

# Diocese of Kilmore

## Complaints Procedure

Please Note:

Complaints relating to child sexual abuse must be dealt with pursuant to the procedures set out in Safeguarding Children — Standards and Guidance Document for the Catholic Church in Ireland.

### Preamble

Priests are called to be servants of Christ and his Church, witnesses of a life other than that of this earth. This ministry makes a special claim on them not to conform themselves to this world while, at the same time, living in it. (P.O. n.3)<sup>1</sup>

Priests, no less than those they serve, are called to holiness and to integrity of life. The priest lives the challenges of his life supported by the grace of God, without which his commitments and duties can become a burden. He is always a priest of Christ, both in his personal and ministerial life.

Like St. Paul, a priest's living of the life to which he has been called has its times of struggle *"For I do not do the good I want, but the evil I do not want I do"* (Rom. 7:15). Human weakness, failures, are a part not only of the life of a priest, but of all God's people. It is the reason for continuing recourse to God's enduring mercy, particularly in the Sacrament of Penance.

There are, however, failures or actions on the part of some priests, serious by nature, which damage the public good of the Church and society. A priest is not only accountable to God but also to the Church and to the law of the land. It is not only the inherent seriousness of the behaviour that matters here, but also its wider social consequences. When the intervention of Church authority is called for, such intervention should be firm and decisive, but always exercised with care. When the behaviour is criminal the appropriate civil authority should be notified.

Certain failures are those outlined in the penal section of the Code of Canon Law. Other serious failures are subject to a disciplinary process. These relate to the obligations and duties of the priest's life and of the office that a priest holds to which no penalty has been attached. These include his ministry of sanctification, ministry of the Word, and ministry of shepherding, which involves administrative duties.

In its life and discipline the Church is called to be an example of the redemptive power it enjoys and lives by. If a disciplinary action against a priest is found necessary then *"...let rigor be tempered by gentleness, judgement by mercy, and severity by leniency, so that the discipline which is beneficial and necessary for the people may be preserved without harshness, and so that those who are corrected may amend their ways."* (Council of Trent, Session XIII).

### Initial Stage

1. When a complaint is made in respect of the personal or ministerial obligations of priesthood it will be dealt with in accordance with the following procedure being mindful, however, of canons 1341 and 1713.
2. The Ordinary will forward the complaint to the Deanery Leader. Minor matters will be dealt with informally and at local level. In relation to matters of a more serious nature, the Deanery Leader will consult with the Chancellor in making the determination concerning the process.
3. A complaint may be brought by anybody regarding a broad range of behaviours or issues e.g. bullying, financial mismanagement or irregularities, non-compliance with labour law, liturgical abuses, failure to fulfil one's role in mandated structures of collaboration, repeated failures in the fulfilment of pastoral responsibilities, unexplained prolonged absence, adult boundary violations.

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<sup>1</sup> \*Presbyterum ordinis, the document on Priests from Vatican II

4. For serious matters the Ordinary will initiate a Preliminary Investigation. (canon 1717) He will appoint an appropriate person to conduct the investigation and a Notary for particular occasions. An account of what those involved have to say is recorded in writing and given to them for amendment, if necessary, and signing. This is in the service of accurate recording.
5. If it becomes clear there is no case to answer the matter ends with the Preliminary Investigation.
6. If there is a case to answer, the investigation should also clarify whether it is a disciplinary or penal matter. The Ordinary must refer to the Diocesan Promotor of Justice in determining the next step.
7. A priest at this stage of the process will be offered the assistance of a canonical advisor.

### **Disciplinary Matter**

A disciplinary matter relates to some possible failure by a priest in respect of the duties and obligations of his priestly and ministerial life to which no penal sanction has been applied.

- When it has been determined that a complaint is a disciplinary matter which is not a minor one, the next stage is to make the process proportionate to the degree of seriousness of the complaint.
- In serious matters the Ordinary will refer the complaint to a Disciplinary Panel. This Panel consists of a priest delegated by the Ordinary together with two others chosen from the Complaints Resource Group.
- The Panel's task is to examine the material gathered by the investigation, evaluate it and make a determination.
- The cleric against whom the complaint has been made must be given an opportunity to inspect the acts of the case and, if needs be, to put together his objections in a written answer. He can produce contrary evidence, if necessary.
- If further investigation is required, the Ordinary can appoint another to do this. Such a person does not form part of the Panel, but reports to it.
- The Panel makes a determination based on the evidence gathered and their deliberations on it. The minutes of the meeting shall record the determination of the Panel and any other relevant matters, including any recommendations made to the Ordinary.
- The Panel may also, if they wish, make recommendations to the Ordinary. For example, they may wish to indicate what specific help the priest should be offered in his efforts to address the offending behaviour and recover best practice.
- In the light of the Panel's determination the Ordinary comes to his decision. He too can avail of advice both in relation to his decision and its implementation.
- If the Ordinary upholds the complaint, the priest receives either a warning or a correction (canon 1339). If the Ordinary likewise accepts the Panel's recommendations, they are incorporated into a Precept. He may also add penances to the penal remedy of warning or correction (canon 1340). (A warning or correction should be accompanied by a Precept requiring the respondent to do or to omit doing something. Failure to comply with the requirements of the Precept during the course of its existence will lead to the infringement becoming a matter of penal process).
- An appeal can be made to the Ordinary within 10 days of the notification of the decision seeking a reconsideration of the matter. If no reconsideration results, administrative recourse can be made to Rome.
- The adaptability of the process should be kept in mind in relation to complaints of a less serious nature. In such instances, bearing in mind the principle of proportionality, it may be advisable that one or two individuals are mandated to make the assessment and determination according to the principles set out above.

The retention of data will be subject to Data Protection Legislation, Church Law, and where they exist, Data Protection Protocols of the diocese of Kilmore.

### **Penal Matter**

Apart from matters reserved to the Holy See, the Ordinary, having consulted the Promotor of Justice, is to decide whether it should proceed by (a) judicial or (b) administrative process.

- If deemed a judicial matter the case is referred to the Promotor of Justice.
- If it is considered an administrative matter the case is remitted to another Ordinary within the Diocese i.e. Vicar General. Whatever Ordinary is mandated will be joined by two assessors from the Complaints Resource Group one of whom, at least, must be a Canon Lawyer. These are drawn from an established panel of people with appropriate expertise, who, with the Vicar, will process the complaint. If, for example, further investigation or expertise is required (e.g. a forensic accountant in the case of an investigation into alleged financial impropriety) appropriate professional expertise may be availed of.

### **Deaneries.**

<b>Bailieborough</b>	<b>Ballinamore</b>	<b>Cavan</b>	<b>Manorhamilton</b>
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### **Parishes**

Castlerahan	Ballinamore/Drumreilly Lower	Annagh	Ballaghameehan
Denn	Carrigallen	Ballintemple	Cloonclare
Killann	Kildallan	Castletara	Ballinaglera
Killinkere	Killeshandra	Crosserlough	Dromahaire
Kilmainhamwood	Kinawley/Killesher	Drumlane	Glenade
Knockbride	Knockninny	Drumgoon	Innismag Rath
Lavey	Corlough/Templeport	Kilmore	Killinagh
Lurgan		Kilsherdany/Drung	Kinlough
Mullagh		Laragh	
		Urney and Annagelliffe	

### **Deanery Leaders**

Fr. Ultan McGoohan 042-9665117	Fr. Sean Mawn 071-9644039	Fr. John McTiernan 049-9522109	Fr. John Gilhooly 071-9855042
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