

STANDARD 5:**Managing and providing care for those accused of abuse**

When an allegation is received concerning clergy, religious, lay employees or volunteers, we offer the accused pastoral care and support, including supervision and management of appropriate duties when necessary.

5.1 Key personnel will offer pastoral support to any person accused.

- 5.1.1 Normally those who disclose abuse are directed to a Safeguarding Adviser in the Diocese or Religious Institute. Accordingly, to avoid any conflict of confidentiality, an accused person must not have contact with this Safeguarding Adviser when an allegation is disclosed..
- 5.1.2 Clearly the Bishop, or Major Superior, has an important duty of care for the accused. It is imperative that, during the initial days, the accused person is offered the opportunity for a pastoral meeting with the Bishop or Major Superior. Recognising that the Bishop/ Major Superior will have to make important decisions in relation to the case, all parties must respect the agreed boundaries of communication.
- 5.1.3 Decisions about the specific personnel who will be responsible for offering pastoral support to the accused must be made sensitively. In most cases the accused must be allowed to choose the gender and ordained/lay status of the person. This support priest/layperson should be advised to note any concerns about the accused's well-being and conduct and to report these to the Bishop or Major Superior.
- 5.1.4 The support priest/layperson should be the key person in terms of offering support for the accused.³⁴ He/she could be appointed from another Diocese or Religious Institute, if no suitable person can be identified within the home Diocese. It would be good practice for a Diocese or Religious Institute to train a group of clergy, religious and lay people for this role. If the support is to be provided by a member of the Safeguarding team who is experienced in supporting someone who has been accused, this person should not also be a member of the DRAMT.
- 5.1.5 An external agency such as *Stop It Now* will often have the required experience in working with those who are accused. Such 'external' support has the clear benefit of being independent of the Church. Other individuals who would be able to provide due care for the wellbeing of the accused at a time of high stress levels and increased vulnerability include: a GP, a Spiritual Director or supportive friends.

³⁴ The role of the support priest/layperson is described in detail in 5.6 below.

5.2 The Bishop/Major Superior will establish monitoring procedures where necessary.

- 5.2.1 The mandatory reporting policy of the Catholic Church in Scotland means that, when a disclosure of abuse is made, it is always reported to *Police Scotland*, whether the accused is alive or deceased. If the accused is alive, then *Police Scotland* will instigate an investigation. They will also ask for the accused to be removed from any direct contact with children or vulnerable adults. This is intended both for the protection of these groups and for the protection of the accused.
- 5.2.2 The DRAMT, or the equivalent within a Religious Institute, must meet to make recommendations to the respective Bishop or Major Superior on what action to take in terms of the accused person.
- 5.2.3 Before meeting with the accused to propose or impose non-statutory measures of restriction on his rights, the Bishop or Major Superior, possibly aided by one or two advisers, will meet with the accused person to assess his/her situation and his/her needs.
- 5.2.4 It is likely that the Bishop / Major Superior will wish to establish some procedures to monitor the well-being of the accused, such as:
- an appropriate safe place for the accused to stay (statutory authorities to be notified)
 - arrangements for an accused priest to celebrate Mass, but not in public
 - whether the accused wishes to attend Mass close to his/her accommodation
 - arrangements for Spiritual Direction
 - how the accused should dress (if a cleric or religious)
 - access to healthcare
 - accessibility to visitors
 - restrictions on contact with parish
 - restrictions on any response to media
 - no contact with those who made the allegations
 - full co-operation with *Police Scotland*
 - access to a Canon lawyer
 - consideration of other practical and financial needs
 - appointing a Support Priest/Layperson
 - a date to review these monitoring arrangements.
- 5.2.5 If the measures in question are imposed by Decree, the formalities laid down in canon law for recording the communication and reception of a decree will be followed. If the measures are voluntarily assumed by the accused at the request of the Bishop, with or without a promissory oath, a note of these will be taken and co-signed by the Bishop and the accused. Voluntarily assumed measures can by definition be revoked wholly or in part by the accused who, in that case, must inform the Bishop and explain the changes he has decided, without prejudice to the Bishop's right subsequently to impose whatever measures he decides and are in accordance with canon 1722.

5.3 We follow an agreed process for responding to an accused's family members.

- 5.3.1 The Church has a responsibility to show care for the family of an accused person in a sensitive and discreet way. For many clergy and religious who have been accused and are subject to a criminal investigation, their parents and siblings are an important consideration throughout the process.
- 5.3.2 There should be a discussion about whether the accused wishes to inform his/her family and how much detail he/she wants them to know. At this point it is important to remember that, if the allegation was taken directly by the survivor to *Police Scotland*, then the Safeguarding Adviser, Bishop/Major Superior and the accused might know very little about the allegation. In Scotland the accused is usually interviewed towards the end of the investigation.
- 5.3.3 The accused has the right to withhold information from family members and to instruct the Bishop/Major Superior and Safeguarding Adviser to maintain this confidentiality. This can be potentially very difficult for the family. If it is agreed that the family can be told as much as the accused, this can also be very difficult for them to hear.
- 5.3.4 Given the likelihood that the media will approach family members for comment, the Diocese/Religious Institute, with the accused person's consent, should offer them advice.
- 5.3.5 The emotions of family relatives in this situation will reflect the mix of emotions to be encountered in the parish of the cleric or religious. The family might express the following emotions:
- difficulties in coming to terms with what is happening
 - feeling excluded by their relative who is a priest or a religious
 - confusion, shame, embarrassment, anger and hurt
 - shock, disbelief and denial
 - anxiety about options for the future
 - feeling excluded by the Church
 - concern about the impact on their own faith.
- 5.3.7 It is important to keep lines of communication and support open for the families of the accused. The Church must offer a healing pastoral response. Referral to professional services such as counselling may be required. Having a designated contact person can help to maintain contact and allow a safe space, if the family wish to talk. That sense of accompanying a family can be greatly appreciated. A meeting with the Bishop, Major Superior or other member of the clergy or religious might also be helpful. The offer of support from a priest, or another person who is trained and experienced in supporting the relatives of an accused person, might also be appreciated.

