

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF GRAFTON

PROTOCOL
FOR DEALING WITH
COMPLAINTS OF SEXUAL ABUSE

Approved by Bishop-in-Council
2004

1 Introduction

Sexual abuse has a long, sad and hidden history. This is recognised in the Church and in society. Women and men are now emerging and telling their stories of sexual abuse. In many cases the abuse has occurred long before people feel able to come forward and speak of it. We recognise the immediate and ongoing suffering of these people through such experiences, and we apologise unreservedly to those who have been affected, at the same time recognising that no apology can undo the harm done.

These protocols are an attempt by the Diocese of Grafton to deal pastorally, professionally and pro-actively with issues as they are reported. We acknowledge the assistance and precedent provided by the Diocese of Brisbane in the preparation of this Protocol. It outlines the steps which must be taken to address the complaints when they are made. Each and every individual complaint is taken very seriously. We offer pastoral care and counselling to all victims.

We seek to be a Church in which any person, within our congregations, groups, schools, agencies and institutions is assured of safety and protection.

+Sarah Macneil
Bishop of Grafton

2 Commonly asked questions

2.1 Who can make a complaint?

Anybody can make a complaint.

2.2 Can I make an anonymous complaint?

You can make an anonymous complaint. It is difficult to take an anonymous complaint further and you may find the result of the complaint is not as you would have liked.

2.3 How do I make a complaint?

Take your complaint to anyone in the Diocese, but preferably to a responsible person in the parish, agency, school or other Organisation where the trouble has occurred. The Director of Professional Standards can be reached on the telephone number of the Anglican Diocese of Grafton.

2.4 What should I include in my complaint?

Provide as much detail as you can. Try to say:

- who is the victim*
- who carried out the Sexual Abuse*
- when it happened*
- where it happened*
- what happened*

2.5 How long will it take?

We must deal with each complaint promptly. Some things such as counselling and support can be offered quickly. Some other things such as discipline will take longer because we usually need to carry out an assessment which is fair to all parties.

2.6 What happens to my complaint?

It will be handled by the head of the Organisation in which the events occurred, sometimes with contributions from independent bodies and people. The Director of Professional Standards' job is to make sure your complaint is handled well.

2.7 What if I am unhappy with the actions of the Organisation Head or Director of Professional Standards?

The Protocol does not remove the right of the victim to seek remedy at law at any time. If you are unhappy with decisions made under the Protocol you can ask the Professional Standards Committee to review them.

2.8 Who is covered by this Protocol?

It covers all clergy, lay workers, volunteers and office holders working, volunteering or performing duties within any parish, church organization, church school or other church linked organization.

3 Objects

3.1 To promote and strive to provide a safe, supportive and ethical environment in schools, parishes and all other Organisations of the Diocese.

3.2 To provide a mandatory process for responding to and managing Allegations in the Diocese that is clear and consistent.

3.3 To respond to Allegations of Sexual Abuse made under this Protocol in a manner that is sensitive to the dignity, respect and confidentiality of all involved, including the Alleged Perpetrator.

3.4 To manage Allegations in a fair and timely manner without undue formality.

3.5 To provide a document that proclaims through a clear and complete explanation, the attitudes and accepted accountabilities and responses of the Diocese in relation to matters of Sexual Abuse.

4 Principles

4.1 The Diocese will be guided in respect of the Sexual Abuse issues by the example of the love and compassion of Jesus Christ.

4.2 The Diocese recognises that people who are subjected to Sexual Abuse are harmed by it.

4.3 Abusive acts by a person in authority of a person under that authority are a breach of trust and professional misconduct.

4.4 Any form of sexual behavior by an adult Worker with a Child is always Sexual Abuse.

4.5 In every preventative or protective action relating to harm to a Child the wellbeing and best interests of the Child are the primary concern.

4.6 A Worker who witnesses Sexual Abuse or who suspects that a person has been Sexually Abused must report it to their Organisation Head.

4.7 The Diocese will take disciplinary action against Workers who Sexually Abuse others.

4.8 The Diocese will not permit people to work in a position if the Diocese believes on the basis of all information available that there is an Unacceptable Risk that others may be Abused.

4.9 The Diocese may accept a moral obligation to help people who have been Sexually Abused where there is no legal obligation to do so. This obligation may extend to others affected by the Abuse such as family, close friends, other members of the Organisation and Church Workers.

