



Anglican Church of Australia

Diocese of Newcastle

Evaluation of the Professional Standards and
Redress Schemes

Executive Summary

Helen Deas

Executive Summary

This paper has been commissioned by the Diocese of Newcastle of the Anglican Church of Australia to evaluate the effectiveness of the Professional Standards and Redress Schemes operating in the Diocese.

Prepared by: Helen Deas
EMPA, MLshipMgt(Policing), BSocSc, BPolicing (Invest), MAICD, J.P.

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1. Background

The Anglican Diocese of Newcastle covers the area of the Central Coast, Hunter, Newcastle, Lake Macquarie, Manning, Patterson and Port Stephen regions of New South Wales. It is one of twenty-three dioceses of the Anglican Church of Australia.

The Church generally and the Diocese specifically has been subject to scrutiny as part of the Royal Commission into Institutional Responses to Child Sexual Abuse. Case Study 42 of the Royal Commission relates directly to the Anglican Diocese of Newcastle (Diocese).

As part of the assessment of policies and procedures within the Newcastle Diocese which impact on sexual abuse within the Church, a review has been commissioned by the Bishop to examine the contemporary professional standards process and the redress scheme that operate within the Diocese.

Specifically this review will examine benchmarking, recommendations and prioritisation as well as the identification of actions and strategies for continuous improvement. Benchmarking will be against the model resources established by the Professional Standards Commission of the Anglican Church and key papers developed by the Royal Commission into Institutionalised Response to Child Sexual Assault. The goal from this process is to ensure that the Diocese can be satisfied that its culture and practices are positioned to ensure continuous improvement in this aspect of diocesan life.

2. Scope of Evaluation

The scope of the evaluation is in two distinct areas. These are:

2.1 Professional Standards Function

- (a) Examine the relevant governance documentation and framework;
- (b) Undertake interviews with relevant staff and other stakeholders;
- (c) Examine some recent professional standard files, including Board hearing papers;
- (d) Consider the relevant Royal Commission recommendations and other references;
- (e) Benchmark the Diocese's current functions against best practice;
- (f) Formulate consequential recommendations for improvement and any future actions for continuous improvement.

2.2 Redress Scheme

- (a) Examine the relevant scheme documentation and files for a random selection of prior scheme claims;
- (b) Undertake interviews with relevant staff and other stakeholders;
- (c) Consider the relevant Royal Commission recommendations;
- (d) Benchmark the Diocese's current scheme against best practice; and
- (e) Formulate consequential recommendations for improvement and any future actions for continuous improvement.

3. Royal Commission into Institutionalised Response to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse was established to investigate how institutions have responded to allegations and instances of child sexual abuse. A key objective of the Commission was to identify where systems have failed to protect children, and then make recommendations on how improvements can be made to law, policies and practices.

As part of the work of the Commission, it has released two key documents that need to be considered by the Diocese of Newcastle. These reports are:

- *Consultation Paper – Best Practice principles in responding to complaints of child sexual abuse in institutional context* (March 2016)
- *Redress and Civil Litigation Report* (June 2015)

The Royal Commission has developed six principles for a strong and effective complaint response to child sexual abuse. These are:

1. An institutional culture that makes decisions based on the best interests of the child and is aware of the inherent vulnerability of children in their care
2. A child-focused complaint handling policy
3. A process that is clear and accessible to children and adults, and emphasises responsiveness and accountability
4. Protocols are in place for managing relationships and sharing information with other agencies
5. Training is provided about the complaint handling process
6. An ongoing audit process is in place

The Redress and Civil Litigation Report identified the three key elements of redress:

1. *A direct personal response by the institution if the survivor wishes to engage with the institution, including an apology, an opportunity for the survivor to meet with a senior representative of the institution and an assurance as to the steps the institution has taken, or will take, to protect against further abuse*
2. *Access to therapeutic counselling and psychological care as needed throughout a survivor's life, with redress to supplement existing services and fill service gaps so that all survivors can have access to the counselling and psychological care that they need*
3. *Monetary payments as a tangible means of recognising the wrong survivors have suffered.*

It also identified 4 key principles

1. *Redress should be survivor focused.*
2. *There should be a 'no wrong door' approach for survivors in gaining access to redress.*
3. *All redress should be offered, assessed and provided with appropriate regard to what is known about the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and to the cultural needs of survivors.*
4. *All redress should be offered, assessed and provided with appropriate regard to the needs of particularly vulnerable survivors.*

This review examined the Newcastle Diocese against these standards. Additionally recommendations have been made about how the Diocese has responded to issues raised in the context of Case Study 42 to ensure that individuals are brought to justice and that the systems now in place in the Diocese would protect against this type of abuse.

