

## **Information Sheet – Dismissal and Dispensation from the Religious Life of those who are not Clerics**

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### **1. Background**

At the conclusion of a case where a religious has been cautioned by the police and has therefore admitted guilt, or has pleaded or has been found guilty in a court of law for child abuse matters, the Congregation Leader should consider a process of dismissal from the Religious Life.

The Nolan report of 2001, “A Programme for Action”, writing about clerics, acknowledges in 3.5.29 that “...it can be argued that clergy can be much better supervised if they remain as clergy than if they are laicised (because it is argued that in the latter case the Church will have no further relationship with them, and no role in their supervision).” The same arguments will apply to religious.

### **2. Responsibility of the Congregation leader**

In some cases, a religious will voluntarily ask to be dispensed from religious vows. He or she is free to present such a request through the Congregation Leader, who follows the procedure outlined in canon 691 and in the Congregation’s Constitutions; if the religious belongs to a Congregation of Pontifical Right the request is submitted to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, if he or she belongs to a Congregation of Diocesan Right the request is submitted to the Diocesan Bishop. It is generally considered wise that a religious should be encouraged to ask voluntarily for such a dispensation, rather than wait to be dismissed.

If the religious does not voluntarily ask for a dispensation, the Congregation Leader will need to consider whether to initiate a process of dismissal.

Alternative measures could include:

1. Prohibition from ministry in which children are likely to be present;
2. A life of prayer and penance, where the religious is not allowed to present him or herself publicly as a religious.

### **3. Matters for consideration by the Safeguarding Commission**

In considering the case, and whether to recommend an exception to dismissal from the religious life, the Commission may consider the following:

- The age and current circumstances of the offender;
- Physical or mental ill health;
- Advice received from Police, Probation or Prison Services.

#### **Age and circumstances**

In circumstances of allegations of abuse occurring in the past coming to light, when the offender is released from prison or starts a suspended sentence, the Commission may consider whether they wish to recommend an exception if the offender fulfils all of the following:

- Is 75 years of age or above;
- Has been withdrawn from all public ministry;
- Is co-operating fully with all restrictions as identified in a Safeguarding Plan.

#### **Physical and mental ill health**

If on the commencement of a prison or suspended sentence the offender is:

- Suffering from a serious debilitating physical illness from which they are unlikely to recover;  
or:
- Suffering from a serious mental health condition rendering them incapable of making informed choices (lacking in 'capacity').

Then the Commission may consider whether they wish to recommend an exception

#### **Advice from Statutory Agencies**

Either through strategy meetings between church safeguarding officials, the multi-agency public protection arrangements (MAPPA) process or discussion with the Local Authority Designated Officer in cases involving children or adults, advice may be provided supported by reasons why, for public protection reasons, it is preferable not to initiate a process of dismissal from the religious life, but rather manage the risk posed by the individual through removal from active ministry, application of appropriate restrictions and close monitoring within the Church.

The circumstances may be where the Church is able to exercise an element of control through for example, housing the individual in a relatively secluded community, which would be absent following dismissal from the religious life.

### **4. Decision of the Congregation Leader**

Only the Congregation Leader has the right to initiate a process of dismissal. The procedure outlined in canons 695 and 698-701 is to be followed.

When a Congregation Leader decides not to initiate such a process in accordance with the policy set out above, whether the Commission has recommended an exception or not, (s)he must provide a clear, written justification for this decision, signed and dated, and placed on the individual's personnel file.

#### **5. Support of Former Religious**

A former Religious cannot claim as a right any financial or material support from the Religious Institute, nevertheless the Institute is required to show equity and evangelical charity to a former member.