4.10 The Diocese will co-operate with State authorities in resolving Allegations of Sexual Abuse.

4.11 The Diocese will respect the wishes of the victim subject to legal obligations and any perceived overriding social duty.

4.12 The Diocese will publish this Protocol widely and require people to use it.

4.13 The Diocese will augment this Protocol with associated promotional and educational material and guidelines that promote a safe, supportive and ethical environment.

4.14 In drafting its policies and operating under them the Diocese will comply with the requirements of the law.

4.15 The Diocese will not require clergy to divulge information given to them under the seal of the confessional.

5 Key Understandings

Anonymous disclosure/complaint: Anonymous disclosures will be received and investigated to the extent practicable. The value of information given anonymously is significantly less than information from an identifiable informant.

Confidentiality: Each Worker who has access to information regarding suspected or disclosed Sexual Abuse has an obligation to observe appropriate confidentiality. The Diocese is unable to promise absolute confidentiality since the steps of the Protocol will require disclosing, internally and externally, certain details involved in responding to the complaint.

Additionally state authorities can compel people to give evidence about actions under the Protocol and to produce documents.

Criminal Law: Where a member of the public has Allegations of criminal misconduct, it is better for everybody if the Allegations are referred to the police. The Director of Professional Standards must refer all Allegations of Paedophilia to the police except where the Alleged Perpetrator is dead.

Defamation: a person providing information about Sexual Abuse in good faith to a person who needs to know the information is generally excused from liability for defamation.

Natural Justice: The principles of Natural Justice will apply to decisions to be made under the Protocol. As the consequences of a decision for any individual become more severe, so the importance of demonstrably acting fairly increases. The two fundamental principles of Natural Justice are:

- that those making a decision are not biased;
- nobody should be condemned unless they are given prior notice of the Allegations against them and they have a fair opportunity to be heard.

Privacy: Privacy legislation applies to records generated under the Protocol. The Complainant, the victim and the Alleged Perpetrator may exercise their rights under that legislation. The Contact Person must give proper notice under the Privacy Act 1988 (Commonwealth) before collecting personal information.

Process: It is important to make the lodging of a complaint easy.

Representation: In any proceedings before the Board the referring body and any person may be represented by a legal practitioner, or with leave of the Board, by any other person.

Stability of Informant: It may sometimes appear that the condition of the person making the Allegation renders their information unreliable. The Director of Professional Standards should consider taking advice from a psychologist or counsellor before discounting the Allegation.

Subject to Law: The process under this Protocol does not have any statutory approval or protection. All New South Wales and Commonwealth laws apply to acts done under this Protocol.

Timely Response: It is most desirable that all steps under the Protocol are conducted in a timely manner. The Organisation Head and Director of Professional Standards will keep the victim and the Alleged Perpetrator informed of progress.

6 Adherence

The Diocese requires all Organisations to comply with this Protocol. The only exception is where the Diocese agrees to an Associated Organisation complying with different requirements and the Diocese is satisfied that the different requirements will satisfy broadly the principles of this Protocol.

Example: an Associated Organisation run jointly with other churches or run jointly with a government body may subscribe to the Abuse Protocol of another church or the government body if that protocol satisfies broadly the principles of this Protocol.

All matters relating to Sexual Abuse being considered by a Diocesan Organisation at the time this Protocol is adopted by Bishop-in-Council are to be dealt with in accordance with this Protocol.

7 Scope

This Protocol applies to all Allegations of Sexual Abuse made about Workers and to all Allegations of Sexual Abuse made against an Organisation (including all incorporated bodies associated with, controlled by or reporting to the Diocese, including, without limiting the scope of the Professional Standards Ordinance or this Protocol bodies such as Anglicare and its associated incorporated bodies and the schools of the Diocese) or the Diocese whether the Allegations are about events that are:

- known to have occurred
- suspected to have occurred
- ongoing or likely

- perpetrated by a person who is deceased

8 “Sexual Abuse”

The expression “Sexual Abuse” within this Protocol means:

- any Abusive behaviour with a Child for the sexual gratification of the perpetrator;
- any Abusive behaviour with an adult for the sexual gratification of the perpetrator
where the perpetrator is in a position of authority over the adult;

The expressions also include:

- Conduct of a person covered by the Professional Standards Ordinance 2004 wherever or whenever occurring involving sexual harassment or assault, or sexually inappropriate behaviour; and

Inappropriate or unreasonable conduct or omission of a person covered by the Ordinance who had knowledge of conduct of another church worker involving sexual harassment or assault, or sexually inappropriate behaviour.