4. The Path to Safer Ministry – Review against the Professional Standards of the Anglican Church of Australia

The Professional Standards Commission of the Anglican Church of Australia has developed a number of key documents with the objective of a national approach to professional standards within the Church. They fall into two broad categories of prevention and response. They have produced a “roadmap” to guide Dioceses in each of the following areas:

Area	Resources
Prevention	Promoting Standards of Behaviour
	Training
	Screening and selecting clergy and church workers
Response	Caring for those who have been abused
	Handling Complaints
	Responding to persons of concern

Due to the constitutional framework that gives significant independence to each Diocese, each of the 23 Dioceses have the capacity to make decisions about what policies they implement at a local level in relation to ordinances, protocols and other local guidelines. This has a significant effect of weakening the capacity of the Church to effectively respond

The net affect of this is a potential weakening and inconsistency in the application of the governance and rules relating to professional standards within the Anglican Church throughout Australia. When dealing with offenders who have the capacity to move within different Dioceses in Australia, this approach can be problematic. It also has the potential to allow those who may be offenders or their supporters within a particular Diocese to influence what is implemented in locally based ordinance and protocols.

The key issues identified during the review are:

4.1. Faithfulness in Service and Code of Conduct

The current Faithfulness in Service does not adequately cover all workers within the Diocese. In particular non-religious lay workers need a specific code of conduct to provide guidance to their behaviour. It was noted that members of key committees and boards within the Diocese have not acknowledged a code of conduct as required by Diocesan Council. It was also noted that there were gaps in the licence renewal process and inconsistencies against the working with children legislative requirements.

4.2 Psychological Health

Dealing with sexual abuse can have a significant impact on those who are investigating, managing and adjudicating matters within the Diocese. It is recommended that a proactive step be taken in developing regular psychological assessments for key staff in a ‘well check’ style process. It is noted that the Professional Standards Board hearings can be

particularly stressful for members and that critical incident debriefs are implemented as required by a professional psychologist.

4.3. Training

The Diocese has adopted the Safe Church Training Agreement for conducting this mandatory training. It covers foundations of safe ministry, duty of care, abuse prevention, due diligence in relation to recruitment and supervision of all church leaders and the management of program risks. There was a reluctance of some to complete the initial training or the refresher training as required. A gap was identified in terms of auditing the compliance at parish and Diocesan Level. As this is a key preventative strategy, their needs to be proactive measures to ensure appropriate compliance and restriction put in place for those who are not trained. Parish Services are improving process at a higher level but improvements at Parish level include appointment of a Safe Ministry Officer and inclusion of completion of training in the Delegated Authority Register. A quarterly focus by Diocesan Council would enable a continued focus on this requirement.

The Professional Standards Committee and Board members have not completed training in line with the national curriculum.

4.4. Recruitment

The interim report of the Royal Commission report '*What we are Learning About Preventing Child Abuse*' indicates that pre-employment screening is a key aspect to working with children. This is one aspect of providing a safe environment for children and young people to make it more difficult for perpetrators to gain employment with children by filtering out those who pose a risk. It is important that parishes understand the importance of using the appropriate screening for personnel as an important part of making the church a child safe organisation.

The Diocese has implemented the Safe Ministry recruitment package but there has been no auditing to confirm the adoption at parish level. There are multiple versions of the documents on the portal that needs to be rectified. The Working with Children requirements are a key strategy of keeping children safe in NSW. More work needs to be undertaken by the Diocese in identifying those who require the check within parishes, and auditing to ensure that it meets the legislative requirements in terms of recording and reporting.

The Diocese conducts comprehensive psychological screening of all ordination candidates. This is also used as a tool for developing individual support plans. This has proven to be a valuable tool within the Diocese and its continued use is supported.

4.5. National Register

The National Register is an aide in the management of risks arising in relation to the appointment and management of personnel to Dioceses. The Diocese has implemented the Register and associated protocols in May 2011.

4.6. Guidelines for Parish Recovery

These guidelines were developed locally and adopted within November 2015 to assist in recovery for parishes within the Newcastle Diocese that have been impacted by allegations of sexual abuse, in particular by clergy. It is aimed primarily at adults within the congregation with a pastoral rather than therapeutic approach. There are opportunities to

use these sessions to educate congregations about recognising behaviour that could indicate child abuse. Updates have been recommended to the guidelines that make it clear that the Professional Standards ordinance and protocol are the lead documents.

This is a relatively new approach by the Diocese to aid the parishes in recovery from sexual abuse allegations. There is anecdotal evidence that the process is working well and producing positive results in parishes. It is recommended that the process and outcomes should be independently reviewed by a qualified person independent of the Church. If this proves to be a successful model, it may be able to be replicated in other Dioceses. Alternatively, if problems are identified in the methodology or delivery it will enable changes to be made to ensure the best outcomes for members of parishes undergoing this process.

4.7. Guidelines for Parish Safety

Parishes currently manage the responsibility for identified individuals with oversight by the Professional Standards Director. This includes appropriate training and induction of supervisors and auditing to ensure that requirements are being met. This should be included in the scope of auditing undertaken in parishes as part of the professional standards function.

