

**Procedures in Cases of  
Breaches of the Regulations for the  
Admission to Church Schools**

**Maltese Ecclesiastical Province**

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## INTRODUCTION

The process of admission into Church Schools has been made as transparent as possible so as to gain the trust of those interested and so that it be administered with fairness. The procedures described in this document aim at strengthening the values of transparency and justice as implemented in the admission process.

This document deals with the procedures to be adopted when an allegation is made of a breach of the Regulations for Admission to Church Schools in Malta and Gozo. All Functionaries as defined in this policy are subject to these Procedures.

All allegations should be taken seriously without prejudice to the reputation of those involved.

False allegations seriously damage an innocent person. If necessary, canonical and /or civil action against the person making the false allegations should be taken.

The rights of all the persons implicated in allegations of a breach of the Regulations are to be respected.

## SECTION I

### Definitions

**1. Board**

The Admissions Supervisory Board established in terms of Section II of these Procedures. The Board is to carry out the tasks assigned to it by this document.

**2. Delegate**

The person appointed as the Maltese Episcopal Conference's Delegate for Catholic Education.

**3. Functionary**

Functionary includes clergy, and consecrated persons as well as lay people working in Church schools, the Secretariat for Catholic Education or in any other way involved in the admission to Church schools, whether or not such functionaries provide services on a remunerative or voluntary basis.

**4. Regulations**

The Regulations for Admission to Church Schools in Malta and Gozo as approved by the Maltese Episcopal Conference and published by the Secretariat for Catholic Education, as may be amended, and/or supplemented from time to time.

**5. Policy and procedures**

Policy and procedures refer to the policies and procedures declared in this document.

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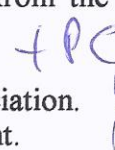
## SECTION II

### **Structures for the implementation of the Church's policies and procedures in terms of this Document**

#### **The Delegate**

- 6.1 The Delegate is responsible to implement the Church's policies and procedures in terms of this document.
- 6.2 Any allegation of breach of the Regulations should be referred to the Delegate. The Delegate should act immediately on all complaints that are brought to his attention by following the procedures for conducting investigations into allegations under Section III.
- 6.3 The Delegate will present to the Maltese Episcopal Conference and to the Council of Religious Major Superiors an activity report, on an annual basis, providing information, inter alia, on the number of new complaints received, the investigations concluded and those that are pending and the time taken to conclude each investigation as well as other measures taken in the implementation of the policies in terms of this document. Such report may include recommendations concerning any matter related to these Procedures as the Delegate and the Admissions Supervisory Board deem appropriate.

#### **The Admissions Supervisory Board**

7. The Board is established by the Maltese Episcopal Conference in consultation with the Religious Major Superiors' Conference. It shall be composed of the :
    1. Delegate as Chairperson,
    2. a nominee by the Bishop of Gozo if the Delegate is from the Archdiocese of Malta and a nominee by the Archbishop of Malta if the Delegate is from the Diocese of Gozo.
    3. a nominee of the Religious Major Superiors' Conference, and
    4. a nominee of the Church Schools Committee of the Private Schools Association.It shall perform the duties and exercise the powers as provided by this Document.
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#### **The Investigation**

- 8.1 The Admissions Supervisory Board shall appoint a number of individuals having professional competence in conducting investigations whose role will be to conduct the investigation when requested to do so by the Delegate.
- 8.2 The investigator will conduct the investigation generally in accordance with this Policy and, specifically, with the procedures established in Section III of this Policy.
- 8.3 The investigator shall undertake to complete the investigation within the time limit stipulated by the Delegate when requesting the conduct of a specific investigation.

#### **Public Relations**

9. Any communication with the media will be dealt with by the Communications Office of the Archdiocese of Malta in close liaison with the Delegate.



## SECTION III

### Procedures involving allegations of breach of the Regulations

#### Mandatory reporting

10. When an allegation of admittance into a Church school in breach of the Regulations is made it shall be incumbent on all those functionaries which fall under these Procedures and Church institutions to report it immediately to the Delegate
11. No member of such institutions or functionary shall in any way investigate such allegations, or disclose them to any person.