9 Reprisal

No Worker may cause, or seek to cause, or conspire to cause a Detriment to another person as a consequence of the Worker's belief that the other person had made, was going to make or was likely to make a complaint under the Professional Standards Ordinance. If a Worker causes, or attempts or conspires to cause a Detriment to another person because, or in the belief that, anybody has made, or may make, a complaint of Sexual Abuse under this Protocol the Organisation Head of the Worker's Organisation will take disciplinary action against the Worker.

10 Interpretation and Jurisdiction

10.1 If any question arises as to:

- 10.1.1 the proper interpretation of this protocol
- 10.1.2 who should act in the role of Organisation Head in relation to particular Allegations

the question may be referred by any interested party to the Professional Standards Committee whose decision will be final.

11 Stand Down

11.1 If an Allegation of Sexual Abuse is made against a Worker, the Worker must stand down or be stood down from their position, until the Allegation has been dealt with, in any of the following circumstances:

- 11.1.1 there is Unacceptable Risk;
- 11.1.2 the process under this Protocol might be restricted in any significant way if the Worker did not stand down;
- 11.1.3 the Worker's Organisation or other parts of the Diocese would be damaged significantly if the Worker did not stand down.

The Organisation Head of the Worker's Organisation will decide if any of the circumstances apply so as to render it necessary to stand down the Worker. The Professional Standards Committee will make this decision if the Organisation Head is the subject of the Allegation.

If the Worker is a Licensed Person the Bishop will decide if any of the circumstances apply so as to render it necessary to revoke or suspend the Worker's licence to officiate until the Allegation has been dealt with. The Bishop may also direct that the Licensed Person be stood down under any contract for their employment.

A decision whether to stand down a Worker will be made within seven days after the Organisation Head receives the Allegation of Sexual Abuse.

If the Bishop is the subject of an allegation of Sexual Abuse and does not stand down voluntarily, Bishop-in-Council will decide if any of the circumstances apply so as to render it necessary to request the Bishop to stand down.

12 Who Reports Sexual Abuse?

If someone witnesses Sexual Abuse they must report it to their Organisation Head immediately. If someone receives information about Sexual Abuse they must report the information to their Organisation Head immediately. If the Organisation Head is the subject of the Allegation or it is not possible to report to the Organisation Head, report it to the Director of Professional Standards.

A recipient is not required to report information if the recipient knows the information to be untrue.

If a recipient does not intend to report the information they must inform the Complainant so that the Complainant may themselves report the information under this Protocol.

If a recipient is unsure whether to report the information or not, they should report the information.

13 What the Organisation Head Does

13.1 Qualifications:

Head of a Diocesan Organisation or an Associated Organisation

13.2 Reports to:

Director of Professional Standards (for the purposes of this Protocol only). This does not affect the obligation of the Organisation Head to inform their governing body or appropriate state authority.

13.3 Role:

- ensures the Protocol and any organizational specific and relevant policies are observed in their organisation;
- ensures that all Allegations of Sexual Abuse affecting their Organisation are reported immediately to the Director of Professional Standards;
- responds to Allegations of Sexual Abuse in conjunction with the Director of Professional Standards;
- takes disciplinary action in accordance with employment law and rules of natural justice upon request by the Professional Standards Committee;
- reports to the Director of Professional Standards the result of the disciplinary proceedings;
- organises public relations advice to assist in handling media and other interested parties. Takes a prominent role in answering questions from media and interested parties in co-ordination with the Bishop. The Bishop answers for the Diocese, the Organisation Head answers for the Organisation.

13.4 Duties:

As part of the responsibilities of their jobs, Organisation Heads must:

- ensure they are familiar with legislation about Sexual Abuse that is relevant to their Organisation;
- collaborate with the Director of Professional Standards;
- their
obligations under this Protocol;
- ensure that each Worker in their Organisation understands and fulfils their obligations under this Protocol;
- ensure that each Worker in their Organisation who may have contact with Children knows that they must not behave in a manner which abuses Children;
- invite to
the
Organisation without the consent of a parent or care-giver;
- ensure that each Worker in their Organisation knows that they must not invite to the home an unaccompanied Child (who is not a relation) connected with the Organisation without the consent of a parent or care-giver;
- take care of people connected with their Organisation if an incident of Sexual Abuse arises;
- ensure that there is an acceptable reference(s) for each Worker engaged since the commencement of this Protocol from their previous employer;
- ensure that each Worker who has contact with Children has been appropriately screened by the Commissioner for Children and Young People.;
- keep records of actions required by this Protocol;
- ensure that records relating to this Protocol are made available to the Director of Professional Standards upon request;
- and
Diocesan requirements;
- establish relevant organisational policies that comply with the statutory and Diocesan requirements;
- obtain the approval of the Director of Professional Standards to any relevant organizational policies.

