirements for allegations and review of handling of issues.

# 4. Procedures

## 4.1. Receiving an allegation

The Complaints Management Policy and Procedure must be followed when an allegation of abuse is made, including against a member of the clergy or lay person in ministry. Accordingly, if an allegation is received, this will be communicated to the Professional Standards and Safeguarding Manager who will ensure prompt reporting of the facts to statutory authorities and the Professional Standards Office Queensland, and compliance with requests from authorities to undertake investigations.

The Professional Standards and Safeguarding Manager will inform the Bishop (or Vicar General in his absence) and Chair of the Professional Standards Committee.

## 4.2. Temporary Removal from Ministry

Temporary removal from ministry may be enacted when an allegation is made against a member of the clergy or a lay person in a ministry role. Temporary removal from ministry does not imply guilt but, dependent on the nature of the allegation, may be considered appropriate. Direction and advice may be sought from civil and/or canonical advisors to the Bishop or from statutory authorities on the appropriateness of temporary removal from ministry. Where the Bishop decides to proceed with temporary removal from ministry, he should first request that the cleric or lay person voluntarily agree to be temporarily removed from ministry, as provided for below. Temporary removal from ministry is mandatory when the cleric or lay person in ministry is subject to a criminal investigation, but canonical procedure in canon 1722 must be followed.

Temporary removal from a ministry role is a serious action for the Bishop to take. Correct procedure must be followed to ensure that the decision is appropriate, compliant with canon law, and defensible.

The question of temporary removal from role should be considered where it is necessary to:

- i. Protect children, young people or adults-at-risk (The Paramountcy Principle)
- ii. Safeguard the course of justice
- iii. Protect the freedom of witnesses
- iv. Prevent scandal

The Professional Standards and Safeguarding Manager will formally raise the issue of temporary removal from ministry and organise a meeting between the Bishop and Chair of the Professional

Standards Committee. The Bishop may decide to include other members of the Professional Standards Committee. Depending on the urgency, the matter may be considered by email or video/teleconference. The reason for the decision should be recorded by the Professional Standards and Safeguarding Manager and stored in compliance with the Diocese's Privacy Policy.

Where temporary withdrawal from active ministry is deemed necessary, following consultation with the Professional Standards and Safeguarding Manager and Chair of the Professional Standards Committee:

- i. In the first instance, withdrawal from ministry should be sought from the individual on a voluntary basis.
- ii. Where the individual is unwilling to comply, the Bishop uses his canonical power to withdraw the individual, complying with canon 1722.
- iii. A Covenant of Care may be used.

The Diocese will not fund legal advice for the withdrawn individual and the Diocese's legal advisor(s) will not be engaged by the withdrawn individual.

#### **4.2.1. Temporary removal of clergy from ministry**

The Code of Canon Law allows the bishop to exercise his executive power in the following ways:

- i. Should the bishop deem the accused not suitable (canon 149 §1) at this time for holding an office freely conferred (canon 157), he may remove that person from office, observing the required canonical procedures (canons 192-195, 1740-1747);
- ii. For a cleric who holds no office in the diocese, any previously delegated faculties may be administratively removed (canon 391 §1 and 142 §1), while any delegated faculties may be removed or restricted by the competent authority as provided in law (e.g. canon 764);
- iii. The bishop may also judge that circumstances surrounding a particular case constitute a "good and reasonable cause" for a priest to celebrate the Eucharist with no member of the faithful present (canon 906), and he may strongly urge the priest not to celebrate Mass with anyone present;
- iv. Depending on the gravity of the case, the bishop may, at the request of the cleric (canons 85-88), dispense him from the obligation of wearing clerical attire (canon 284) and may urge that he not do so for the good of the Church and for his own good; if necessary, he may impose a prohibition by precept.
- v. In view of the common good, the ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful (canon 223 §2). A Covenant of Care may be used.