5. Operation of Professional Standards at Newcastle Diocese

The key documents for guiding the management of complaints within the Diocese are the Professional Standards Ordinance and the associated protocol. The Ordinance also establishes the authority and role of the Professional Standards Committee, Director of Professional Standards and Professional Standards Board.

5.1 Professional Standards Ordinance

In the Newcastle Diocese, the Ordinance establishes the broad regulatory environment for Professional Standards within the Diocese. The latest version was approved by Diocese Synod on 28 October 2012 and amendments approved by Synod. A review was undertaken of variances from the model ordinance from a national level to the current Newcastle Diocese ordinance.

The Newcastle PSC includes the Director as a member. Given his role and responsibility as the Professional Standards Director to bring information and take direction from the committee (as set out under Sect 26), it is not appropriate from a governance perspective that he is also a member. It is acknowledged that the Director has a vital role on this committee however it is recommended that not as a member.

Under part 26 both ordinances indicate that the Professional Standards Committee 'investigate information in a timely and appropriate manner'. This committee currently acts more as oversight of the Director of Professional Standards rather than an investigative body. The key role is as the referral point of matters to the Board.

Under Section 39, the risk of harm and the seriousness of the allegations should be the key factor. It is suspected that those matters under section (d) receive priority. This is listed in both the model ordinance and the Newcastle ordinance. The inclusion of subsection (d) where the respondent and the church has potential to unduly influence the process and it

is recommended it is removed. This is also consistent with the Royal Commission best practice principles for a strong and effective complaint response where decisions are made in the best interest of the child and it provides protections for those who make complaints.

Both the PSC and the PSB lack members who are independent from the Church. The PSB skill requirement of having some members with professional experience, training or skills in sexual harassment or assault or sexually inappropriate behaviour has been taken from the Newcastle ordinance. The omission of the skill requirement has potential for the board to have no experience in these areas, which could adversely affect victims.

There is not currently a Deputy President appointed under Section 50. A register should be maintained of those panel members who do sit to ensure an appropriate rotation of all members. Part 12 outlines the procedures for a Review Panel and Review Board. Diocesan Council has not currently appointed any person as a member of the Review Panel. This is the third panel that is set up under this ordinance to review matters. It is recommended that it may be more appropriate to commission an external review by a judicial officer for any appeals rather than forming a Review Board.

5.2 Professional Standards Committee

The Ordinance prescribes the membership of the Professional Standards Committee (PSC). The current membership comprises the Chair who is legally qualified, a male clergy member and two female members of the church. Both of these women have worked in the welfare sector. The Professional Standards Director is also included as a member.

A key issue identified with the committee is that there is no member who is independent from the Church and that the Professional Standards Director should not be a 'member'. Formal training in line with the national curriculum and the acknowledgement of the code of conduct by all members is required. Many of the members have been long standing on the committee. Whilst the long service is acknowledged and valued, there is a need to consider a process of succession planning for the future.

One of the major issues identified with the current membership of the committee is management of conflicts of interest. All parties have involvement and connections within the Church that may be conceived as constituting a conflict of interest. There is no process for formally identifying these in the context of the committee or what treatment for the conflict has been put in place. Many of the members are active on other committees within the Diocese, Parish Recovery Team, Synod or within Diocesan Council which present a potential conflict with their role. The introduction of independent members to the committee and the removal of the Professional Standards Director as a member will assist in addressing the issue. Members of the committee have not undergone training nor completed a code of conduct declaration.

There is not currently a regular schedule of meetings of the Professional Standards Committee but they are convened on a needs basis. There is regular contact between the Professional Standards Director and the Chair of the Professional Standards Committee regarding matters that are received and progressing in the interim period.

It is recommended to satisfy the requirements of the ordinance, and to provide an oversight of the auditing and other functions of professional standards, that face-to-face meetings of the committee should be scheduled on a more frequent basis. In reviewing

auditing, the PSC should identify trends, or areas of concerns, with the development of proposed solutions for recommendation to Diocesan Council where appropriate.

The committee does not currently conduct any review of trends or analysis of areas of concern arising from complaints. The work is purely reactive to complaints rather than consideration of the broader context around a complaint including analysis of factors that led or enabled the behaviour to occur, any issues with policies or procedures or other information that needs to be considered within the Diocese. Such analysis should also include matters where there is insufficient information to refer through to the Professional Standards Board. It is recommended that periodic reporting of trends occur to the Bishop and/or Diocesan Council.

5.3 Professional Standards Director

The Ordinance sets out the function of the Director. He has a background in law enforcement and has an extensive background in investigating professional standards matters in a church environment. An additional officer who is highly experienced in investigating abuse matters has joined the team.

Professional Standards Ordinance, under part 29, provides that a director may act in a corresponding capacity for another diocese. For any diocese not to have appointed suitably qualified staff within their own jurisdictions indicates a failure to understand the importance and functions of this position. The Director of Professional Standards is currently also responsible for the Grafton Diocese. There is a significant workload for the Newcastle Diocese, particularly in light of the issues arising at the Royal Commission and audit and accountability issues identified as part of the review. Consideration should be given as to the capacity for both locations to be covered by a single director. This is not sustainable in the longer term and Grafton Diocese needs to consider alternative options.