When an Organisation Head receives an Allegation of Sexual Abuse within their Organisation they must do the following:

1. Ensure the relevant provisions of this protocol and any related organizational policies are complied with.
 - 2 Inform the Director of Professional Standards with full details.
 - 3 Consult with the Director of Professional Standards regarding the appointment of a Contact Person. Where the Allegation is of Sexual Abuse and the victim is a Child, the Director of Professional Standards should be the Contact Person.
 - 4 Carry out a preliminary assessment of the Allegation. Be careful not to taint the evidence of victim or Alleged Perpetrator at this stage.
 - 5 Request the Director of Professional Standards to appoint Pastoral Support people.
 - 6 Stand down the Alleged Perpetrator until the Allegation has been dealt with in the circumstances described in section 11 of this Protocol.
 - 7 Report to state authorities where that is required by statute, organizational policies or under this Protocol (see Section 14.6).
 - 8 Take appropriate action when the results of the investigations of the Allegations are available.
 - 9 Provide assistance to the Director of Professional Standards when requested. Assistance is likely to be required with:
 - providing Pastoral Support
 - providing information
 - making witnesses available to an Investigator
 - counselling for the victim.
 - 10 If the Alleged Perpetrator is a teacher and the circumstances require it, give notification to the appropriate educational authority
- Ensure that the Organisation is sufficiently adept at public relations to be able to implement a plan quickly to influence the publication of information to the Workers of the Organisation, to the patients/clients/students of the

Organisation and their families and to the media.

An action or decision required to be taken by an Organisation Head in response to an Allegation of Sexual Abuse may be undertaken by the Professional Standards Committee or a person or body nominated by the Professional Standards Committee in any of the following circumstances:

- the Organisation Head requests it; or
- the Organisation Head is the subject of the Allegation of Sexual Abuse; or
- the Organisation Head is unable or unwilling to carry out the action; or
- the Professional Standards Committee directs it

14 What the Director of Professional Standards does

14.1 Qualifications:

Some or all of administrative, management, leadership, counselling, legal, interpersonal skills

14.2 Reports to:

Professional Standards Committee and Bishop-in-Council

14.3 Role:

- ensure that systems are in place ensuring all Workers and Diocesan Organisations are aware of the Professional Standards Ordinance 2004 and this Protocol and their obligations under it;
- support all Organisations to have appropriate and relevant Organisational Policies in place to satisfy statutory and Diocesan protective requirements;
- ensure all Organisations screen Workers to satisfy statutory and Diocesan requirements;
- ensure all complaints of Sexual Abuse are dealt with in accordance with this Protocol;
- to be the Executive Officer of the Professional Standards Committee
- to convene, but not chair the meetings of the Professional Standards

Committee;

- assist in preparation of reports for the Professional Standards

Committee;

- appoint any necessary Investigators to assist the Professional Standards Committee or Board;

- support and advise other people who act under this Protocol.

14.5 Screening Workers

Check that the Diocese has in place on going systems which ensure that:

- each Organisation is continuing to obtain appropriate employment and personal reference(s) as well as screening clearances from the Commissioner for Children and Young People for all new Workers ;

- Diocesan Registry is continuing to obtain the appropriate employment and personal reference(s) as well as screening clearances from the Commissioner for Children and Young People for each Worker employed by the Diocese and each Licensed Person licensed to officiate in the Diocese;

- each independent contractor engaged by an Organisation has sought and obtained the appropriate level of screening and clearance for each Worker engaged in activities which involve contact with children in accordance with this Protocol and legislative screening requirements.

14.6 Reporting to State Authorities

If an Allegation shows that a Child for whom an Organisation is responsible has been

sexually abused by a person (whether or not the person is a Worker) and the Sexual Abuse has caused significant harm to the Child:

If the Organisation is a school ensure the Organisation Head reports to an appropriate State Authority.

