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Adult Complaints Guide – An Exploration

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‘No man is an island entire of itself, every man a piece of the continent’ so John Donne¹ reminds us. Human beings need others, communities, in order to thrive. We all seek encounters for personal growth and wellbeing, encounters that are governed by rules of engagement and boundaries that challenge us to learn to negotiate our needs together with others. Relationships are often fraught with difficulties, that call us to develop skills of conflict management, forgiveness, and how to live side-by-side.

A pastoral relationship is a specific type of encounter between a minister, priest or religious, and a person seeking help. From the outset, the interpersonal encounter in the pastoral relationship is characterised not just by a power differential, but also by an unspoken yet assumed trust. When rules are misunderstood or overlooked a breakdown of trust can follow, resulting in an unhappy experience, as well as damage to a person’s faith and religious belief. Further, if not adequately addressed, either by the minister in question or the church authority handling a complaint, resolution can prove protracted and unsatisfactory for all parties involved.

This article serves as a prologue to the Adult Complaints Guide² (ACG), the product of a voluntary initiative by a group of safeguarding representatives. In December 2017, eight participating church entities³ came together in response to concerns regarding

1 Donne, John, *Devotions Upon Emergent Occasions* (Cambridge University Press, Cambridge, 2015).

2 Further information on the ACG can be accessed through Email johannamerry@gmail.com

3 Archdiocese of Dublin, Augustinians (OSA), Discalced Carmelites (OCD), Servites (OSM), Benedictines of Glenstal (OSB), Marists (SM), Jesuits (SJ), Spiritans (CSSp) and Johanna Merry as Project Lead.

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adult complaint procedures. Such practices are less clearly defined relative to those relating to the abuse of children and vulnerable persons, and the tendency to apply the latter procedures often prove unsuitable in meeting the vagaries of adult complaints, compromising both adult complainants (reasonably functional adults who have reported being hurt by priest or religious) and respondents (persons against whom an allegation is made) alike. The working group tasked itself with addressing the apparent void in an attempt to prompt further reflection, exploration, and dialogue regarding adult complaints - how they arise, how they are responded to and managed by church authorities in the island of Ireland and wider, and what further preventative and restorative measures might be discoverable.

In March 2019, the ACG was published (25 pages) as a multi-purpose guide to assist the church authority when responding to complaints from adults who have experienced behaviour during their adulthood (aged 18 years and over) by a priest or religious that has fallen short of the standards of practice and behaviour reasonably expected of priests and religious (male and female). It offers an opportunity to review, strengthen, and expand margins of existing domestic policies, procedures and practices as appropriate, in the quest to resolve unhappy experiences and restore the broken relationship with Church.

Part I of the guide is a *Code of Best Practice*, Part II a *Complaints Guide*, and is informed by testimony of a sample of both complainants and respondents who have been through a resolution process. The *Code of Best Practice* may be useful in seminary programmes, initial or ongoing formation, for those in ministry or preparing for ministry, or as a compass for ministry practice and supervision. Part II clarifies suitable practices and procedures on receipt of a complaint and sets out possible *Pathways for Resolution*, informal and formal. As such, it also serves as a means for transformative learning and prevention. *Appendix II* includes *Suggested Community Exercises* (members of religious congregation/ /groups of diocesan priests) as an aid to further the work of reconciliation.

While some complainants and respondents do experience a satisfactory quality of engagement with a church authority in efforts to resolve and repair a damaged relationship, others end up confused and insecure. For example, the complainant might come away with an uncomfortable sense of blame, disproportionately so if the person is a woman. Or, what might objectively be regarded as a relatively minor matter may be considered more serious by a complainant, and not sufficiently heeded. In the absence of a patent road map, it is likely that church authorities will indeed vary in

THE FURROW

how they manage a complaint, given different personalities are likely to apply their own understanding and experience.