One of the most significant roles that the Professional Standards Director currently has responsibility for, but is not clearly articulated in either his job description or under the ordinance and protocol, is that of caring and supporting survivors. This support also extends to the survivors who are claiming through the redress process. The support that is currently provided to survivors is of a high level. However, the capacity of the Professional Standards Director to deliver on investigations and other professional standards compliance responsibilities may be impeded. The perception of impartiality by others within the church in his role may also be undermined.

It is recommended as a high priority, that the Diocese consider engagement of a dedicated individual who has training and experience in social work and victim care. This officer would work closely with the Professional Standards team but also serve as a conduit for information for the redress process as well. It will enable a level of separation for the Professional Standard Director role and provide a dedicated and trained professional support mechanism for survivors. It will ensure that a continued survivor-focused response is maintained within the Diocese.

5.4 Professional Standards Board

The Professional Standards Board is responsible for determining whether a church worker is unfit to hold an office, position or employment within the Church or whether a person should be subject to certain conditions or restrictions. Diocesan Council has had a significant challenge in identifying suitable people to be part of the panel for the

Professional Standards Board. There is not currently any laity who are independent of the church or any member with experience as set out in the model ordinance.

There has been no training in line with the national curriculum for members nor have they completed a formal induction process conducted with them to familiarise them with acknowledged the code of conduct.

The psychological health of staff participating in boards is a key concern. Board members have reported being impacted personally as a result of their participation in Board hearings but were not involved in a formal debriefing or support process. The implementation of a process of critical incident debriefs for board hearings is recommended.

It is recommended that a procedural change should be made to allow a certificate of conviction be accepted instead of the need to convene a hearing to formally establish criminal conduct

Records of matters that were subject of Professional Standards Board hearings were reviewed and met an acceptable standard. There is an opportunity to make improvements by standardising how the briefs of evidence are presented to the Board and the development of a template for the delivering of board outcomes.

It is recommended that in order for the Diocese to obtain appropriate legal advice when required and representations at Professional Standards Board hearings, that a panel of appropriately qualified individuals and firms be identified. Decisions can be made on a case-by-case basis. This would give the Diocese greater flexibility in appropriately dealing with matters based on the level of complexity, legal issues and appeal processes.

There is a considerable registrar and secretariat function in coordinating and conducting board hearings. This includes preparation of relevant notices, organising witnesses and the management of files. This function is currently being managed by the Business Manager. It is recommended that a secretariat/registrar position is created to be responsible for this function.

5.5 Professional Standards Protocol

The *Professional Standards Protocol 2013* is designed to provide a more detailed description of the operational processes for the professional standards function within the Newcastle Diocese as established by the ordinance. The national church did not provide a model protocol to guide Diocese and the Newcastle document was drafted during a complex period for the church.

Protocols used in other Dioceses that are more comprehensive and better guide practice are the Diocese of Southern Queensland and Diocese of Canberra and Goulburn. It is recommended that either of these models be reviewed for suitability for adoption either in part or full within the Newcastle Diocese. If the view of the Diocese is to retain the current protocol, it is recommended that it be reviewed to create clear stages of the process. Suggested minimum areas for inclusion include reporting information, making complaints, referral of complaints to other bodies/diocese, investigations including the phases of assessment, investigation and outcome, alternative processes (including mediation, conciliation and alleged process failure), review process, support, reporting and a glossary of terms.

5.6 Professional Standards Records and Communication

The development of a standardised case file process and dedicated case management database will ensure consistent and comprehensive processes for record keeping in relation to all investigations involving abuse or sexual misconduct.

The Diocese can continue to improve the communication regarding child protection issues using the website, newsletters, and other regular publications.

6. Auditing and Review of Professional Standards

6.1 Auditing of Professional Standards

One of the key purposes of auditing the professional standards function within the Anglican Diocese of Newcastle is to ensure that the quality and efficiency of services relating to preventing abuse within the church. A transparent audit process will enable the Diocese to ensure that there is adherence to the process, identify any deficiencies in relation to how the Diocese is handling complaints, direct training requirements of those responsible for administering the process and ensure remedy to victims when an inadequate response has been identified. This is one area where the Newcastle Diocese is not meeting the requirements.

The *Social Care Institute for Excellence* (SCIE) in the United Kingdom was commissioned by the Church of England to provide a programme of independent audits of diocesan safeguarding arrangements for the Church. Whilst it is acknowledged that there are differences in the structure and requirements in the United Kingdom, the standards provide a useful benchmarking and comparison tool for the Diocese.

It is important to implement an auditing schedule across all aspects of professional standards within the Diocese as a matter of urgency. It is recommended that an initial audit is conducted across the diocese at all parishes, and a schedule based on risk is developed for future audits. It is important that there is significant buy in, communication and support and review for the audits at a high level within the Diocese and it is suggested that the Diocesan Council may be an appropriate level for that to occur.