If the Organisation is not a school and the Sexual Abuse is not a criminal offence report the Allegations to a relevant state authority such as the Department of Families or Department of Education

If the Organisation is not a school and the Sexual Abuse is a criminal offence then report the Allegations to a police officer

14.7 Contact Person

On receiving a complaint it should be referred immediately to the Director of Professional Standards or the General Manager/Registrar or such as person nominated to be a Contact Person.

If the victim is a Child, the Director of Professional Standards should be the Contact Person. If this is not practicable a very experienced person should be appointed to be the Contact Person.

14.8 Pastoral Support

Appoint a Pastoral Support Person to make contact with and provide Pastoral Support to the victim. Appoint a different Pastoral Support person to provide Pastoral Support to the Alleged Perpetrator.

14.9 Alleged Perpetrator

Where the Organisation Head has not already done so, inform the Alleged Perpetrator that:

- Allegations have been made naming the Alleged Perpetrator;
- the Director of Professional Standards will appoint a Pastoral Support person;
- the Director of Professional Standards will give the Alleged Perpetrator details of the Allegations as soon as they have been obtained.

Give full details of the Allegations to the Alleged Perpetrator as soon as the details are available.

14.10 Police

Allegations of Sexual Abuse of Children are reported as noted under "Reporting to State Authorities" above.

Do not report other Allegations to police unless there are special reasons and the Professional Standards Committee.

Professional Standards Committee instructs the Director of Professional Standards to do so. The Complainant or victim may do this themselves if they choose to do so.

Do not do anything in relation to the matter while police action is pending if the Director of Professional Standards' actions may interfere with police actions. It may be constructive to provide Pastoral Support and counselling while police are acting. It would be sensible to liaise with police about this.

14.11 Assessment

On receipt of the police report into the complaint, make a recommendation to the Professional Standards Committee about any need for internal assessment. The Director of Professional Standards would not normally recommend internal assessment be carried out while a police investigation is in train.

When police action is completed and internal assessment is completed recommend action to the Professional Standards Committee.

14.12 Counselling

When the Contact Person has obtained details of the Allegations, consider whether there may be a moral duty for the Diocese to pay for counselling of the victim. If the Director of Professional Standards believes there may be a moral duty, recommend to the Professional Standards Committee that payment be made for counselling.

If the Professional Standards Committee approves counselling or itself directs that counseling be arranged then:

- arrange funding with the General Manager/Registrar or Organisation Head for diagnosis;
- arrange, when requested or when it appears appropriate, for the victim to be interviewed by a psychiatrist or psychologist
- arrange funding for therapy with the General Manager/Registrar or Organisation Head;
- arrange for the victim to be offered therapy as suggested by the diagnostic advice.

If the victim undertakes therapy, check with the therapist at the beginning and periodically during the program to ensure the therapy is effective and finite.

14.13 Redress

When any police investigation, any assessment and any disciplinary action have been completed consider whether the matter may require further consideration by the Professional Standards Committee.

If the Director of Professional Standards believes the Professional Standards Committee should consider the matter for consideration of redress, recommend this to the Professional Standards Committee.

The Committee may consider all kinds of redress including::

- therapy
- financial assistance
- acknowledgement and apology
- historical record
- educational assistance
- self-improvement courses or
- or such other reasonable supportive actions it believes to be appropriate.

If the Professional Standards Committee recommends that redress be offered, check with the General Manager/Registrar or Organizational Head that funding is available. If it is available, facilitate the carrying out of the recommendation of the Professional Standards Committee.

14.14 Debriefing

Offer to debrief the Organisation Head when an Allegation has been dealt with.

14.15 Information

Keep Organisations informed about developments relating generally to Sexual Abuse. For example, there may be changes to statutory requirements to notify, there may be conferences that are likely to be useful and there may be changes to this Protocol to pass on.

Keep the Organisation Head of an Organisation directly involved with an Allegation of Abuse informed about the progress and resolution of the matter.

14.16 Review

The victim and the Alleged Perpetrator may request the Professional Standards Committee to review any decision of the Organisation Head. If a victim or Alleged Perpetrator does request review, the Director of Professional Standards will refer the matter to the Professional Standards Committee for review.

A request for review must be made in writing to the Director of Professional Standards within seven days of notification of the decision to be reviewed. The only ground of review is that the Organisation Head did not comply with the requirements of natural justice.

