



## STANDARD 2 Responding to Allegations

Children occupy a central place in the heart of the Christian community. The paramount consideration in all matters relating to children is their safety and protection from all forms of abuse. To create and maintain a safe environment, the De La Salle Brothers are committed to respond effectively to ensure that all allegations/concerns of abuse are reported, both within the Church and to statutory authorities. This responsibility to report is mandatory.

The De La Salle Brothers provide guidance and training on recognition of abuse, and clear procedures on what to do when a child protection concern arises, so that everyone knows how to respond appropriately. This involves knowing who to tell and how to record it. It is the responsibility of every Brother and Lay Member of Staff to ensure that children who may need help and protection are not left at risk of abuse.

### **This section will outline:**

1. Reporting Procedures
2. How to respond to an allegation of abuse
3. Recording Procedures
4. Case Management Records
5. Liaison with Statutory Authorities
6. Steps for dealing with a complainant who is dissatisfied with the way their complaint was handled.

### **1. REPORTING PROCEDURE**

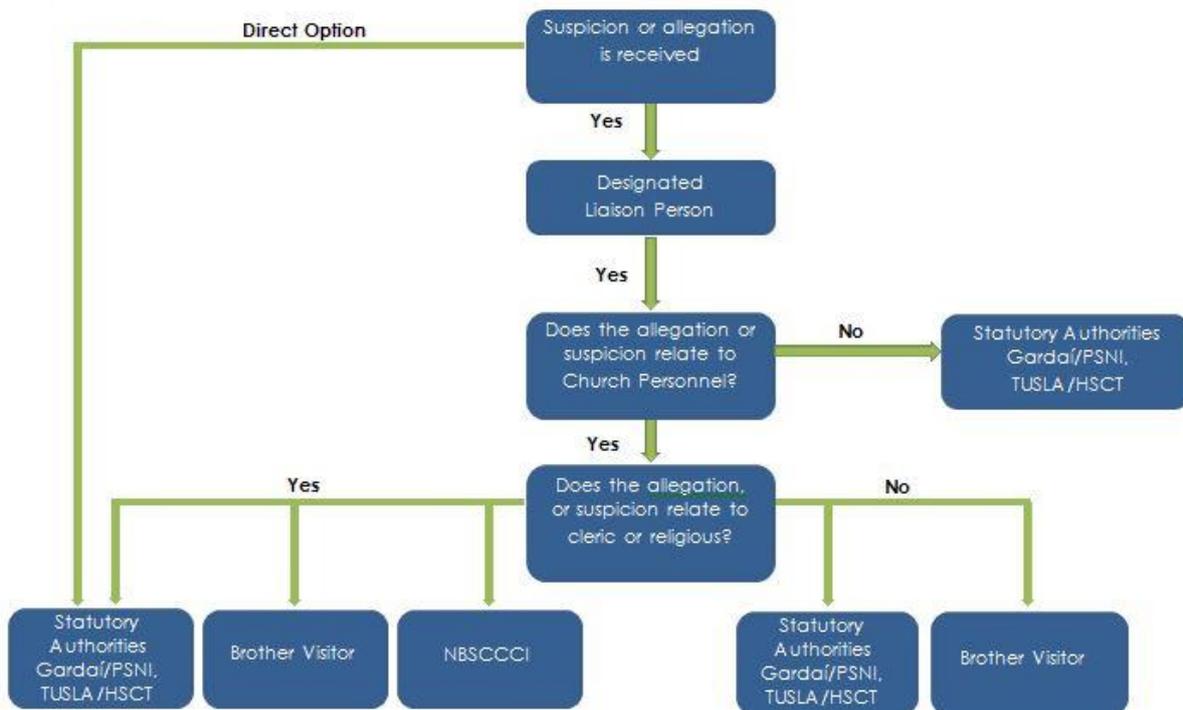
Following receipt of an allegation/concern, the following steps should be taken:

- a) Act and refer the matter to the DLP without delay.
- b) If the disclosure does not relate to De La Salle Brothers, religious or clerics who are working with the Brothers, the DLP will refer the allegation to:
  - The HSCT/Tusla
  - An Garda Síochána/PSNI
- c) If the allegation relates to Lay Members of Staff who are not clerics or religious, the DLP will refer the allegation to:
  - The HSCT/Tusla
  - An Garda Síochána/PSNI
  - The Brother Provincial
- d) If the allegation relates to Brothers and/or other religious or cleric working with the Brothers, the DLP will refer the allegation to:
  - The HSCT/Tusla
  - An Garda Síochána/PSNI
  - The Brother Provincial The NBSCCCI
- e) If the allegation relates to the Brother Provincial the DLP will inform:
  - The statutory authorities
  - The NBSCCCI