As part of a quality professional standards process, it is important to implement a systematic and regular auditing regime at the Diocesan office and in each parish. This is important in improving the Diocesan processes and ensuring that everyone is working on the same side together - whether in a parish, a committee or board or in the Diocesan office.

One of the major challenges in auditing parishes is that they are likely to view it in a negative light and about the process being intrusive and a burden. It should be conducted as an educative approach, with clear information provided to parishes about the areas being examined and the standards expected. It is acknowledged that many of those who are working in parishes are in a voluntary capacity.

It is recommended a self-evaluation tool for parishes be developed. This could also contain a package with a checklist, written explanations and examples of correctly completed registers and documents under each area being examined which will help guide practice within parishes and assist them to comply with the required standards and prepare for the

audit. Open and honest communication is a key factor in breaking down the barriers and helping individuals and parishes understand the requirements.

It is suggested that the following areas be subject of auditing

Area for examination at Parish Level	Key issues
Safe Ministry Screening	Screening in place for all required staff, notification of Parish services, secure retention of documents
Safe Ministry Training	Records identifying all workers who are mandated to complete training, when completed and when next due Records identifying all workers who are desirable to complete training, when completed and when next due
Working with Children Checks	Identify all workers mandated for WWC checks, schedule correctly completed, notification to Parish Services, entry into OCG database
Persons of Concern	Agreements in place, monitoring processes in line with policy

Diocesan level

Area for examination at Diocesan Level	Key issues
Safe Ministry Screening	Screening in place for all required staff, notification of Parish services, secure retention of documents. Ordination candidates and clergy complete safe ministry check every three years or with new position
Safe Ministry Training	Records identifying all workers who are mandated training, when completed and when next due Records identifying all workers who are desirable to complete training, when completed and when next due
Working with Children Checks	Identify all workers mandated for WWC checks, schedule correctly completed, notification to Parish Services, entry into OCG database
Code of conduct for Diocesan office staff	Acknowledged code of conduct

	completed for all relevant workers
Model Code of Conduct for committees	Acknowledged code of conduct completed for all relevant members
Path to Safer Ministry Road map for professional standards	Implementation of required policies and procedures as identified in audit against road map. Periodic audit of updates to policies and procedures

Lessons learnt during the process and best practice, particularly in parishes, should be shared. A process needs to be in place regarding issues raised during the audit and what corrective action is undertaken and appropriate follow up and support.

Well-conducted audits are a way to drive improvements in professional standards across the Diocese and ensure that all parishes have in place systems that contribute to the church being a child safe organisation.

The responsibility for managing and leading the auditing process for professional standards is recommended to be with the Professional Standards Director. A standardised report should be produced regarding the performance of each parish against each area and including recommendations for improvement. Parishes should also be held to account and report on areas requiring improvement within a set period of time.

There is a need for appropriate review and oversight across the Diocese of the outcomes of the auditing process. It is suggested that Diocesan Council may be the most appropriate review mechanism due to the level of visibility and responsibility across the Diocese. The Council will be able to consider issues arising from the audits and make recommendations for implementation across the Diocese as part of a continual improvement process. It would be appropriate to have a standing agenda item to reflect these activities.

6.2 Review of Policy and Procedures

A key issue that was identified during the course of the review was the inconsistency in how policies, protocols and procedures were constructed, reviewed and disseminated throughout the Diocese. There is a need to demonstrate that the organisation is being operated in an efficient and businesslike manner as well as ensure uniformity and consistency in decision-making and operational procedures.

The appointment of an individual who is responsible for managing the development of policies, procedures, related forms and communication. is recommended. It is envisaged that this officer would work with key individuals, groups and subject matter experts in developing and reviewing policies.

The Diocesan Council should have a policy committee that reviews policies and where necessary procedures before they are considered by the Diocesan Council. The work of this

policy committee should also include a periodic review of every policy on an annual basis and make any appropriate recommendations for change.

6.3 Review Outcomes linked to Performance Reviews

A key component of ensuring the ongoing commitment and accountability for professional standards on an ongoing basis is the linking of position descriptions and performance reviews to the achievement of outcomes recommended in this review.

Making individuals accountable for particular aspects of implementation and ongoing responsibility will provide clarity to the Diocese around role separation and responsibility. This may require a review and update of individual job descriptions and of performance review benchmarks. The formalised performance evaluation process on a periodic basis will work as a proactive measure to ensure that individuals are held to account for areas under their remit and provide an early warning system for issues where further attention, support or training is required.

6.4 Professionalisation of Boards

The conflicts of interest that are evident on many of the boards at the Diocese currently may provide the catalyst to move to a model of greater independence in the board structure for the future to address this issue. This may include developing of descriptions for board chair positions and recruiting externally to fill them.