Ensure the parties are informed they may request review.

The Professional Standards Committee may take written or oral submissions about the decision under review and will make their decision promptly.

14.17 Professional Standards Committee

Report to the Professional Standards Committee on an as needs basis, but at least quarterly on all aspects of the Protocol and actions being taken on it.

Report to the Chair of the Professional Standards Committee immediately if a matter arises which may have serious consequences for the Diocese. Consult regularly with the Professional Standards Committee.

14.18 Records

Keep records generated from:

- protective action
- screening Workers
- Allegations of Abuse.

The Professional Standards Committee, the Professional Standards Board, the Bishop and the General Manager/Registrar may have access to these records at any time.

14.19 Review of Protocol

Review the Protocol once every 18 months to see if it can be improved by amendment.

Ask Organisation Heads and others interested in the Protocol for their ideas.

15 What a Contact Person does

15.1 Qualifications:

Appointed a Contact Person by the Director of Professional Standards or Organisation Head or Bishop.

15.2 Report to:

Director of Professional Standards.

15.3 Role:

To record in detail complaints about Sexual Abuse. The record will form a basis for all further action taken under this Protocol. A Contact Person may also be a Pastoral Support person for the victim.

15.4 Duties:

Interview the Complainant personally. To ensure the Allegations are recorded as accurately and credibly as possible, the victim should provide the information. Allow the victim to tell their own story.

16 What a Pastoral Support Person does

16.1 Qualifications:

Appropriately experienced or qualified people, generally Christians, appointed by the Professional Standards Committee.

16.2 Report to:

Director of Professional Standards.

16.3 Role:

Provide Pastoral Support to the victim and the Alleged Perpetrator.
Act as liaison between the Diocese and the victim and the Alleged Perpetrator.

A Pastoral Support person will never be required to provide Pastoral Support to both the victim and the Alleged Perpetrator in the same matter.

16.4 Duties:

When requested by the Director of Professional Standards or the Organisation Head, meet with the victim or the Alleged Perpetrator.

A Pastoral Support person does not divulge any information given to them by the victim or Alleged Perpetrator except with consent or as required by law.

Provide Pastoral Support until the victim or Alleged Perpetrator does not want it or the Director of Professional Standards or Organisation Head directs that it stop.

17 What the Professional Standards Committee does

17.1 Qualifications:

Appointed by Bishop-in-Council. There should be at least one cleric on the committee licensed by the Bishop to officiate in the Diocese. It will have at least three members. If possible, the members should include:

- at least one member with expertise in Sexual Abuse issues;
- at least one member with legal expertise.

The Chair of the Committee preferably should be a cleric.

17.2 Reports to:

Bishop-in-Council and General Manager/Registrar.

17.3 Role:

To act in accordance with Part 4 of the Professional Standards Ordinance 2004, this includes:

- directs generally the Director of Professional Standards regarding the operation of the Protocol;
- receives reports relating to Sexual Abuse from Director of Professional Standards;
- investigates information relative to complains of sexual abuse in a timely and appropriate manner
- advises the Director of Professional Standards as requested;

- reviews investigations;
- keeps the Bishop informed of all matters under the Protocol;
- keeps General Manager/Registrar informed about all things relating to insurance and property and finance;
- acts in accordance with directions from Bishop-in-Council
- overseas and/or recommends appropriate educational programmes within the Diocese to ensure full understanding and compliance with the Protocol and Ordinance.

17.4 Duties:

- meet as required, but at least quarterly, to consider reports from Director of Professional Standards;
- prepares reports into any investigation;
- decides whether to refrain from further investigation;
- refer questions under section 54 of the Professional Standards Ordinance to the Professional Standards Board;
- advises any relevant Church authority or body as to the financial or other needs of a person affected by Sexual Abuse as defined by this Protocol;

If the Director of Professional Standards recommends that disciplinary proceedings be undertaken against an Alleged Perpetrator, refer the matter to the Organisation Head of the Organisation where the Alleged Perpetrator is a Worker. If the Alleged Perpetrator is a Licensed Person, refer the matter to the Bishop.

Review the operation of the Protocol every 18 months. Recommend changes to the Protocol to the Bishop-in-Council as they are considered necessary.

18 What a Counsellor does

18.1 Qualifications:

Registered psychiatrist, psychologist or appropriately trained counsellor. The diagnostic counsellor must be different from the therapeutic counsellor.