- The Superior General
  - The Superior General will temporarily remove the Brother Provincial Visitor and empower his first assistant to manage the case.
- f) In cases of emergency (and/or outside normal business hours), where a child appears to be at immediate and serious risk, contact Tusla/HSCT immediately. If Tusla/HSCT are not available, contact An Garda Síochána/PSNI to ensure that under no circumstances a child is left in a dangerous situation.
- g) If there is any uncertainty about whether the disclosure meets the threshold for reporting, the DLP will consult with statutory authorities.

### Reporting Flow Chart



## 2. RESPONDING TO ALLEGATIONS OF ABUSE

### a) Types of Disclosures

An individual may informally or formally refer to:

- Abuse that happened to them when they were a child
- Something they've been told by someone else and that they strongly believe is true
- Seeing signs of abuse, such as physical injuries on a child
- Something they have witnessed

### b) Responding to an adult making a disclosure

Explain the referral procedures to the person

- Adopt a listening style that is compassionate, calm and reassuring. If the information upsets 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, particularly in relation to confidentiality
- 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. Do not probe for detail beyond that which has been freely given
- Do not offer wording or language to the person making the allegation

**c) Responding to a Child making a disclosure**

- If possible have another adult with you.
- Remain calm
- Listen to the child carefully and in a manner that conveys that they are being heard and taken seriously
- Give the child the opportunity to tell their story in their own time
- Ask questions only for clarification
- Reassure the child that they have done the right thing by telling you
- Do not make promises that you cannot keep
- Explain to the child that you are going to pass the information on to the appropriate authorities and explain to them about the limits of confidentiality

**d) Anonymous complaints**

Anonymous complaints are to be handled carefully. Anxiety and fear may persuade some people not to immediately reveal their identity. It is sometimes difficult to act on information under these circumstances, unless at some point the name of the person raising the concern or making an allegation becomes known. If unsure whether or not the information received reaches the threshold for reporting, check with the DLP and follow the reporting procedures below.

- The person raising the concern should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child.
- As much openness as possible should be encouraged.
- If any identifiable information that relates to an allegation of abuse (current or past) is received, the DLP will pass this information onto the appropriate statutory authorities so that an investigation can be undertaken to assess child protection risks.
- If the allegation relates to a De La Salle Brother, after the statutory investigation has been concluded, a Church inquiry process may be required.

**e) Responding to an Individual who Admits to Abusing a child**



It is necessary to tell a person who admits an offence against a child that such information cannot be kept confidential. If such an admission is made, even where the admission relates to something that happened a long time ago, the matter must be referred to the DLP as soon as possible. The DLP will follow procedures for referral to Tusla/HSCT, and An Garda Síochána/PSNI.

**f) Responding to a disclosure not related to Church personnel**

Whether or not a child protection concern involves a person in the Church, it is still the responsibility of Brothers and Lay Staff to report it to the DLP, who will pass it on to the statutory authorities to ensure that children who may need help and protection are not left at risk of abuse. The safety and well-being of any child is the paramount consideration in any investigation, and children must never be put at further risk of harm by delay or inaction.

**3. RECORDING A DISCLOSURE**

**a) Brothers and Lay Members of Staff recording a suspicion/concern/allegation**

1. Whenever possible and practical, take notes during the conversation. Ask permission to do this. Where it is not appropriate to take notes simultaneously, make a written record as soon as possible afterwards.
2. Use the person's own words to describe the event or incident.
3. The record will normally include:
  - The time, date, location, persons present when the suspicion/allegation is revealed
  - How the allegation/suspicion was received, e.g. by telephone, face-to-face conversation, letter, etc.
  - Identifying information of the complainant, as far as it is known: name, address and age of the complainant when the alleged abuse occurred, contact details, and address where the alleged abuse took place.
  - Details of parents/guardians where the person who has raised an allegation/concern is a child.
  - Name of the individual against whom the allegation/concern is being raised, and any other identifying information
  - Details of any action already taken about the incident/allegation
  - Include all details provided by the complainant that to you may seem irrelevant. This may prove invaluable at a later stage in an investigation.
  - Sign and date the record
4. Inform the person who makes the allegation/concern that their identity and the identity of the respondent and complainant will be shared with the statutory authorities.
5. Provide the details of the DLP and explain that the DLP will get in touch with them.
6. The incident/concern must not be shared with anyone, apart from the statutory authorities and the DLP.
7. Pass all original records, including rough notes to the DLP.



