

STANDARD 3

Care and Support for the Complainant

MERCY GUIDANCE

**These pieces of guidance are to assist, if necessary,
with the implementation of Standard 3**

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Roles of Safeguarding Personnel in Relation to this Standard

Provincial Leader

The role of each Provincial Leader across all the Seven Standards is outlined in Appendix A. In relation to Standard 3, the Provincial Leader is responsible for ensuring that:

- A support person is appointed, or that procedures are in place to share the services of a support person if required;
- Practice and Policy on the Care of the Complainant is compliant with Statutory and Canonical law;
- Complainants are met and facilitated to disclose abuse in an environment that meets their individual needs;
- Complainants are heard in a spirit of acceptance and trust;
- Appropriate assistance is offered to complainants and, as required, to their families;
- Counselling, support and information is given to children and adults who wish to make a complaint of abuse;
- Pastoral care is given to those who have suffered abuse by a Sister of Mercy or employer or whilst under their care, where this is deemed helpful by the complainant.

Designated Liaison Person (DLP)

The role of the DLP across all the Seven Standards is outlined in Appendix A. In relation to Standard 3, the DLP is responsible for:

- Attending the initial meeting with the complainant (unless this is against the wishes of the complainant);
- Ensuring that all appropriate internal and external inquiries are instigated;
- Ensuring that relevant information regarding contact with the complainant is recorded and stored appropriately in the case file;
- Keeping the Provincial Leader updated regarding the health and well-being of the complainant;
- Liaising with the support person to ensure that support, advice and pastoral care is offered to the complainant. If relevant safeguarding concerns are raised with the support person by the complainant, the DLP must ensure that these are passed on to the civil authorities and to the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI).

Support Person

The role of the support person across Standards 2 and 3 is outlined in Appendix A. In relation to Standard 3, the support person is responsible for:

- Attending the initial meeting of the complainant with the DLP (if agreed in advance with the complainant) in order to support the complainant; keeping them informed of the progress of their case; and helping them to identify and access support;
- Ensuring that support is provided to complainants and their families, as requested and mutually agreed upon;
- Ensuring the complainant is offered pastoral care that meets their individual needs;
- Offering to arrange a pastoral meeting with the Provincial at an appropriate time during the process, if the complainant wishes;
- Recording any dates of meetings and/or contact they have with the complainant, and passing on relevant information to the DLP, as appropriate. They will not be responsible for managing the file but will pass on written records to the DLP, as appropriate, during regular meetings with them.

NBSCCCI

The role of the NBSCCCI across all the seven standards is outlined in Appendix A. In relation to Standard 3, the NBSCCCI will:

- Be advised of safeguarding suspicions, concerns or allegations by the DLP, and retain records of this information;
- Offer advice and support to the people in the roles listed above and on the previous page, in relation to care and support for the complainant.

National Case Management Committee (NCMC)

The role of the NCMC across Standards 2, 3 and 4 is outlined in Appendix A. In relation to Standard 3, the NCMC will:

- Offer advice and support to the Provincial on any issue relating to the care of the complainant;
- The NCMC will put their advice in writing, and these records should be passed to the DLP who will store them in the minutes of meetings section of the relevant case file (Guidance 2.2B).

Storage and Retention of Records Associated with this Standard

The table below lists the types of records that need to be stored appropriately and securely as part of this standard, in accordance with best practice in record-keeping (see Appendix B). The templates for the production of each record, which have been included in the guidance for this standard, are listed in the final column.

Type of Record	Where to Store	Guidance Number/Page Number
Dates of meetings held by support person with complainant	Provincial Office	Guidance 2.2B
Any third-party information	Provincial Office	Guidance 2.2B
Notes of any requests for support or relevant safeguarding concerns made to support person by complainant	Provincial Office	Guidance 2.2B

3.1A Guidance on a Pastoral Response to Complainants

The Provincial Leader must identify who is best placed to offer pastoral care to complainants, and must recognise that providing pastoral care may not be the sole responsibility of any one person. It is the responsibility of the DLP managing the case to ensure that the support person offers support and pastoral care to the complainant.

The Provincial Leader should offer to meet with the complainant at appropriate points during the process to listen to concerns, if this is the wish of the complainant.

Awareness of the Impact of Abuse on a Complainant

People who have been abused want to be heard and to have their very real pain acknowledged. They want a compassionate response from the Congregation and to see action take place to ensure children are now safe. A person who has suffered abuse will have significant strengths, as well as potential complex needs.

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.