5.4 We follow an agreed process for informing and responding to the parish/religious community.

- 5.4.1 When an accusation is made against a cleric who is in active ministry in a parish/religious community, the effects on the parish/religious community must be considered and be suitably addressed within the bounds of confidentiality, data protection and the information available to the Bishop or Major Superior.
- 5.4.2 The Bishop or Major Superior must address the parish/religious community either personally or by means of a statement read by his delegate. This statement must set out what is happening in terms of the handling of the accusation and what happens next in the process. Throughout the process, whatever information can be given to the parish/religious community should be relayed to them. At the conclusion of the process, any decision and subsequent action affecting the parish should be fully explained by the Bishop, Major Superior, or his/her delegate.
- 5.4.3 Care should be taken at all times not to take away the good name of anyone involved in the process. Statements should be prudently prepared so as not to be prejudicial to anyone involved. No reference to the on-going process should be made by anyone without the explicit agreement of the Bishop or Major Superior.
- 5.4.4 At the conclusion of any process, the needs of the parish/religious community should be sensitively handled, whatever the outcome. The return of an accused cleric to a parish/religious community should be managed carefully to ensure that the necessary support is available to all.

5.5 We provide support for the priest appointed to administer the parish.

- 5.5.1 When a Parish Priest is asked by his Bishop to remove himself from the parish because he is subject to a criminal investigation, the Bishop will appoint a priest to administer the parish temporarily. In most cases, this Parochial Administrator will also be looking after his own parish at the same time. This priest requires sufficient support to ensure that he is able to sustain the many tasks of ministering to a parish community that may feel deeply wounded.
- 5.5.2 It is not unusual for a parish community to experience a sense of shock and also to be divided in its loyalties. Some may be unable to believe that their Parish Priest could ever harm anyone. Others may start to become resentful and suspicious and may question actions and words that might not previously have troubled them. Another difficult but common reaction is that parishioners may question the validity of the Sacraments celebrated by their Parish Priest.

- 5.5.3 The priest who is appointed as the Parochial Administrator may need advice / support in some of these ways:
- to be given as much information as is legally permitted about the reasons why the Parish Priest has had to leave
 - to be encouraged to have regard to his own physical and emotional health
 - to have access to the Diocesan Safeguarding Adviser for support
 - to be able to access support for Spiritual Direction
 - to have training in understanding the impact of the 'loss' of a Parish Priest on the parishioners
 - to be prepared for experiencing displaced anger and distress
 - to be aware of the possibility of further disclosures
 - to have access to supervision which will facilitate reflection on situations and responses.
- 5.5.4 Such support should enable the Parochial Administrator to be mindful of these particular responsibilities:
- to maintain appropriate contact with parishioners, without taking sides
 - to ensure that there is no inappropriate use of parish social media networks
 - to allow some 'grieving' to happen in the parish and to offer appropriate support
 - to find ways of restoring trust
 - to challenge harmful speculation and rumours.

5.6 We provide guidance on the role of the Support Priest/Layperson.

- 5.6.1 When a priest or religious is asked to stand down from ministry, pending an investigation, the Bishop or Major Superior must offer the support of a priest or a layperson who can accompany the accused person through what will be a difficult process. The appointment of this person must be done in discussion with the accused.
- 5.6.2 The person appointed must be trustworthy, discreet, honest and wise. She/he must possess good pastoral qualities and be able to respond with empathy, but also be able to observe firm boundaries in interactions with others. She/he must have a comprehensive understanding of how to identify risk-taking behaviours.

5.6.3 The Support Priest/Layperson will be required to:

- make a formal commitment to this role
- meet on a regular basis with the accused person
- ensure that these supportive meetings are held in a safe place
- notify the Diocesan Safeguarding Adviser of any concerns as soon as possible
- notify the Diocesan Safeguarding Adviser of any admission of guilt or disclosure of other criminal activity made by the accused person
- be aware that, if there is any such admission, she/he may also have to provide a statement to *Police Scotland*
- explore with the accused person any practical issues of care and safety which can be addressed by the Church authorities
- encourage the accused person to focus on his/her spiritual life as far as is possible
- accompany – if requested - the accused person to any formal meetings in a supportive role.

5.6.4 The following roles are NOT included in the remit of the Support Priest / Layperson:

- spokesperson on behalf of the accused person or an intermediary for any contact with the Bishop/Major Superior, Safeguarding Adviser, Family Protection/Manager Offender Unit, the Media, or *Police Scotland*
- Canon lawyer for the accused person
- Advocate for the accused person
- Spiritual Director for the accused person
- Confessor for the accused person.

5.6.5 It is essential that the person undertaking this role has access to support, including Spiritual Direction. The role should be reviewed every three months and there should always be the possibility for the Support Priest / Layperson to withdraw from this role if necessary.