These administrative actions shall be taken by means of decrees (canons 47-58) so that the cleric is afforded the opportunity of recourse against them in accordance with canon law (canon 173 ff).

Once a decree has been issued by the bishop initiating a preliminary investigation (canon 1717), the precautionary measures of canon 1722 can be imposed where the bishop may temporarily remove the individual from active ministry.

The subject of the allegation is entitled to:

- i. receive a statement of the decision in writing, including the initial review date and the frequency of periodic reviews (canon 51).
- ii. receive the reason for the requirement to withdraw from active ministry (though not the details of this).
  - a. The individual is entitled to know that an allegation has been received, and the nature of the allegation.
  - b. The details cannot be passed on at this point and it is necessary for close liaison to take place between the Diocese and the statutory authorities to ensure that information passed to the accused does not interfere with a police investigation process (canon 51).
- iii. legal and canonical representation (canon 1481 §1) at their own expense.
- iv. details of the information that would be placed in the public domain (canon 1717 §2). The Bishop decides what is put in the public domain.
- v. confirmation that temporary withdrawal from active ministry does not constitute removal from office (canons 192 - 196).
- vi. information regarding the remuneration and residence of the individual during temporary withdrawal from active ministry (canon 281 §1).

- vii. a copy of the Covenant of Care setting out the details of the restrictions placed upon the individual during the temporary withdrawal (canon 223 §2).

#### **4.2.2. Support for clergy accused of abuse**

If the Bishop takes action against a member of the clergy to temporarily remove them from a ministry role, the Diocese will endeavour to provide them with appropriate support.

Arrangements for clergy accused of abuse and temporarily removed from active ministry will be made in accordance with the requirements of canon law.

Where the sustentation of a cleric who has been temporarily removed from ministry would normally be the responsibility of the Diocese, this will continue, along with help accessing legal advice.

Clergy accused of abuse are entitled to contact their bishop or superior, who is responsible for their pastoral care. It is recommended that the Professional Standards and Safeguarding Manager is present at any such meeting and a written record made and stored in compliance with the Diocese's Privacy Policy.

#### **4.2.3. Covenant of Care**

These steps should be followed in the establishment of a Covenant of Care:

1. Prior to creating a Covenant of Care, a risk assessment is to be completed by the Professional Standards and Safeguarding Manager. The risk assessment will consider the following:
  - i. Any advice or considerations made by statutory authorities.
  - ii. Background and particulars of the allegation or concern. This should detail the rationale behind and nature of the complaints/allegations which have initiated the process.
  - iii. Identification of the risk factors, including:
    - a. The safety of children, young people and adults-at-risk (The Paramountcy Principle). Ensuring the safety of children, young people and adults-at-risk is the highest priority and that there is no current risk to their safety.
    - b. Safeguarding the course of justice. The actions of the Church Authority and support provided to the accused must not impede or jeopardise any civil investigation into wrongdoing.
    - c. Protecting the freedom of witnesses. The actions of the Church Authority must ensure witnesses feel free to come forward and make disclosures without fear of reprisal.
    - d. Preventing scandal. The actions of the Church Authority must be in line with 'best practice' and not pose unnecessary risk of scandal for the Church.
    - e. Maintaining good name. Canon 1717 §2 states "Care must be taken so that the good name of anyone is not endangered from this investigation".

The risk assessment should demonstrate how the risk factors have been considered and addressed, along with outlining proposed actions and how the process has been followed.
2. The Bishop will ask the Professional Standards and Safeguarding Manager to arrange a meeting as soon as practicable between themselves, the Parish Priest, and the person concerned at a time agreed with the statutory authorities where applicable, to complete a Covenant of Care. Having identified the potential risks, consideration should be given to how each risk will be minimised, either by a change in practice or by monitoring or restricting the accused/offender through the creation of an agreed contract (Covenant of Care) with the accused/offender.