There will be a complex mix of feelings and emotions where abuse has been at the hands of someone the complainant has trusted, and even more so if the respondent holds a position of spiritual or moral responsibility. This may then include the challenging process of re-establishing relations with a faith community and with God.

Process of Ensuring a Pastoral Response

Initial Contact

In line with the reporting procedure outlined in Standard 2 (Guidance 2.1A), once an allegation has been received by the DLP, they should:

- Make contact with the complainant to arrange a meeting (unless this is against the wishes of the complainant) and, with the knowledge and agreement of the complainant, allow the support person to attend the initial meeting or to meet with the complainant immediately thereafter;
- If a face-to-face meeting has been agreed, meet the complainant at a time and place that is convenient and acceptable, along with a family member or friend whom they may have asked to accompany them for emotional support. The support person may also attend this meeting, if agreed in advance with the complainant;
- Give the complainant an opportunity to give a detailed account of the allegation(s) – the account should be recorded, signed and dated by both parties;
- Accept third-party accounts from family or friends of the complainant, if the complainant wishes;

- Explain to the complainant that the Sisters of Mercy has a duty to provide appropriate support, counselling and pastoral care to all complainants of abuse. Details of the Towards Healing counselling service should be provided, as well as the offer of assistance in making an appointment. This step should be carried out by the support person, if they are present;
- In a situation where the complainant is still a child, particular sensitivity is required. A parent/guardian should always be present with their child, and the offer of care and support should be made to the child's parents/guardians;
- Every complainant is offered access to a support person. The role of the support person is to ensure that the complainant is appropriately supported throughout the process of disclosure and thereafter. It is the prerogative of the complainant whether or not they wish to accept the assistance of a support person;
- After the meeting, the DLP should review the allegation(s) in an effort to establish if the threshold for reporting has been reached. If it has, the DLP should, without delay, refer the allegation(s) to the statutory authorities and the NBSCCCI;
- The DLP shall assist the support person in drawing up an outline of a supportive response, appropriate to the individual and the circumstances;
- The DLP presents their findings and the recommended support response to the Provincial for approval;
- The support person presents their proposed response to the complainant;
- The DLP and/or the support person contacts the complainant and communicates the decision of the Provincial Leader on how to proceed, and they discuss the next stages of the process.

None of the above actions should interfere with any criminal investigation.

Meeting with the Provincial Leader

Once a process of pastoral care and support is in place, the DLP should offer to set up a meeting with the Provincial Leader, if it is the wish of the complainant.

It is important that the agenda, time and venue of any such meeting are negotiated by the support person, in consultation with the complainant, the DLP and the Provincial Leader.

It is important that all parties are fully prepared for the meeting. It could be helpful in some instances to arrange to have a facilitator or mediator present, if this is deemed to be in the best interest of the complainant.

It Must be Understood by All That:

- The overall purpose of the meeting is to **listen** to the complainant;
- The meeting is not about determining the outcome of any investigation that might ensue.

Towards the end of this meeting, ongoing support can be reviewed and any required changes can be agreed upon.

Ongoing Support

Contact with the support person should always be led by the needs of the complainant.

Meeting the pastoral and support needs of complainants can be best achieved when the Congregation is open to:

- Travelling to meet those who wish to disclose abuse when the complainant is unable or unwilling to come to meet the identified safeguarding personnel. This can be delegated by the Provincial to the DLP and/or support person, if appropriate;
- Facilitating those living abroad to travel to Ireland to meet with child safeguarding personnel and make a statement to An Garda Síochána;
- Seeking the assistance of the local Church body in situations where those living overseas wish to disclose abuse to a person or persons in their country of residence;
- Allowing sufficient time for the complainant to give a complete account of the allegation(s). This can take a number of meetings.

****Some complainants may also wish to remain engaged with the Sisters of Mercy despite the effect that the abuse may have had on their relationship with them, 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 (Guidance 3.1A).

The support person liaises with the DLP for information sharing and accountability purposes, and should provide them with a summary of dates on which they have met with the complainant, along with any relevant child safeguarding concerns that may arise during these meetings. The DLP will store these in the third-party information section of the file (Guidance 2.2B).

Mediation

The services of a mediator/facilitator may be used by common agreement between the complainant and the Provincial Leader. There are organisations that provide professional facilitators who arrange and mediate meetings between complainants, their families and members of the Church bodies that are part of the Catholic Church in Ireland. The function of the facilitator is to arrange and moderate a process of communication between the complainant and the Sisters of Mercy. For instance, this may involve a meeting, managed by the facilitator, in which a formal apology can be made to the complainant, and their unresolved problems addressed.