18.2 Reports to:

Director of Professional Standards.

18.3 Role:

To help victims of Sexual Abuse.

18.4 Duties:

When requested by the Director of Professional Standards, diagnose victim and recommend a course of therapy.

Diagnostic counsellor reviews the therapy program when requested by the Director of Professional Standards. When requested by the Director of Professional Standards the therapy counsellor carries out therapy to the extent requested.

The diagnostic counsellor reports to the Director of Professional Standards. The Director of professional Standards should tell the victim this at the outset.

The therapeutic counsellor should not pass any information to the Church without the consent of the victim or as required by law. It will be necessary to provide information about the number of sessions, cost and expectation of future requirements.

19 What an Investigator does**19.1 Qualifications:**

A person skilled and experienced in investigative work. The person may be a lawyer and should usually be independent of the Diocese.

19.2 Reports to:

Director of Professional Standards, but may be required to report results of investigations directly to the Professional Standards Committee or Board

19.3 Role:

- to investigate complaints, as requested by the Director of Professional Standards, Professional Standards Committee or Board by interviewing relevant parties and examining relevant documents;

- to prepare a report on any investigation and all relevant matters

19.4 Duties:

The Investigator will generally receive details of an Allegation of Sexual Abuse from the Director of Professional Standards. The details will include name and contact details for the Complainant and Alleged Perpetrator.

The Investigator requests the Director of Professional Standards to arrange interviews for the Investigator with the Complainant, the Alleged Perpetrator and any other parties whom the Investigator believes are important witnesses in the matter. The Investigator "leads" the interviews as little as possible.

When the Investigator interviews the Alleged Perpetrator, tell them:

- they do not have to say anything;
- any record of things they say may have to be produced to a court in response to a summons or subpoena;
- for the purpose of the assessment they are presumed innocent until some other conclusion is drawn on the balance of probabilities;
- they may retain their own legal advice.

Encourage interviewees to have others with them during the interview, although the others should not be allowed to influence the spontaneity of the statement for other than legal reasons.

If it suits the Investigator's methods, ask if the interviewee will consent to the interview being taped. It is recommended that all interviews be taped. Satisfy the requirements of the *Invasion of Privacy Act 1971*.

It is preferable that evidence be given by statutory declaration.

The Diocese will produce to the Investigator documents in its possession relating

to the
matter being assessed unless it has an obligation to keep them confidential.

When the Investigator has interviewed all the necessary witnesses who will
provide
statements, make a report concerning the complaint.
Provide the report to the Director of Professional Standards.

19 .5 Identity of Person Providing Information

A person providing information under the Protocol may stipulate that they are not
to be
identified to the Alleged Perpetrator. A condition of anonymity should be
respected but
this must be taken into account in determining the credibility of the information.

19.6 Interviewing Children and Individuals with Disabilities

Do not interview a Child unless a parent or guardian is present.

You should not interview a Child for this Protocol unless you are skilled in the
techniques
of interviewing Children.

Take special care when interviewing people with intellectual or psychiatric
disabilities.

If you are not sufficiently skilled to interview a Child or disabled person, ask the
Director of Professional Standards to appoint a second Investigator to assist with
this aspect.

19.7 Support Person

An Investigator may inform the Contact Person and the Support Person for the
matter being assessed how the assessment is progressing.

20 What the Professional Standards Board does

20.1 Qualifications:

Appointed by Bishop-in-Council under s39 of the Professional Standards
Ordinance for such time as determined by the Bishop-in-Council

20.2 Reports to:

Director of Professional Standards or Professional Standards Committee

or Bishop-in-Council as the circumstances require.

20.3 Role:

- Act according to Part 7 & 8 of the Professional Standards Ordinance 2004;
- Receive references under (s)54 of the Professional Standards Ordinance 2004;
- Determine questions referred to it under s54;
- Make recommendations according to s69 of the Professional Ordinances Ordinance.

21 What the General Manager/Registrar does

21.1 Qualifications:

The person fulfilling the functions of the General Manager/Registrar of the Diocese.

21.2 Reports to:

Property and Finance Board, Bishop-in-Council or Bishop as the circumstances require

21.3 Role:

- to liaise with the Property and Finance Board
- to instruct external lawyers
- to propose the budget for the Director of Professional Standards to Property and Finance Board annually
- to comply with insurance obligations

21.4 Duties:

On receipt of information about a complaint, notify the insurer under the policy that responds to the claim. Keep the insurer informed of matters affecting liability. Monitor the expenditure of the Director of Professional Standards.