7. Redress Scheme

In the context of institutional child abuse, redress schemes provide a mechanism to address harms or wrongs against an individual or group. Redress schemes are an alternative to traditional, adversarial models of compensation, such as civil litigation. The key aim of a redress scheme aims to provide a holistic response to survivors of institutional child abuse.

The Royal Commission has indicated that three key elements for appropriate redress for survivors are:

- A direct personal response by the institution
- Access to therapeutic counselling and psychological care as needed
- Monetary payments as a tangible means of recognising the wrong survivors have suffered

The recommendations from the Commission are that any institution or redress scheme that offers or provides any element of redress should do so in accordance with the following principles:

- a. Redress should be survivor focused.
- b. There should be a 'no wrong door' approach for survivors in gaining access to redress.
- c. All redress should be offered, assessed and provided with appropriate regard to what is known about the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and to the cultural needs of survivors.
- d. All redress should be offered, assessed and provided with appropriate regard to the needs of particularly vulnerable survivors.

The Anglican Diocese of Newcastle currently has three processes for victims of child abuse or sexual misconduct by a church worker. They are:

- Pastoral Care and Assistance Scheme (PCAAS)
- Reconsideration of Redress
- Redress Scheme Claims outside the Pastoral Care and Assistance Scheme

The Pastoral Care and Assistance Scheme originally had a financial cap of \$75,000. This was increased to \$150,000 and a method of calculation changed from a common law damages assessment to a point scoring assessment. This change was in line with the Royal Commission consultation paper on Redress. This new process was applied from 1 May 2015.

The reconsideration of redress enables those individuals who previously received a payment under the low cap. The protocol was agreed in January 2017. There has not been a formal notification to eligible victims and it is recommended that this is undertaken.

Redress Scheme Claims outside the Pastoral Care and Assistance Scheme provides victims with the option of a less technical and more efficient pathway to resolution of their claim. The protocol has been successfully engaged in the Diocese and been used to settle matters on a less adversarial basis than otherwise may be experienced. It is acknowledged that there is a strong level of support from within the Diocese to work in a collegiate manner with victims to work towards a satisfactory resolution of these claims. The current protocol does not consider the longer term needs of the victim from a therapeutic perspective. This could be considered in a manner that is consistent with the review of redress claims.

The protocols for the three different pathways for claims are ad hoc and inconsistent. To provide clarity around the claims process and options that are available for both victims and those who are responsible, it is recommended that all protocols are reviewed and standardised under a centralised redress process. This would also include information that could be provided to victims about the process, application forms and apology. These should be available in hard copy and on the website.

7.1 Record Keeping and Security

Reviews of a number of claims that have been made in the past were undertaken. There was not a consistent approach in how the documents were collated and outcomes recorded. It is recommended that a standardised format be adopted for all claims. This should also include information on the assessment against the scale for PCAAS matters. Specific information on the settlements amounts and other agreement inclusions should also be retained with the file. Previous claims should also be also organised in the same manner for consistency. It was noted that a number of the older claims files contained minimal information.

Claims outside the PCAAS were more consistent in the material contained within them but there are opportunities to improve these files in the same way as claims under the scheme.

All claims would benefit from having a summary document which provides a chronological record of activities in relation to the file.

The Royal Commission has identified that records relating to child sexual abuse need to be appropriately maintained including accurate records about all decisions and incidents. The standards for the current records are variable and security is inadequate.

It is recommended that the Diocese consider the appointment of an individual to perform the role of secretariat for redress functions. This person would have responsibility for the

preparation of matters for consideration under the Pastoral Care and Assistance and the reconsideration of redress for the committee, preparing minutes, maintenance and security of files, correspondence, facilitate further information request as required by the committee, and the appropriate back-capture and standardisation of historical files. The appointment of an individual with these responsibilities would also enhance the independence of the business manager role, who is currently performing these functions. The secretariat could also have the responsibility for assisting with the filing and maintenance of claims outside the PCAAS on behalf of the Diocese.

7.2 Current PCAAS Committee

The committee for the PCAAS within the Newcastle Diocese comprises the Business Manager, the Chair of the Professional Standards Committee and a partner from Cantle Carmichael Legal.

There are significant conflicts of interest in having the Business Manager as part of the committee determining the amount of redress that should be paid to an individual. The conflict occurs, as this role is also responsible for determining the amount of the offer with the Bishop, administering the process and the payment of the funds. Although there is no indication of any inappropriate behaviour by the Business Manager, there is a direct conflict in the two roles and she should be replaced on the committee for transparency purposes. The Chair of the Professional Standards Committee is currently a member of this committee. This may present a conflict of interest between the two roles. As the PSC are actively involved in overseeing investigations and professional standards it could be argued that the chair is not sufficiently independent to assess redress claims.

For transparency and for independence from the Diocese, it is recommended that the Business Manager be replaced with an individual who has experience in working with victims of sexual abuse, victim care or similar fields and is completely independent from the Church. The employment of a dedicated individual to undertake the secretariat role will also enhance the independence of the Business Manager from the process.