#### Investigations into allegations

12. Upon receiving a report or an allegation of a breach of the Regulations, the Delegate will obtain a signed statement from the complainant together with complainant's particulars. The Delegate shall explain to the complainant the procedures that will be followed and advise that the complainant is free to submit a report to the civil authorities if the alleged breach amounts to a criminal offence, such as where bribery is involved. The Delegate should also emphasise the confidentiality of the investigation and make it clear that the allegations will be disclosed only on a need to know basis.
13. If the complainant refuses to give the requested particulars or to sign the complaint, the Delegate will proceed with the investigation, unless circumstances warrant otherwise.
14. The Delegate, upon receiving the report or allegation as above, shall inform immediately the Diocesan Bishop, the competent Major Superior, as appropriate. Such information shall contain a clear designation of the person/s who is/are under investigation and a brief statement of the facts alleged.
15. The Delegate shall act immediately on all complaints which have a semblance of truth as provided in clause 6.2 of Section II. The investigation shall be conducted in accordance with the rules hereinafter prescribed. The Delegate will designate an investigator to carry out the investigation and may appoint any person to perform other specific duties in the course of the investigation. The investigator and any other person asked to assist in the investigation is bound to keep all information confidential.
16. The purpose of the investigation is to obtain all the relevant information possible and to establish the facts with a view to determining whether or not a breach of the Regulations has taken place.
17. The Delegate will establish a confidential file and will seek to compile in it as much information as possible about the report or allegation. It is of utmost importance that records of allegations, actions taken, relevant comments made and all evidence be accurately kept.
18. The investigator will meet with the persons who may have relevant information in order to obtain as clear and detailed information about the allegation as possible. During the interviews, which will be audio recorded, notes shall be taken which reflect as faithfully as possible the evidence given. At the end the notes taken during the interview by the person assisting the invigilator should be read out to the interviewee to



confirm the evidence given and, if required, any corrections made. The notes will be signed by the interviewee.

19. If from the compiled evidence it emerges that the allegation is frivolous or completely unfounded, the investigation will be terminated and the respective superior informed.
20. If in the meantime, the allegation has become public, appropriate steps may be taken to repair damage done to the reputation of the accused person. Steps will also be taken against the person making the false allegation.

### **Completion of the investigation**

- 21.1 If the investigator determines that the allegation is not frivolous or completely unfounded, the Delegate will be notified accordingly. Within 7 working days of receipt of such notification the Delegate will raise a written report on the particular incident warranting such report.
- 21.2 The investigator will direct the accused not to have any contact, written, verbal or otherwise with the complainant and/or his/her family. No gifts or money are to be given or attempts made to silence the complainant.
- 21.3 In order to submit his/her comments in writing, the Functionary shall be allowed not less than 7 working days commencing on the day that s/he is officially notified that there is an accusation against him/her.
22. When the investigation is completed, the investigator will present to the Delegate a written report stating whether the investigation has reached a conclusion that a breach of the Regulations has taken place. The investigator and any other person assisting in the investigation shall consign to the Delegate all material collected pertaining to the investigation.
23. If, following the receipt of the Functionary's comments, disciplinary procedures are considered appropriate, the Functionary shall be entitled to a personal hearing before the Admissions Supervisory Board. In such a hearing the Functionary shall be allowed to be assisted by a person of his / her confidence, who can be a representative of the Union. The procedure outlined in clause 18 above will apply also, mutatis mutandis, to this hearing. + PC
24. The Delegate will call a meeting of the Board to decide on the appropriate sanctions, taking into account the findings of the investigator.
25. The Delegate is to pass on the report and the decision of the Board to the Diocesan Bishop and where applicable, also to the respective Major Superior, for implementation of the relative sanctions. The Functionary will be informed in writing of the decision and the sanctions. He/she shall sign it to signify receipt.
26. On conclusion of the case, the acts are to be kept in the Secretariat for Catholic Education. In the case of a breach by a member of an institute of consecrated life an authenticated copy of the acts is to be sent to the respective Major Superior for safekeeping by the relative institute.

27. Following a finding of a breach of the Regulations, the Delegate will publish such finding in the manner deemed most appropriate.

### Sanctions

- 28.1 When the investigation concludes that a child has been admitted into a Church school in breach of the regulations the sanction shall normally include the dismissal of the Functionary involved from the school/other workplace as applicable. The Functionary involved will be prohibited from giving any service in any Church school or institution which is involved with the Church schools admission process for three years.
- 28.2 The admittance of a child, who has been admitted to a Church school in breach of the Regulations, shall be automatically revoked if the scholastic year shall have not commenced before the conclusion of the case.
- 28.3 Where the investigation is still ongoing upon the commencement of the scholastic year, the child's admittance shall be suspended pending the outcome of the investigation.
- 28.4 If the allegation of a breach has been received after the commencement of the scholastic year, then the child shall not be dismissed from school immediately. However, the child would have to leave the school at the end of that scholastic year
- 28.5 In all these cases children are not excluded from participating according to the regulations in new calls for admission into Church schools.

### No retrospective effect

29. These procedures apply to allegations of breaches of the Regulations taking place as from the date of approval of this document.

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