

Progress in responding to the Royal Commission into Institutional Responses to Child Sexual Abuse

(A report from the Diocesan Royal Commission Steering Committee.)

Purpose

1. To inform the Synod of progress in the response of this Diocese to the Royal Commission into Institutional Responses to Sexual Abuse (Commission).

Background

2. The work of the Royal Commission may be summarised as follows –

- (a) the Commission is charged with examining the sexual abuse of children in the context of institutions throughout Australia including churches and their agencies;
- (b) unlawful or improper treatment of children that accompanied child sexual abuse may be considered by the Commission;
- (c) the Commission will identify where systems have failed to protect children and make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions;
- (d) the Commission will not prosecute matters or make determinations for compensation;
- (e) the Commission will investigate allegations and refer criminal matters to the appropriate authorities for prosecution where appropriate;
- (f) the Commission will obtain information in a number of ways including by issuing notices to produce, conducting public and private hearings and releasing issues papers for public submissions;
- (g) the Commission will last 5 years (2013 to 2017).

3. The Royal Commission has served notices to produce on a number of Anglican Dioceses and organisations including our own.

4. The first public hearings of the Royal Commission commenced on 16 September 2013 and there have been 29 public hearings to date. A transcript of the public hearings is available on the Commission's website: <http://www.childabuseroyalcommission.gov.au>.

5. The first Anglican organisation the subject of a public hearing was the Diocese of Grafton concerning the North Coast Children's Home. The hearing began on 18 November 2013 and concluded on 27 November 2013. The Commission published a Report on its findings and recommendations on 27 October 2014. The second Anglican organisation the subject of a public hearing concerns the Anglican Diocese of Tasmania and the Hutchins School. The hearing began on 19 November 2014 for 5 consecutive days, with a sixth and final day on 18 December 2014. The Report on the Commission's findings and recommendations is yet to be published.

6. The Royal Commission released its Interim Report on 30 June 2014. In the Interim Report, the Royal Commission confirmed that –

- (a) it will require a further 2 years (until the end of 2017) to complete its work;
- (b) at this stage it is too early for the Royal Commission to make any recommendations;
- (c) only 70 public hearings will be able to be completed within the time it has allowed;
- (d) of the public hearings held to date themes include repeated abuse, multiple perpetrators, barriers to reporting abuse and adults that have systematically failed to protect children.

7. Justice Peter McClellan AM, Chairman of the Royal Commission, in his address to the 14th (Triennial) Assembly of the Uniting Church in Australia in Perth on 15 July 2015 confirmed that the Royal Commission had –

- received the stories of more than 1,527 people in private sessions;
- offered a private session to around 1,527 further people who have been accepted for a private session;
- referred over 666 matters to the authorities (including police).

8. The Commission has received more than 23,590 phone calls, more than 11,904 pieces of correspondence and continues to receive requests for private sessions at the rate of almost 50 per week.

The Anglican Church of Australia's response to the Royal Commission

9. A Royal Commission Working Group (Working Group) was established by the General Synod Standing Committee (GSSC) on 13 November 2012 to co-ordinate the Anglican Church of Australia's response to the Commission and to support and advise Dioceses and associated Anglican schools and agencies in any individual response they may be called on to make to the Commission.

10. The members of the Working Group are the Primate, the General Secretary of the General Synod Ms Anne Hywood, Mr Garth Blake SC, Ms Sue Harrington (lawyer SA), Mr Ken Spackman (Registrar Melbourne Diocese), the Rev Dr Andrew Ford (Anglicare, Sydney).

11. In late 2012 the Working Group co-ordinated a submission to the Federal Government on behalf of the Anglican Church of Australia concerning the Terms of Reference for the Commission.

12. The Working Group has recommended a two-staged approach to responding and preparing for the Royal Commission involving –

- (a) Undertaking, as an initial priority, a comprehensive and urgent review of all past cases of child sexual abuse within the Anglican Church of Australia.
- (b) As a second priority, reviewing the policies and procedures of dioceses and their associated Anglican schools and agencies for the prevention of and response to child sexual abuse.

13. The reviewing of past cases was thought to serve at least two purposes –

- (a) To ensure dioceses and associated agencies are prepared for the Commission in case they are the subject of any investigation by the Commission or are required to give evidence before the Commission.
- (b) To enable a complete picture to be prepared of the Anglican Church of Australia's responses to child sexual abuse in the past.

14. The Working Group has been active in co-ordinating submissions to the Royal Commission on behalf of the Anglican Church of Australia in response to Issues Papers. The Steering Committee intends to contribute to these submissions from time to time.