8. Seek written confirmation from the DLP that the information has been passed on to the statutory authorities. If the DLP does not pass the information onto the statutory authorities request a written explanation.
9. Copies of retained records should be kept secure and confidential.

**b) In cases when a child is in immediate and serious risk and you have reported to the Statutory Authorities**

1. Make a record of the agency you have contacted. Make a note of the name and contact details of the person you have reported to, ask for a reference number for the case. Sign and date the record
2. Report the matter to the DLP and give him/her a copy of the record

**c) Reporting by the DLP**

The role of the DLP is to receive all safeguarding concerns and to pass them on to the statutory authorities. A safe environment of listening carefully and actively is created, in which a complainant feels able to disclose as much as they can remember.

- Ask if the support person can be present
- Explain your role and the referral procedures to the person
- Check if the information is correct. Do not question beyond checking what has been said. It is the responsibility of Tusla/H SCT and An Garda Síochána/PSNI to investigate. There should be no probing for detail about the alleged abuse beyond that which has been freely given
- Ask if the complainant wishes to make any additions
- Read the disclosure back to the individual and ask them to sign and date same
- Offer the services of a Support Person, if the Support Person is not present
- Report to the relevant statutory authorities, the Brother Visitor and the NBSCCCI if the allegation relates to a cleric or religious
- Notification of an allegation must be made in writing using the Child Protection Referral Form
- All fields should be completed, and if the information is not known this should be stated.
- A copy of this form must be forwarded to the statutory authority agencies and a copy retained on the case file.
- The NBSCCCI is informed of the case when it involves a cleric or religious
- Any contacts and/or meetings with statutory authority agencies should be recorded in writing and a copy kept securely in the respondent case file.
- Prior to informing the respondent that an allegation has been made, there should be a discussion with the relevant police force (An Garda Síochána/PSNI), whose view on informing the respondent should be sought. The purpose is to ensure that the Brother Provincial is not prejudicing any criminal investigation
- Prior to proceeding with the preliminary investigation in the case of clergy, or gathering the proofs in the case of a religious, written confirmation should be received from the statutory authority agencies, stating that their investigations have concluded.

**4. CASE MANAGEMENT RECORDS**



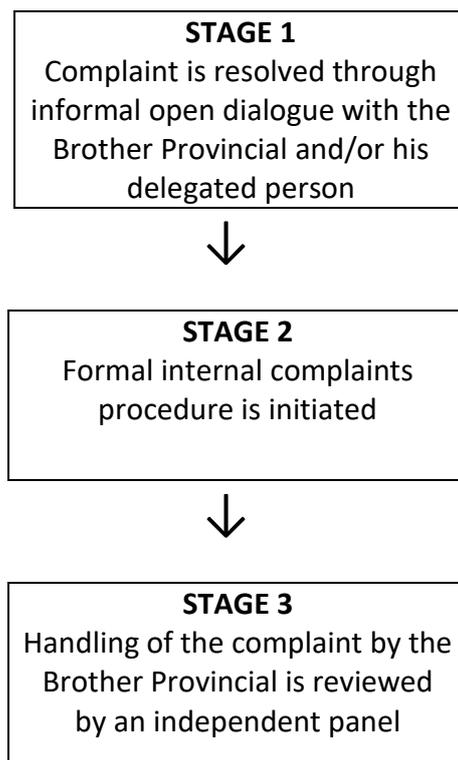
Case management Records will provide a complete account of involvement in order to provide evidence of all allegations and actions taken to safeguard children, to assess and manage risk and to monitor practice. All recorded information will be typed, accurate, factual and concise.

## **5. RESPONDING TO A COMPLAINANT WHO IS DISSATISFIED WITH HOW THEIR ALLEGATION WAS HANDLED BY THE DE LA SALLE BROTHERS**

If a complainant is dissatisfied with how their allegation of abuse has been handled by the Brothers, an open and transparent system is used to deal with their stated dissatisfaction. Complaints that cannot be satisfactorily resolved by the De La Salle Brothers should be examined objectively by persons not involved with the original decisions or actions.

This process is not a re-investigation of the allegation, but a method of attempting to resolve complaints relating to how the allegation was handled by the Brothers.

This process has three distinct stages. If the complainant is dissatisfied with the outcome at the completion of a stage, then the next stage is initiated in the ongoing attempt to resolve the complaint.