The facilitator should be aware of the ongoing needs of the complainant, and should seek to know the response of the Provincial Leader to those needs. The facilitator should also seek to know the support needs of the complainant's family and of the community in which the abuse occurred, if the abuse is publicly known.

The facilitator should seek to identify any outstanding issues where the complainant is not satisfied with the response from the Provincial, and should explore with both parties the best means of dealing with such issues.

(See also Guidance 2.1H: On Responding to a Complainant who is Dissatisfied with how their Allegation has been Handled by the Church Authority)

The Complainant or Provincial may choose to have support at the meeting.

The Sisters of Mercy should bear all ordinary and reasonable expenses attributed to the process of facilitation.

Financial Compensation

Some complainants may wish to claim financial compensation for the harm they have suffered. All complainants should be advised of their right to seek legal advice if they wish to pursue a civil case against their alleged abuser and/or the Sisters of Mercy. Complainants need to be informed of the adversarial nature of litigation and the inevitable process of disclosure involved.

Strategy for Support Services of Former Residents

“I have come that you may have life and have it more abundantly.” (John 10:10)

In formalising a standardized strategy for the care of former residents a number of elements were considered:

- ❖ Pastoral Outreach
- ❖ Assessment of Needs
- ❖ Sourcing Services
- ❖ Congregational Relationship with Existing Services

Standardized Strategy for the Support of Former Residents Consistently Applied Across Each of the Four Irish Provinces of the Sisters of Mercy

Underlying Principles/Values

- ❖ Integrity of the Relationship
- ❖ Compassion
- ❖ Respect
- ❖ Dignity
- ❖ Transparency

The Congregation of the Sisters of Mercy Commits to:

- ❖ Relating/dealing with former residents with deep respect and dignity
- ❖ Listening to, taking seriously and treating fairly all former residents
- ❖ Having a compassionate pastoral outreach to all especially to those who are hurting.
- ❖ Being transparent in all our encounters/dealings with them.
- ❖ Continuing our existing services to former residents both formally and informally.
- ❖ Supporting former residents through the process of accessing and making sense of their care records
- ❖ Highlighting the services that are available on Congregational and Provincial websites
- ❖ Directing some who seek our help to other agencies knowing that we may not always be the best people to support them
- ❖ Reviewing this strategy on a regular basis.

The Sisters of Mercy Support Former Residents through Formal and Informal Structures

Formal Supports

The Congregation Contributes to:

A. Towards Healing: A Catholic Church Response to Institutional, Clerical and Religious abuse.

Towards Healing is an independent organisation providing professional support for people who have experienced abuse.

The following services are available to former residents

B. Towards Peace

Former residents have access to spiritual support for survivors of abuse by Catholic Church personnel in Ireland

C. Caranua

Former Residents have access to the services of Caranua. Caranua was established by the Residential Institutions Statutory Fund Act 2012. Funds from Irish Religious Congregations are used to address the housing, health and educational needs of former residents.

Access to Caranua Services

- ❖ Advice, Advocacy,
- ❖ Support. Information
- ❖ Health and Wellbeing
- ❖ Housing Support
- ❖ Education, Learning and Development

Informal Supports

The range of informal supports provided depend on the needs and circumstances of each individual person.

- ❖ One-to-one visits/conversation
- ❖ Informal meetings
- ❖ Listening
- ❖ Advice sought
- ❖ Letters, Cards
- ❖ Phone calls
- ❖ Help with Communion, Confirmation, Weddings
- ❖ Funerals, ESB Bills etc.
- ❖ Individual
- ❖ Financial/ Practical
- ❖ Group and Annual Gatherings
- ❖ Visits to former residences
- ❖ Family events

3.2A Guidance on Appropriate Personnel

Those who have alleged child abuse should receive a compassionate response from the Sisters of Mercy and be offered access to appropriate care, advice and support.

Sisters of Mercy must have in place a safeguarding structure that provides consistent and effective responses to the safeguarding needs of child and adult complainants across all four provinces. Complainants need to be listened to and heard to ensure that any allegation or disclosure of abuse is handled compassionately, effectively and professionally.

Those recruited to fulfil the roles listed on Pages 3–5 should be selected following clear criteria, in accordance with safe recruitment practices (Guidance 1.1A).

Given the highly sensitive nature of this work, everyone involved must abide by the highest possible standards of professional conduct in all aspects of their work, including the maintenance of appropriate confidentiality. Consideration should be given to requesting that any potential applicants for these roles sign a confidentiality agreement as part of their contract (Guidance 1.1A, Template 5).