Age and maturation advance an emerging *gestalt* of our lived experience, messy as it is in parts, urging attention to unresolved issues, be that with self/other/Church/God. As such, the presentation of a complaint can be a protracted process as individuals move through complex feelings of anger, shame and blame to reclaim their own self-dignity/respect. Although complaints may come across as one-sided, and in some instances prove to be such, it is more often the case that the complainant comes forward in the hope that the respondent is engaging with a similar process of meaning-making, and over time mutual resolution might be within reach.

FORMATION AND MINISTRY SUPERVISION

Vocation is often characterised as gift ... being seized by a greater call to be a servant-messenger in service of Gospel values ... as opposed to a right or entitlement. The *Code of Best Practice* is intended to be inspirational as well as aspirational in promoting faithful attentiveness to the conduct of public ministry as life choice. (Ephesians 4:1-3).

Behaviours which constitute a *breach in conduct* by the priest/religious in ministry can be viewed along a continuum: misplaced personal need, ill-judged transient immature behaviour ... to behaviour symptomatic of a disease condition, or criminal offence. Balanced responses are needed so that procedures for complainants and respondents alike are just and fair, sanctions proportionate, whilst compliance with the requirements of Civil law, Church law⁴ and General Data Protection Regulation (GDPR) are upheld.

Potential complaints may result from how a priest or religious lives out their vocation and ministry practice. Neglect of prayer/fidelity to God's responsiveness to nurture and deepen vocation, a lack of awareness or inattention to power differentials, a sense of entitlement, failure to regulate personal demands contributing to burnout, meeting personal emotional needs through dual relationships rather than peer friendships distinct from ministry, are some of the issues that can etch away at the quality of ministry engagement. A breach of conduct in itself may be a symptom of waning commitment to one's way of life, undermining the integrity of the individual/organisation. Paradoxically, the material event of a disclosure may be regarded as an invitation to take stock of

4 Any child protection suspicion, concerns, knowledge or allegations and/or complaints or reported concerns regarding the abuse of vulnerable persons must be dealt with in accordance with the applicable safeguarding policies through the relevant agencies under Civil law and Church law.

one's lived reality, an unexpected re-founding opportunity for all involved, including the diocese/congregation.

Peer support, either individual or group, creates a safe space in which to expand self-awareness around warning signs of lessening commitment; regular ministry supervision enables patterns of incompatible behaviour to be detected and discussed before escalating further. Secrecy and isolation can be considerably reduced where a culture of watchful accountability is practiced, i.e. we are each other's keeper in the interest of all. Answered once, possibly many times since that first call, inner vocational disposition needs on-going attending to. Isaiah's vocational nature comes to mind (Isaiah 6:1-8). He recognises his own 'unclean lips', living 'among people with unclean lips' under the gaze of the benevolent God. The narrative completes with his lips being touched by 'live coal' and in that moment he hears: Whom shall I *send*? He answers: Here I am, *send me*'.

EDUCATION AND PREVENTION

The ACG offers an instructive discourse on how a reported breach of behaviour is *assessed*, *communicated* and *managed*, with particular emphasis on implications for the complainant, the respondent and the church authority. Understandably, disclosure of a complaint or allegation can be a disorienting dilemma that takes time to reckon with. It is natural for any of us to seek to understand an event and its meaning in accordance with our own experience, and at the outset make subjective interpretations rather than act on wider, more objective judgements of others. The step-by-step structure to Part II allows an opportunity for meaningful discourse and critical reflection in order to review and reformulate how a complaint, as presented, might be validated. This approach applies not just to respondents of allegations, the church authorities who process them, but also bears upon a complainant's understanding of their part in events. For example, some stories of hurt evoke the question why an adult complainant would return to the same situation/environment of perceived compromise, maybe many times, thus co-creating with the respondent an environment for the predictable pattern of behaviour to recur. The difficult issue of consent between adults may arise, including that of capacity for consent.

All human persons and institutions (Church as a human institution) have an inherent measure or wall of self-deceit. Where this wall is too high or too robust, dysfunctional relationships result. A process of transformative learning can lower this wall, which in turn may lead to changes in understanding of self, revision

THE FURROW

of belief systems, behaviours and lifestyle. Integrating these new ideas into their existing worldview makes possible a narrowing of the gap between inner meaning and outer actions. Concomitant organic changes over time inevitably impact prevention of further complaints, improve accountability/responsibility within the Church, and where adult complaints are concerned, enhance the possibility of a reasonable outcome.