7.3 A Direct Personal Response

The Royal Commission recommends three elements in relation to the direct personal response for victims, which they endorse as essential. These are:

- An apology
- An opportunity to meet with a senior representative of the institution
- An assurance as to steps taken to protect against further abuse.

The Newcastle Diocese offers survivors the opportunity for an apology from a senior member of the Church. The meeting provides an apology and a discussion about what the Church has done to protect against future abuse. There is opportunity for this to occur at any time throughout the process but generally it is occurring after the completion of the redress claim process.

There is a clear commitment demonstrated by the Diocese to the process of acknowledging what has occurred in the past, and a very genuine and sincere approach to survivors. The engagement of the Bishop and Assistant Bishop in the meetings, not only hearing their stories, but providing an apology and conveying information about what has changed to make the church safe for children and young people now and in the future.

This is consistent with the Royal Commission principles of a survivor-focused redress system. Improvements are recommended in terms of information which is publicly available for victims about the process.

7.4 Therapeutic Counselling and Psychological Assistance

The Anglican Diocese of Newcastle has committed to contributing towards the cost of counselling for those with a substantiated claim of child sexual abuse. This is consistent with the principles and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, in particular Recommendation 9.

The facilitation of counselling and psychological care for survivors should be included in guidelines or the protocol developed by the Diocese. From discussions during the review, the Diocese is very supportive of victims and their therapeutic needs. There is currently limited information available about how this is managed within the Diocese and clear guidelines will ensure a consistent approach for victims and transparency on this issue.

The facilitation of the counselling and psychological care for victims would be best managed through a dedicated Victim Support Officer. Currently the Professional Standards Director has the major role in supporting victims and facilitating counselling and other welfare services. It is acknowledged that this is an important function for the Diocese to be undertaking however it is recommended that a dedicated officer with appropriate skill sets in social work, counselling or victim care be recruited.

7.5 Monetary Payments

The Royal Commission has proposed a matrix for payments that achieves an appropriate balance between fair, consistent and transparent assessment of applications as well as recognition of the individual experiences and their impact. The Diocese adopted the Commission recommended scale in May 2015. It includes three distinct elements with the weighting of each component as follows

- | | | |
|----|--------------------------------|------------|
| a. | Severity of abuse | (1 to 40), |
| b. | Impact of abuse | (1 to 40) |
| c. | Distinct Institutional factors | (1 to 20) |

There has not been a further classification process within the Diocese of differentiating severity or impact of abuse. The Commission has indicated that the distinct institutional factors may be more appropriately named 'additional elements' by institutions. The Diocese has not developed the current schedule of financial assistance any further. There has been limited consideration of what constitutes additional elements for victims in the Newcastle Diocese. It is recommended that further development and refinement of the scale is a high priority.

In discussion with members, the process has been more focused on quantitative process rather than a qualitative process. The development of Diocesan specific elements may be more appropriately embedded in considering aggravating factors in the particular case. This would most likely give the committee greater flexibility in considering the features contained in the scale. It is acknowledged that the considerations by the committee are focused on the victim and providing fair financial compensation for their suffering.

7.6 No 'wrong door' approach

Within the Diocese of Newcastle there are currently three mechanisms in which a survivor can seek redress. This includes using the

- Pastoral Care and Assistance Scheme
- Claims outside the PCAAS on a non-litigated basis
- Civil Litigation

There is a strong desire demonstrated by the Diocese to reach a fair and reasonable outcome with the survivor regardless of which pathway they have chosen. There is also a willingness to settle matters rather than undertake a protracted legal process. This is consistent with the Royal Commission views on enabling victims to seek redress through their preferred pathway.

7.7 Commonwealth Scheme

The Commonwealth Government are establishing a best practice Commonwealth Redress Scheme by 2018. The scheme will invite other governments and institutions to "opt-in" to the Commonwealth scheme on the "responsible entity pays" basis. It will offer a direct personal response for those survivors who seek it, options to receive psychological counselling and a monetary payment to acknowledge the wrongdoing inflicted upon them.

It is acknowledged that the Newcastle Diocese has consistently delivered a high level response to victims under redress compared to many other institutions. Until the scheme is operating, it is unknown whether it will deliver equal or a superior level of response for victims. If the scheme delivers a lower level of response to victims than is currently in place in the Newcastle Diocese, there would be limited advantages in participating.

8. Recommendations and Priorities

Attachment One provides a summary table of all recommendations made as part of the review into the professional standards and the redress scheme operating in the Anglican Diocese of Newcastle. The table also includes a suggested priority rating for the particular item.

9. Distribution

The Bishops, the Diocesan Council, the Professional Standards Committee and the President of the Professional Standards Board have received a full copy of the report for consideration in confidence.