### **Stage One**

All complaints of this nature should be resolved, if possible, through an open dialogue between the Brother Provincial /delegate involved and the complainant. The Brother



Provincial/delegate uses his/her best endeavours to resolve the complaint at this stage. However, if resolution is not achieved or the complainant is not happy with the outcome of discussions, then the Brother Provincial/delegate involved should advise the complainant that it is open to him/her to pursue the complaint, explaining Stage 2 of the complaints process. A written communication for and on behalf of the personnel involved, confirming the availability of Stage 2 of the process, should be sent to the complainant.

### **Stage Two**

- a) The complainant should write to the Brother Provincial, setting out what their complaint is and how they would like it to be addressed.
- b) A letter acknowledging receipt of the complaint will be sent by the Brother Provincial to the complainant within seven working days, enclosing a copy of the this Complaints Procedure.
- c) All complaints will be thoroughly investigated by a Complaints Person appointed by the Brother Provincial - someone other than the person who dealt with the complainant's original allegation of abuse, and who is appropriately appointed by and responsible to the De La Salle Brothers.
- d) This Complaints Person may organise a meeting with the complainant to discuss and hopefully resolve the complaint. The complainant may invite a person to accompany him/her to any arranged meeting. If a meeting is not possible and/or the complainant does not wish to attend a meeting, this communication with the complainant may also take place by telephone. This direct communication with the complainant should take place, if possible, within fourteen days of the letter acknowledging receipt of the complaint.
- e) Within seven days of the meeting or discussion with the complainant, the Complaints Officer will send written minutes to the complainant of what was discussed, and of any actions that were agreed upon.
- f) If the complainant is not agreeable to a meeting or discussion, or for some reason cannot participate in either, the Complaints Officer will issue a detailed written response to the complainant within twenty-one days of acknowledging receipt of the letter of complaint, setting out suggestions for resolving the matter.
- g) Whatever process is used, the Brother Provincial should ensure that no more than eight weeks is taken to consider the complaint and to propose a resolution to the complainant.
- h) If there is no resolution at Stage 2, and if the complainant wishes to proceed further, a written request for a review can be sent to the NBSCCCI by the complainant. This option of progressing to Stage 3 should be confirmed in writing by the Complaints Officer to the complainant.

### **Stage 3**

- a) The complainant should set out in writing to the chairperson of the NBSCCCI the nature of the original complaint about how their allegation was dealt with, how they experienced Stage 1 and Stage 2 of this complaints process, and how they would now like their complaint addressed.
- b) The request to the NBSCCCI for a review should be made within three months of the conclusion of the Brother Provincial's internal complaints procedure (Stage 1 and Stage 2).



- c) The chairperson of the NBSCCCI will advise the De La Salle Brothers that the request has been made and permission sought to refer the complaint onto an independent complaints panel.
- d) Any review will be an independent evaluation of whether the proper child protection procedures have been followed, and whether the appropriate standards and best practice guidance have been adhered to.
- e) The chairperson of the NBSCCCI will refer the complaint to the chairperson of the Independent Complaints Panel, who will appoint an appropriate person or persons to conduct this Review.
- f) To assist this Review process, the De La Salle Brothers will make available to the Independent Complaints Panel all written information about how the complainant's original allegation of abuse was investigated, as well as the written records of how Stage 1 and Stage 2 of the complaints process was conducted, and of the proposals made for a resolution of the complaint.
- g) To assist this review process, the De La Salle Brothers will make available for interview all personnel involved in the handling of the original allegation.
- h) Having examined all written information concerning the complaint, the Reviewers can use discretion about the form and extent of any review or to discontinue the process, giving the reason.
- i) If, during the Review, there are concerns about the abuse of a child, the reviewers will revert to the De La Salle Brothers for their required action under Standard 2 – reporting procedures
- j) The reviewers will keep notation of all meetings and will ask all those interviewed to sign a declaration that these are an accurate record of their discussion. These notes may be shared with all involved parties, at the discretion of the reviewers.
- k) The reviewers will compile a written report on their findings and recommendations. This report will then be shared with the NBSCCCI prior to submission to all parties.
- l) With the approval of the NBSCCCI, the chairperson of the Independent Complaints Panel will submit the written report to all involved parties, with recommendations of actions to be taken within specified time frames. The sending out of this report marks the completion of Stage 3 of the complaints process.
- m) There will be no further recourse under this process if the complainant remains dissatisfied at the end of Stage 3.
- n) The De La Salle Brothers will bear all reasonable costs of the review. The chairperson of the Independent Complaints Panel and associated reviewers will be selected by the NBSCCCI in consultation with the Brothers.