RESOLUTION AND CLOSURE

The thrust of the ACG approach is pastoral, informal where appropriate, and where indicated more formal. Central to this is the consideration given to a complainant's own wishes for resolution alongside the knowledge that the good name of respondent will be preserved and the presumption of innocence safeguarded during the course of any investigative process; that the respondent has a right to hear, respond to, and dispute an alleged complaint.

The ACG references three distinct situations where mandatory formal procedures must apply: when the alleged behaviour is potentially deemed a criminal act in civil law, or in canon law, or gives rise to child protection concerns and/or concerns regarding the abuse of a vulnerable person.

In principle, every effort is made to resolve matters as soon as possible, as fully as possible, and excepting the aforementioned three categories, by means of a *pastoral* approach, drawing on those canons in canon law which instruct accordingly e.g. 1341 and 1446 §1, along with Can. 1733 §1⁵. Resolution practices that expect complainants to forget, absolve, or move on, in the hope of minimising interruption, without adequate acknowledgment of a misdeed, an apology, or repentance, can lead to false/incomplete resolutions, which invariably re-awaken over time. A patent measure of sanction and interruption of ministry, proportionate to the breach in question, is the fulcrum about which the possibility of satisfactory resolution hinges.

As in any resolution process, divergence of facts as recounted

5 Can. 1341: An ordinary is to take care to initiate a judicial or administrative process to impose or declare penalties only after he has ascertained that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender.

Can. 1446 §1: All the Christian faithful, and especially bishops, are to strive diligently to avoid litigation among the people of God as much as possible, without prejudice to justice, and to resolve litigation peacefully as soon as possible.

Can. 1733 §1: Whenever a person considers himself or herself aggrieved by a decree, it is particularly desirable that the person and the author of the decree avoid any contention and take care to seek an equitable solution by common counsel, possibly using the mediation and effort of wise persons to wise persons or settle the controversy in a suitable way.

ADULT COMPLAINTS GUIDE – AN EXPLORATION

by both parties can pose a dilemma, and may prove reaching a resolution difficult, if not impossible. In such cases resolution may rest on both parties agreeing to exit the process or explore other forums for resolution. Sensitive attention to when and how to mark a clear ending of the complaint process is desirable so that all parties can move on (if this is possible).

RECONCILIATION AND RESTORATION

While informal or formal legislative procedures, apology, compensation &c. may mark a resolution and ending, residual damage to the person's relationship with the Church and faith- life may remain, calling for something more. The question arises as to how to reach beyond legislative procedures towards reconciliation with self/other/God /Church to repair damage and help recovery. This may be true for both respondent and complainant alike.

Appendix II of the ACG offers Suggestions for Community Exercises. Reflection exercises include themes of communication, communion and mutual encouragement for community members of religious congregation/ /groups of diocesan priests to prepare for the work of reconciliation.

The respondent may experience confusion and darkness on the initial receipt of a complaint. Though a difficult time, it may also be a potent opportunity for transformation, encapsulated by Leonard Cohen's song Anthem (1992): *'there is a crack in everything – that is how the light gets in'*. At the outset, the respondent may feel walled-in, mired in an upheaval of conflicting emotions. Meaning-making is no easy and swift task, but is often characterised by a number of gradual, marked stages along a trajectory which include recognition, genuine acknowledgment, remorse, acceptance of sanctions that are proportionate to the breach, and steps to reform⁶. Reflection Notes 2 & 3 in particular offer sample exercises to strengthen communion and enable deeper understanding of vocation and renewal within the religious congregation/group of diocesan priests.

