

## Temporary Removal from Active Ministry

The Code of Canon Law does not recognise any right on the part of the Diocesan Bishop to “suspend” a cleric from active ministry pending any form of investigations, other than during the course of a penal trial (can 1722). Thus, there is no provision in the Code for what has come to be called “administrative leave”.

Nonetheless, there are occasions during an investigation when there is a need to prevent scandal, protect the freedom of witnesses and to safeguard the course of justice, and so a temporary withdrawal from active ministry is necessary.

Where temporary withdrawal from active ministry is deemed necessary by the Ordinary, the first step should always be to seek such a withdrawal on a voluntary basis.

Only if voluntary withdrawal cannot be achieved should the Ordinary resort to disciplinary measures in accordance with the provisions of the Code to limit the ministerial activity of the cleric. These measures must be imposed by way of precept.

In all cases, the cleric concerned is entitled to the following:

- (i) a statement of the decision in writing.
- (ii) the reason for the request or requirement to withdraw from active ministry.
- (iii) a statement that the withdrawal is a neutral act.
- (iv) legal and canonical representation.<sup>1</sup>
- (v) details of agreements regarding what information to be placed in the public domain.
- (vi) confirmation that temporary withdrawal from active ministry does not constitute removal from office.
- (vii) information regarding remuneration and residence during the time of withdrawal.

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<sup>1</sup> The Bishop or Congregational leader are under no obligation to pay anything towards legal or canonical representation and any such payment would have to be agreed firstly by the Trustees to ensure it is an appropriate use of money.

(viii) an initial review date of the situation.

When temporary withdrawal takes place as a result of an allegation involving the safeguarding of children and vulnerable adults, the cleric has all the entitlements above (i to viii) and in addition, the following must be observed:

- (i) With regards to clause (ii), the individual is entitled to know that an allegation has been received, and that it is an allegation relating to the safeguarding of children or vulnerable adults. However, the details cannot be passed on at this point and it is necessary for close liaison with statutory authorities to ensure that information passed to the subject of the allegation does not interfere with a police investigation process.
- (ii) The individual is to be given a copy of the Covenant of Care setting out the details of the restrictions placed on him during temporary withdrawal, as drawn up by the Safeguarding Coordinator/Officer and approved by the Ordinary.

Where temporary withdrawal from active ministry is either not possible or inappropriate, the Diocesan Bishop may consider taking the following disciplinary measures:

- (i) For a cleric who holds no ecclesiastical office in the diocese, any previously delegated faculties may be administratively removed (can 391§1, 132§1, 142§1171), while any de lege faculties may be removed or restricted by the competent authority as provided in the law (e.g. can 764).
- (ii) (ii) He may also judge that the circumstances surrounding a particular case constitute a “good and reasonable cause” for a priest to celebrate the Eucharist with no member of the faithful present (can 1734§1).
- (iii) He may regulate the rights of the cleric in accordance with canon 223§2.

Temporary withdrawal from active ministry must be carefully distinguished from the canonical penalty of suspension.

Source: “Temporary Withdrawal from Active Ministry” in Catholic Bishops’ Conference of England and Wales’ Directory on the Canonical Status of the Clergy (Catholic Truth Society, 2009:19, pp. 81-84)