22 What the Bishop does

22.1 Qualifications:

The person from time to time exercising the powers of the Anglican Bishop

of Grafton

22.2 Reports to:

Bishop-in-Council and Synod.

22.3 Role:

- to oversee the Protocol and ensure it is working properly
- to take disciplinary action where a Licensed Person is involved
- to communicate with the media on behalf of the Diocese

22.4 Duties:

Receives regular reports from the Professional Standards Committee.
Initiates disciplinary action under the Canons against Licensed Persons if requested by the Professional Standards Committee and if it is, in the opinion of the Bishop, appropriate.

The Ordinances of the Diocese of Grafton that provide for disciplinary action against

Licensed Persons include:

- **Clergy Discipline Ordinance**

The Bishop may also be able to initiate action under the Canons of the General Synod of Australia or under the rules of any other Diocese within the Anglican Communion throughout the world.

Report results of disciplinary action to Professional Standards Committee.

Provides information about Licensed Persons who have been Alleged Perpetrators to complaints of Abuse if anyone seeks a reference for them with a view to engaging their services.

Schedule 1 — Definitions

Abuse: in this Protocol has the same meaning as sexual Abuse and is defined in Section 8.

Allegation: an assertion or information still to be proved.

Alleged Perpetrator: the person against whom a complaint/Allegation is made.

Associated Organisations: legal entities other than Diocesan Organisations, including

schools and agencies which:

- use the word “Anglican” in their name with the approval of the Diocese;
- or
- use the word “Anglican” in describing their activities with the approval of the Diocese; or
- are partly or completely owned by the Diocese; or
- receive funding from the Diocese.

Associated Protective Policies: are policies which enable Organisations to respond appropriately to Abuse issues at the local level and which promote well being for Children, young people and adults.

Child: a person under the age of 18 years.

Complainant: the person who makes an Allegation or who provides information about an act of Abuse

Culpable: deserving blame.

Defamation: The damaging of another person's reputation.

Detriment: includes:

- personal injury or prejudice to safety; and
- property damage or loss; and
- intimidation or harassment; and
- adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and
- threats of Detriment; and
- financial loss from Detriment.

Diocese: An all-encompassing term that covers all aspects of the legal entity called "The Corporate Trustees of the Diocese of Grafton.

Diocesan Organisations: all councils, committees, parish bodies, and other groups who derive their authority directly and solely by delegation from Diocesan Synod

Licensed Person: a bishop, priest, deacon or Worker licensed to officiate within the Diocese.

Organisation: a Diocesan Organisation or an Associated Organisation, (including all incorporated bodies associated with, controlled by or reporting to the Diocese, including, without limiting the scope of the ordinance or Protocol bodies such as Anglicare and its associated incorporated bodies and the schools of the Diocese).

Organisation Head: the person responsible for the leadership and management of a Diocesan Organisation or an Associated Organisation. Examples: a school — the principal, a parish — the parish priest, a committee at Diocesan level — the General Manager.

Paedophilia: an act by an adult with a person below the age of sixteen for the sexual gratification of the adult.

Pastoral Support: is emotional and spiritual support from a person who is not necessarily qualified to provide professional counselling offered to the victim and the Alleged Perpetrator.

Director of Professional Standards: person appointed by the Diocese to manage and implement this Protocol.

Sexual Abuse: is defined in Section 6.

Suitability Notice: a notice issued by the Commissioner for Children and Young People under the Commission for Children and Young People Act 2000 stating whether a person is a suitable person to be involved in Child-related occupations.

Unacceptable Risk: circumstances where there is a risk of the Alleged

Perpetrator reoffending.

Unsubstantiated Allegation: an Allegation having insufficient evidence to prove it true,
on the balance of probabilities.

Workers: Office holders and people who work in a paid or voluntary capacity in Diocesan

Organisations and Associated Organisations. The expression also includes:

- People who are employed by independent contractors engaged by Diocesan Organisations;
- People elected or appointed to a position within the Diocese under the canons;
- People elected or appointed to any position within the Diocese by a council, board, chapter, commission, committee, Licensed Person or churchwarden;
- People resident in the Diocese who are Bishops, Priests and Deacons in the Anglican Church.

Approved by Bishop-in-Council
29th July 2004