The Steering Committee

15. The Standing Committee appointed a Steering Committee in December 2012 to oversee the response of the Diocese to the Royal Commission and to provide the Director of Professional Standards with a point of reference for undertaking this work. The membership of the Steering Committee was revised by Standing Committee on 16 February 2015 and the current members are Ms Michelle England, the Rev Dr Andrew Ford, Mr Doug Marr, Mr Michael Meek SC (Chair), Mr Russell Powell and Dr Robert Tong AM. Mr Lachlan Bryant and Mr Steve Lucas provide support to the Committee.

16. In March 2013, the Standing Committee passed the Synod (Royal Commission) Special Application Ordinance 2013 to allocate funds for the costs and expenses of preparing for and responding to the Commission. These funds are applied at the direction of the Steering Committee, which reports to Standing Committee on a quarterly basis. The Property Trust has also contributed an equal amount of the funds.

17. The expenditure incurred by the Steering Committee to date is tracking well within budget.

18. On average the Steering Committee meets about once every 2 months or as needed.

Review of past cases of the Diocese held by the Professional Standards Unit (PSU)

19. After receiving the Working Group's advice concerning the file review a comprehensive review of all past cases concerning child sexual abuse was planned using the Case File Review form issued by the Working Group as the point of reference.

20. Sparke Helmore was chosen to complete the file review and scanning of files for a fixed price. The work was overseen by Mrs Gillian Davidson, a partner at Sparke Helmore and a member of the Standing Committee.

21. The file review was completed in June 2013. Extensive work has continued throughout 2014 and 2015 as a result of the review. The key areas of work are –

- A general review of file management practices, including for example –
 - Marrying up related files;
 - Implementing clear file management practices in order to more easily differentiate and isolate 'current' files, that is, files where further work is required, from 'inactive' files, that is, files where no further action is necessary at this time;

- A further extensive review of files that require particular attention for a number of reasons such as length or notoriety, including a detailed analysis and compilation of chronologies;
- Systematically attending to any outstanding matters such as making reports to police in cases where it is unclear whether this was done or making reasonable inquiries to follow up information received where this does not appear to have been done;
- Referring files held on behalf of other dioceses and organisations to the Diocese or organisation concerned for their records, further review if necessary, and further action if warranted;
- Making inquiries to locate further files that may be relevant to the Royal Commission including from the Diocesan archives;
- Assessing matters as to whether they should be entered onto the National Register. As the National Register system upgrade is now complete, the names of further persons are able to be entered on the National Register upon the completion of further file review work as required.

22. This work has put considerable pressure on the staff and resources of the PSU and the Diocesan Contact Persons. At this stage the work is progressing slowly but well. We estimate that since June 2013 this in-depth file review work has been undertaken across more than 75% of relevant files. In most cases there has been significant progress towards finalisation of work required in those files and in some cases this work is now complete.

23. A key recommendation flowing from the file review was for a comprehensive child protection policy review to be undertaken. Professor Patrick Parkinson was engaged to undertake a review of child protection policies generally and this was completed in late March 2014. The re-write and revision of policies is now being overseen by the Manager, Legal Support for the PSU under the supervision of the Director.

Anglican schools and organisations in the Diocese

24. From late 2012 the Steering Committee worked with both the Archbishop's office and the Director of Professional Standards to inform all relevant Anglican schools and organisations in the Diocese about the processes of the Royal Commission and to recommend schools and organisations undertake their own review of files and child protection policies and procedures. The Steering Committee has provided a Review Summary Questionnaire form to schools and organisations to obtain a high level summary of the review findings. Responses were received from a substantial majority of schools and organisations, which were generally helpful. This information will assist the Steering Committee in responding to requests from the Royal Commission. The Steering Committee has also offered assistance from the Archbishop's Media Officer, Mr Russell Powell, in relation to media enquiries.

Royal Commission Report of Case Study 3 – Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home

25. On 27 October 2014 the Commission handed down its Report concerning the public hearing into the Grafton Diocese's handling of complaints arising from the North Coast Children's Home ("Home") from 2005 onwards. The Report is available on the following link –

<http://www.childabuseroyalcommission.gov.au/getattachment/c6ca25b2-1609-41dd-958d-3dafb8cf4789/Report-of-Case-Study-no-3>

26. The Commission's public hearing into the matter heard evidence of frequent sexual, psychological and physical abuse perpetrated against nine former child residents at the Home between 1940 and 1985 and the profound, long lasting impacts on their lives and mental health. The conduct of claims for redress from these survivors together with other former residents of the Home, totalling 41 claimants, was also considered.