Each Province should have access to a support person who is available to those who make an allegation/disclosure of abuse, if the complainant so wishes.

3.2B Guidance on the Role of the Support Person

The Role

As shown in Appendix A, the role of the support person is to:

1. Keep the complainant informed of the process of the case;
2. Help the complainant identify and access counselling and support;
3. Record any meetings or contact they have with the complainant, and pass on relevant information to the DLP, as appropriate;
4. Uphold the seven standards in practice and behaviour.

Being attentive to the expressed needs and objectives of the complainant, the support person should:

- Encourage and support the complainant in getting suitable help;
- Be extra mindful of the vulnerability of the complainant during the process.

Clarity About the Role

- The support person is not a counsellor for the complainant and should not act in that role.
- The support person should not act as spiritual guide for the complainant.
- The support person does not manage the case file and will not have access to it.
- If the complainant is a child, the support person should liaise with the parents/guardians of the child.

Frequency of Meetings

The frequency of contact/meetings should be dictated by the complainant, but the support person needs to initiate contact at least once a year on an ongoing basis, unless the complainant states that they do not want any further contact. This is to ensure that the Provincial Leader continues to make every effort to offer a supportive and pastoral response to complaints.

Storage of Records

Information regarding meetings between the support person and the complainant must be stored safely and securely (Appendix B). The following should be used as a guide to information that must be recorded:

- The date and time the meetings took place,
- Any relevant child safeguarding issues that have arisen,
- If the complainant has knowledge of a crime
- If the complainant is suffering from a mental health condition or is suicidal
- Any requests for support or representations that the complainant wishes to make to the Provincial.

A record that the meetings have taken place, along with any relevant child safeguarding issues, should be forwarded to the DLP for placing in the third-party information section of the file (Guidance 2.2B). It is advisable to share this record with the complainant prior to sending to the DLP.

Regular meetings between the support person and the DLP should be held to enable the DLP to keep up to date with the needs and requests of the complainant, and to advise the Provincial Leader of any requests for support. These meetings should incorporate any requests for supervision, in order to allow the support person to receive feedback on their role. If necessary and appropriate, external support for the support person should be used (Guidance 5.6A).

Training

All support persons should attend a local full-day training programme (Guidance 5.3A) facilitated by trainers registered with the NBSCCCI.

The Provincial Leader should ensure that support persons are given the opportunity to attend training provided by the NBSCCCI, in accordance with the NBSCCCI Training Strategy (Guidance 5.2A).

Both of these training needs should be included in the annual training plan, which is produced by the Safeguarding Committee (Guidance 5.2B)

3.3A Information and Guidance on Contacts for Relevant National Organisations and Agencies

Disclosing abuse can be a significant milestone on the road to possible recovery. There are a number of organisations that specialise in working with complainants. Many of these are listed below.

All-Ireland Church Bodies

- **Towards Healing** is an organisation that has expertise in providing a compassionate response to those who have experienced abuse. This service is funded by the Church, and offers direct services to survivors through a range of counselling, helpline and restorative justice approaches. More information can be found at www.towardshealing.ie
- **Towards Peace** offers spiritual support and guidance to survivors of abuse by Church personnel. For further information, visit www.towardspeace.ie

Republic of Ireland

- The Child and Family Agency – Tusla: www.tusla.ie
- An Garda Síochána: www.garda.ie
- ISPCC: www.ispcc.ie
- Barnardos: www.barnardos.ie
- HSE National Counselling Service: www.hse.ie/eng/services/list/4/Mental_Health_Services/National_Counselling_Service/
- Rape Crisis Network of Ireland: www.rcni.ie
- Children at Risk in Ireland (CARI): www.cari.ie
- One in Four: www.oneinfour.ie
- Connect: www.connectcounselling.ie

Northern Ireland

- Social Services: www.dhsspsni.gov.uk
- The PSNI: www.psni.police.uk
- One in Four: www.oneinfour.org.uk
- The Nexus Institute: www.nexusinstitute.org
- The Samaritans: www.samaritans.org
- The Rowan Sexual Assault Referral Centre: www.therowan.net
- Lifeline: www.lifelinehelpline.info
- NSPCC: www.nspcc.org.uk
- Barnardos: www.barnardos.org.uk

If you are concerned that a child is currently at risk, all reporting numbers are contained in Appendix D.

The Following Resources may also be Useful:

- Childline (ROI): 1800 666666
- ChildLine (NI): 0800 1111
- CARI: 1890 924567