

“Integrity in Ministry” Complaint Framework

Irish Jesuit Province



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Introduction and Background

This document forms part of a larger document entitled “Integrity in Ministry” containing a Code of Behaviour for Jesuits and a statement of best practice in their ministry. The present section deals specifically with the procedure for dealing with complaints to which this ministry may give rise.

The origin of this document came from an identified need for a written procedure to guide the management of complaints. The document would introduce a consistency and fairness to the procedure and ensure that all attempts were made to respond to the unhappiness described by the person making the complaint.

Scope and Purpose of the document

Its purpose is to facilitate a person to make a complaint where things have gone wrong, in the ministerial relationship between themselves and a Jesuit.

It will be used as a reference point by the Provincial, his Delegate and whatever consultative panel they appoint in processing complaints, and it will guide the management of such complaints for all involved.

It is not intended to replace: “Jesuit Procedures for Safeguarding Children” which deals with allegations and concerns of child abuse.

It is the aim of the present section to:

- Provide a welcoming space for complainants that is safe, sensitive and respectful of the dignity of the human person.
- Act with integrity and justice through just and fair procedures to protect the rights of both the complainant and the respondent.
- Be open and transparent as appropriate in the processes of engagement.
- Ensure that our response creates optimum opportunities for reconciliation and restoration of relationship.
- Strive towards a reasonable time frame to resolve the matter for all involved.

When Trust Is Broken: Complaints

Introduction

There are times that a Jesuit may act in ways that cause harm to another person and harm to the relationship. The person who has been hurt may choose to bring their experience to the attention to the Jesuits. It is the written or spoken account that we are calling “a complaint”.

Whenever trust is broken by the harmful conduct of a priest or religious, the Jesuits will seek to restore the relationship as quickly and as fully as possible. Responsibility for this rests with the whole community, and, in a particular way, with the Provincial. The first concern is for the healing and care of those who have been hurt by a Jesuit. The next concerns are for the justice and the healing of the community as well as for the healing and well-being of those who have caused damage by their behaviour.

Complaint Personnel & Terminology

Complainant: A person making a complaint

Respondent: A person who has a complaint made against them

Provincial: The major superior (Leader) of the Irish Jesuit Province

Complaint Liaison: The person delegated to coordinate the response to complaints.

A complainant may choose to approach any representative of the Jesuits to speak of their experience. Jesuits will continue to make themselves personally available to meet with complainants and to listen attentively to their experiences.

However there are also specific personnel in place to receive and respond to complaints.

The Provincial holds ultimate responsibility for both the pastoral care of members and those to whom they minister, and for ensuring that appropriate action is taken when concerns emerge about a person’s ministry.

At the request of the Provincial, the complaint liaison coordinates the response to complaints, from meeting with complainants to ensuring proper procedures are followed. The Jesuit **Safeguarding Delegate** fills this role. He/she is supported by an **assistant delegate**, who is usually a Jesuit. The delegate is a professional layperson. This allows complainants a choice of whether they prefer their liaison to be a non-Jesuit or a Jesuit.

Both complainant and respondent will be offered a **support person**. The support person can attend meetings with the complainant or respondent, and provide information on professional support services.

There will be times in the management of complaints that expert advice will be needed. This will be called on as required and at times, a **consultative panel** will be convened.

Principles & Best Practice in Responding to a Complaint

1. Listening to the Complainant

The first priority is to seek to understand the very personal account and experience of the complainant. Also at this stage we want to establish the content of the complaint and what the complainant themselves is seeking from the complaint process.

- a. A prompt initial response to the complainant is crucial.
 - b. We listen attentively to the complainant and substance of the complaint.
 - c. We involve the complainant in discerning what they want and need.
 - d. We outline as best we can the timeframe for each stage of the complaint process.
2. The Jesuits undertake to ensure that those receiving complaints are suitably conversant and trained in best practice in handling complaints.
 3. The principle of openness and transparency is very important. This begins at the initial meeting/s with clarity around each person's role. Confidentiality and its limits should be explained. Information is shared with the complainant and respondent about what can be expected re process and outcomes, possibilities and constraints. If a canonical process is required, a clear explanation of what is involved should be given to the complainant and respondent.
 4. If there are necessary delays, both the person making the complaint and the person with a complaint against them should be kept informed of what is happening.
 5. Congruence between words and actions - Listening attentively and with compassion at meetings with the complainant is hugely important but it is equally important that any action agreed is followed through after the meeting.
 6. Be clear and specific around options and invitations, and avoid using technical terms or jargon. An example of this would be the use of the term "pastoral care". If options around supportive responses are being discussed, specific possibilities will be outlined eg. Provision of support person, funding of psychotherapy, a meeting with the Provincial.
 7. Both complainant and respondent will be offered access to professional supports.
 8. The principles of natural justice and fair procedure will be upheld, meaning that the respondent has an opportunity to:
 - a. Hear the details of an allegation/complaint and to make a response
 - b. A fair and impartial determination of the issues
 - c. Appeal.