27. At its meeting on 10 November 2014 the Steering Committee considered matters arising from the Report. The Committee –

- (a) Noting the Royal Commission's findings concerning the acceptance of responsibility for affiliated institutions that are not formally Anglican, was of the view that the question of responsibility ought to be considered on a case by case basis rather than through a pre-determined set of criteria.
- (b) Recommended that the Director of Professional Standards to write to the General Synod Professional Standards Commission to request it to examine the issues raised by the Royal Commission in respect to the need for a clear system to determine which diocese has responsibility for disciplining a member of clergy, noting that this may include protocols for information and cost sharing between dioceses.

- (c) Noting the external file review by Sparke Helmore in 2013, and subsequent internal file review work and policy review work that is currently underway in preparation for the Royal Commission, and the review of the Discipline Ordinance 2006 to be conducted before Synod 2015, the Committee was of the view that the professional standards processes of the Diocese are under sufficient scrutiny at present.

Royal Commission consultation process and public hearing on Redress Schemes and Civil Litigation

28. Commencing in September 2014 the Commission convened a number of Private Roundtable discussions with representatives from peak government and non-government institutions and organisations, lawyers and insurers, to discuss the issues involved in redress to victims of child sexual abuse.

29. Participation in the roundtable discussions was by invitation from the Commission only. Dr Andrew Ford was involved in these roundtables as a representative of Anglicare Australia and Mr Martin Drevikovsky (then General Secretary of the General Synod) was involved as a representative from the Anglican Church of Australia.

30. On 30 January 2015 the Royal Commission released a Consultation Paper on Redress Schemes and Civil Litigation. The General Synod Working Group advised that a submission would be prepared in response to the Consultation Paper after a consultation process with the Dioceses of the Anglican Church of Australia.

31. The Steering Committee completed a considerable amount of work in the preparation of the response to the Consultation Paper. We particularly acknowledge the significant contribution of Michelle England in this regard. The views of the Steering Committee were clearly represented at each stage of this consultation process, enabling it to make a notable contribution to the submission.

32. The Working Group established a consultation process for the Anglican Church nationally by initially inviting representatives from the 23 Dioceses to attend an Anglican Redress conference in Sydney on 13 February 2015. Lachlan Bryant was the representative for Sydney at the conference on behalf of the Steering Committee and Dr Andrew Ford participated as a newly appointed member of the Working Group. Lachlan Bryant formed part of the smaller drafting group that met following the conference on 20 February 2015 to assist with drafting the submission. Archbishop Glenn Davies also successfully moved a number of changes to the final draft of the submission in support of the Steering Committee's views when it was considered at the Bishop's Conference on 6 March 2015.

33. While not all of the comments and suggested changes from the Steering Committee were included in the final Working Group submission lodged on 9 March 2015, the general thrust of the submission accorded with the views of the Steering Committee. The submission, titled "Anglican Church," may be downloaded on the following link –

<http://www.childabuseroyalcommission.gov.au/policy-and-research/redress/submissions-on-redress-and-civil-litigation/all-submissions>

34. A public hearing on Redress was held from 25 to 27 March 2015 in Sydney. Mr Garth Blake SC and Ms Anne Hywood were invited to address the Commission on the second day of the public hearing as Working Group representatives to speak to the Working Group submission.

35. The Royal Commission's final report on redress including recommendations is due to be published in mid 2015.

Diocese of Sydney and the Royal Commission

36. On 28 November 2014 the Diocese was served with a Notice to Produce for all documents and records involving allegations against an employee at a Sydney school and any response by the Diocese to such allegations. Sparke Helmore was engaged to assist in liaising with the Commission. We were subsequently advised that the School would be the focus of a public hearing in Sydney commencing 23 February 2015. In early January 2015 we were notified that the public hearing would not be proceeding and that Knox Grammar would be the subject of the public hearing commencing 23 February 2015 instead.

37. On 16 July 2015 the Diocese was served with a Notice to Produce for all documents and records involving allegations against a former clergyman who has been deposed of Holy Orders in another Diocese in the Province. Sparke Helmore has been engaged to assist in liaising with the Commission.

38. On 15 July 2015 we were informed by Anne Hywood, General Secretary of General Synod that the Royal Commission will soon be serving a Notice to Produce on the General Synod office for access to and information about the National Register of the Anglican Church.

39. We have also been advised that an Anglican Diocese, an (unnamed) Anglican School and the Church of England Boys Society will be the subject of scrutiny during the course of the Commission's public hearings at some stage.

40. The Diocese has not been given notice of any direct involvement in a public hearing at this stage.

For and on behalf of the Royal Commission Steering Committee.

LACHLAN BRYANT

Director, Professional Standards

21 July 2015