BENEVOLENCE OF GOD

The ACG draws on the belief that a faith community is a formative body, built on cultivating a spirit of community and communion founded on prayer and contemplative practices. As such, the faith community comes to recognise that the work of forgiveness and reconciliation is *God's work* (2 Cor 5: 18-19; Philippians 2: 13),

6 In case of a mistaken identity or false allegation due process is required to resolve the matter.

THE FURROW

entrusted to us for God's own loving purpose. Members of a religious congregation or a group of diocesan priests might gather together with the respondent, under the benevolent gaze of God, to reflect on the reality of the complaint and to pray earnestly for what they need (Philippians 4: 6 – 8) in anticipation of possible pastoral meetings to follow. Steps to assist in such a delicate process are outlined in the sample exercises, referenced in Appendix II.

Sufficiently reconciled within the person of the respondent, proactive steps towards a pastoral meeting with the complainant may follow. Perhaps through the prism of the respondent's sharing, a complainant may glean further understanding of their own part, to progress the journey of healing. Where informal measures were deemed appropriate at the outset, this pastoral approach may have already been adopted (cf. ACG p.23).

The passing of time and attention to the event/s may bring a loosening of the initial trauma bond (a once valued relationship compromised in time of need), freeing the complainant to be able to further assess their injurious experience in a less subjective way. It is not uncommon that a complainant may return again and again to the diocese/congregation; such seeking may reflect in part a respectful curiosity to know that the disclosure, though traumatic, benefited the respondent/church authority in some way. A pastoral meeting with the complainant and the respondent, to listen and hear directly that the respondent has acknowledged, taken stock and modified the exercise of their life choice accordingly, and what preventative measures the diocese/congregation have in place, may be enough to reassure the complainant that their efforts in coming forward made a difference, advancing their own journey, bestowing a sense of peace.

Mindful that a respondent or complainant may carry their 'unhappy' experience as a secret over many years, complainants speak of an unburdening, while respondents speak of a welcome relief that the secret is out in the open when disclosure takes place. It is a spiritually bereft time. Age and thoughts of mortality often urge the sifting of lived experiences and accelerate steps to make peace with unresolved issues, the damaged relationship with Church and compromised faith/relationship with God where it exists.

With sufficient will and dedication, hearts are opened to the divine in each other, allowing compassionate engagement and authentic reconciliation. This way of being attentive allows the experience of God's love be refracted through such actions, enabling those persons hurt to come to know that they are loved by God, the ultimate goal of restoration initiatives.

ADULT COMPLAINTS GUIDE – AN EXPLORATION

CONCLUSION

It is hoped the ACG will serve as an organic tool to enhance existing adult complaint procedures (with possible extension of its scope, as appropriate, to include lay staff⁷ and volunteers of Church-run institutions) or pastoral mediation in face of interpersonal conflicts such as between members of local religious communities or groups within dioceses. A welcome future development would be the establishment of an Independent Body to recommend equitable solutions (cf. Can. 1733 §1). Perhaps there are retired professionals with relevant familiarity and expertise who might serve in a voluntary capacity in such a body, in a shared spirit of goodwill to co-create and co-sustain a Church of which they are part?

Since its initial circulation, the responses to the ACG from a sample of church authorities have been encouraging, and interest continues to expand. Embraced fully by many, cautiously welcomed with a commitment to examine it further by others, there is also a suggestion of complaint-procedures-fatigue as evidenced by a few outright rejections and non-responses. How altogether human are these mixed responses, yet replete with cadences of Hope in the ongoing efforts to ‘*turn rocky places into level tracks*’ or create further pathways where there are none (Isaiah 42:16; Isaiah 43:19) in the quest to restore damaged relationship with Church.

7 Staff disputes must be dealt with in accordance with the applicable employment policies and compliance with grievance procedures through the relevant employment law.

Possible alternatives. Are Christians called to repudiate wealth entirely and seek non-economic ways of living together? Or are Christians called to a renewed courage to enter into the midst of the market, with all its potential for error, and engage bravely in a principled movement of transformation? Or is it the responsibility of Christians to develop some form of shadow economy that can stand as an alternative to neoliberalism?

– KEVIN HARGADEN, *Theological Ethics in a Neoliberal Age*, (Oregon: Cascade Books) p. 131.