9. For a person who has been hurt to feel there has been resolution and redress for the harm caused, financial support or compensation can be important. If a person wishes to explore this option, they should not be met with overly legalistic or adversarial responses. Confidentiality clauses will not form part of any agreement.
10. Complaints can be a 'gift', albeit a painful one. A credible complaint is a truth-telling exercise and, as such, is a 'gift'. They provide an opportunity to restore faith and relationship between Jesuits and those who have been hurt by Jesuit ministry. They offer potential for strengthening community as a result.

Complaint Procedure

Informal Stage

As a general rule, an attempt should be made to resolve issues of concern at the earliest opportunity, and at the lowest level, where informal procedures are deemed appropriate. Informal complaints might relate to lapses in good communication eg. lack of information, unexplained decisions, rudeness) or failure to meet commitments.

The term "informal" does not equate to "not taken seriously". All concerns and complaints require attentive listening and compassion on the part of the person hearing the account. All complaints offer an opportunity to restore relationships and make things right.

Possibilities for informal resolution are:

Hearing and acknowledging a person's concern and offering some immediate solutions;
communicating a raised concern to a respondent's attention before it becomes a more serious matter;
dialogue between the two parties concerned;
pastoral mediation;
offering an apology etc.

When it is established that the complaint cannot be resolved at an informal level, or that the issue is of such seriousness that the **Informal Stage** is inappropriate, then it progresses to the **Formal Stage**.

Important Note: If Jesuit personnel receive a complaint which includes behaviour that could constitute a criminal offence against an adult, it will be notified to the Gardai/PSNI. There may also be a need to report to the HSE/HSCT if the concern relates to a person who could be seen as "vulnerable" in physical or intellectual terms or because of any other disability. The safeguarding delegate and deputy are available to offer advice and support and, if appropriate, to report the matter to the civil authorities.

Formal Stage

Receive Complaint

1. The complainant will be invited to meet with the complaint liaison so that they can provide a full account of their experience. Contact between the complainant and liaison to set up the meeting should happen **within 7 days** of initial contact, but ideally sooner. The complainant will be given a choice in relation to venue and encouraged to bring a person with them for support. The complaint liaison will usually be accompanied by the deputy who can take notes. The notes will later be sent to the person making the complaint for review and amendment. The person will be supported in telling their story in their own time and pace. A second meeting may be required for this purpose.

Note: As outlined in “Principles & Best Practice”, transparency and good communication is essential throughout the process. Contact with the complainant should not be confined to the initial meeting and advising of the outcome.

Inquiries

2. After the meeting, the complaint liaison will:
 - a) Report the information to the Provincial and consider if immediate protective measures are required eg. restrictions to ministry;
 - b) Review the information provided to establish what procedures may need to be invoked, and
 - c) Make inquiries to establish further the facts and circumstances around the case eg. dates, assignments, other complaints;
 - d) Consider if specialist advice is required eg. canon law.
3. A Preliminary Canonical Investigation pursuant to Canon Law may be required. In this instance, the Provincial will commence a preliminary investigation under Canon 1717 and will appoint a delegate to conduct this.
4. The respondent will be asked to attend a meeting with the Provincial and the complaint liaison. He may bring a person with him for support. He will be advised of the details of the complaint and the name of the person making the complaint. He will be given an opportunity to respond but he does not have to make a response at this initial meeting. He will be asked to make a written response **within 21 days**.
5. However, if a preliminary investigation is taking place, the respondent will not make a response as outlined at point 4 but will make his response at the end of the preliminary investigation.

Assessment

6. All information gathered is considered to allow a determination of:
 - a) The veracity of the complaint
 - b) The seriousness of the misconduct
 - c) Interim protective measures

- d) Possible courses of action, including the needs and requests of the complainant, and the needs of the respondent.

Possible courses of action

- 7. Some of the options available at this stage are:
 - a) The respondent engages in some form of professional assessment.
 - b) The Provincial issues some form of moral correction, which may or may not include a precept (a written direction invoked under Canon Law).
 - c) It may be necessary for the respondent to attend a course which addresses such things as appropriate boundaries in ministry.
 - d) It may be necessary for the Provincial to seek further advice from the Consultative Panel before making a decision.
 - e) No further action.

Towards a conclusion

- 8. Where action has been taken to correct the behaviour of the respondent, a review plan needs to be implemented.
- 9. In an attempt to promote healing, a formal restorative process may be considered, similar to mediation. Timing and mutual readiness of both parties is important in initiating the process and it is best that the initial request comes from the complainant.
- 10. If a formal restorative process is not engaged with, other possibilities for reparation and offering of an apology need to be considered.
- 11. If a complaint is found to be malicious or unfounded, action needs to be taken to undo any harm caused to the respondent.

Concluding the process with the complainant

- 12. While the relationship with the complainant may come to a natural end vis-à-vis their complaint, there may be a continuing relationship with one or more people. The pastoral care of the complainant is open-ended and actively offered.
- 13. End of process review: A meeting with the Provincial should be offered to review the steps taken and to provide the complainant with an opportunity to describe how they found the process and to make any final requests or observations.

CONTACT DETAILS

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