The contract outlines the boundaries and terms of involvement in Church activities. It clarifies the terms on which the person is involved in the life of the Church. The document needs to be signed and dated by the accused/offender and by the church representatives. The contract should involve the person's family and partner who may also be attending Church and need to be informed. It will need to include conditions in addition to the pastoral support arrangements in place.

Care should be taken to ensure that the requirements relate to perceived risk in the individual case. For example:

- *I will never allow myself to be in a situation where I am alone with children/young people/adults-at-risk.*
- *I will sit where directed in the church and will not place myself in the vicinity of children/young people/adults-at-risk.*
- *I will not enter certain parts of the building designated by the small group, nor any area where activities involving children/young people/adults-at-risk are in progress.*
- *I will decline invitations of hospitality where there are children/young people/adults-at-risk in the home.*
- *I accept that <Person A> and <Person B> will sit with me during church activities and accompany me when I need to use other facilities.*
- *I accept that <Person C> will provide me with pastoral care.*
- *<Person A>, <Person B> and <Person C> will know that I am an offender/registered with the police under the terms of the Dangerous Prisoners (Sexual Offenders) Amendment Act 2007*

Consideration should also be given to:

- Residential events, especially 'all-age' events.
  - Events in another church or church organisation, or national events. (A joint agreement is often desirable in these circumstances).
  - Finding another church for the accused individual to practise at when there are known victims/survivors attending their preferred church.
3. The Professional Standards and Safeguarding Manager should be in contact with the Bishop, Chair of the Professional Standards Committee, any statutory authority and Professional Standards Office (as appropriate), so that any agreement regarding involvement in the Church is known and part of a multi-agency, multi-disciplinary approach. Discussion with key professionals in the relevant agencies should also take place. This is especially important with respect to the oversight if the Covenant of Care agreement relates to an offender upon release from prison.

### 4.3. Reporting

The Bishop is the ultimate authority within the Diocese and as such, must be informed of any safeguarding concern that arises within the Diocese in a timely manner. The Professional Standards and Safeguarding Office will act as the contact office for all safeguarding matters. In addition to this, any suspected crime committed by a cleric or a member of a religious institute or society of the kinds referred to in Art 1§1(a) of Pope Francis' apostolic letter motu proprio *Vos Estis Lux Mundi* ('VELM') must be reported in accordance with VELM.

All safeguarding concerns which arise within Diocesan Catholic Education and CatholicCare must be reported to the Bishop.

Where there is a Catholic Education or CatholicCare staff member (or student) operating in a parish role or parish activity, the Diocesan reporting structure is to be followed. There is no parallel reporting through any other Diocesan structures. Information sharing across entities is the responsibility of the Bishop or as delegated by the Bishop to Professional Standards and Safeguarding Office.

### 4.4. Review of Handling of Issues and Breach Procedures

The Diocese is committed to safeguarding children, young people and adults-at-risk and, therefore, after each safeguarding incident, the Diocesan Professional Standards and Safeguarding Manager will review the process and make comments to the Professional Standards Committee to ensure that best practice is followed. Where breaches of procedure are identified this will be managed through the line management structures and, dependent on the nature of the breach, may result in a disciplinary process.

## 5. References

N/A

## 6. Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

## 7. Procedure Information

<b>Subordinate Schedules</b>	
<b>Accountable Officer</b>	Professional Standards and Safeguarding Manager
<b>Policy Type</b>	Procedure
<b>Approved Date</b>	14/11/2022
<b>Effective Date</b>	15/11/2022
<b>Review Date</b>	25/10/2025
<b>Relevant Legislation</b>	
<b>Related Policies</b>	
<b>Related Procedures</b>	
<b>Related forms, publications and websites</b>	<a href="#">Vos Estis Lux Mundi in Australia</a>
<b>Definitions</b>	<b>Abuse</b> Means abuse of a child or of an adult-at-risk.  <b>Paramourncy Principle</b> The rule that the best interests of the child, young person or adult-at-risk must be regarded as the paramount consideration when making decisions.