10. Conclusion

The Anglican Diocese of Newcastle has made strong progress in embedding professional practices and policies within the church. There has been courageous leadership, particularly from Bishop Greg, which has re-focused the Diocese on the needs of survivors whilst working on breaking down barriers and driving cultural change within the church. There has been resistance to change from some areas but with the evidence emerging at the Royal Commission into Institutional Responses to Child Sexual Assault, the acceptance of the need to change is building.

This review has identified gaps against the professional standard requirements that have been developed at national level as well as opportunities for improvement particularly in relation to key recommendations from the work of the Royal Commission. The intention in implementation should be that there is uniformity between principles and procedures and their application in practice. The auditing function is a critical phase to ensure that the church is meeting its obligations and is able to effectively deal with identified issues at the earliest possible time. This is an important key to continuous improvement in the future.

The biggest challenge for the Diocese moving forward is changing the 'hearts and minds' at parish level. In order to succeed, parishes need to embrace the systems and processes which are the foundation for building a strong and resilient system in creating a safe environment for children and young people now and in the future. A key component is changing the conversation from the burden and the problems that compliance creates to embracing these as a positive example that makes a strong statement about what is important to the church. It is the consistent and collaborative approach between the parishes and the Diocesan office that moves from a reactive system to a proactive approach.

Accepting responsibility, being accountable, working together and open communication are the cornerstones of changing the culture to work towards a unified and cohesive Diocese for clergy, employees, parishioners and victims.

For I know the plans I have for you," declares the LORD, "plans to prosper you and not to harm you, plans to give you hope and a future.

Jeremiah 29:11



Anglican Diocese of Newcastle

Professional Standards and Redress Scheme Review Recommendations and Proposed Priority

No	Recommendation	Priority
Royal Commission into Institutionalised Response to Child Sexual Abuse		
1	The implementation of an investigative response team to respond to allegations arising from case study 42 in a timely manner	High
2	The development of a tracking mechanism to monitor progress in relation to the allegations of misconduct arising from Case Study 42	High
3	Analysis by the Professional Standards Committee of all matters examined in Case Study 42 from a prospective of process failure and report to Diocesan Council on any changes to policy, procedure or practice that may be required.	Medium
Professional Standards Function		
4	That Synod and Diocesan Council of the Diocese of Newcastle should strongly encouraged, and direct where possible, its bishops and other representatives to argue for a coherent national approach to child protection.	High
5	Review of Section 3:10 of Faithfulness in Service to consider creating an obligation to report inappropriate behaviour	Medium
6	That Section 5:13 of Faithfulness in Service be urgently changed to be consistent with the requirements set out in the <i>Child Protection (Working with Children) Act 2012</i> (the 'Act') and that no person who has an offence listed in Schedule 2 of the Act should be engaged in activities with children.	High
7	Clear tracking mechanism and approval on the updates of the Faithfulness in Service by the Dioceses of Newcastle. Ensure that all electronically available versions are the current version	Medium
8	Include acknowledgement of <i>Faithfulness in Service</i> in the licence renewal form	Medium
9	Review the Anglican Diocese of Canberra and Goulburn Code of Good Practice for suitability for the Anglican Diocese of Newcastle.	Medium

10	Signed acknowledgement of Code of Conduct for the all members of committees, panel and boards involved in Professional Standards.	High
11	The development and implementation of Code of Conduct for lay workers (not involved directly in religious ministry) within the Church.	High
12	Update social media policy to reflect all forms of technology and consider the publication of the policy in a broader context.	Medium
13	Communications policy to include details of approval date and reviews.	Medium
14	Establish protocol with the psychological service provider regarding process when serious concerns for the safety of a worker.	Medium
15	Implementation of a comprehensive psychological support program for key staff involved in the management of cases involving sexual abuse allegations	High
16	Implementation of Critical Incident Debriefing for members of Board as required.	High
17	Consider the inclusion of Safe Ministry Training and refresher training in the Delegated Authority Register at Parishes.	
18	Conduct ongoing auditing of each parish to ensure compliance with the Safe Ministry Training requirements for all required personnel.	Medium
19	Implement the formal notification of requirement for safe Ministry Training or refresher from Parish Services. Consider the inclusion of a 'report back' mechanism from the participant regarding completion.	Medium
20	Appointment of Safe Ministry Officer in each parish to monitor completion of training as required.	Low
21	Consider additional trained facilitators for the Safe Ministry Training.	Medium
22	Implement regular auditing in parishes of church workers who are required to complete Safe Ministry training against completion.	Medium
23	Diocesan Council to review Safe Ministry training on a quarterly basis.	Medium
24	Diocesan Council to consider the implementation of sanctions for individuals who have failed to complete Safe Ministry training as required.	Medium
25	Development of an extended professional development program for clergy and children and youth ministry workers.	Medium
26	Diocesan Council to take responsibility for developing and reviewing Church Worker Ministry Positions list	Low
27	Ensure all versions of website are current documents and updated from a single location	Medium
28	Auditing of implementation of safe ministry selection and screening forms in parishes and at Diocesan Office.	Medium

29	Update the Working with Children guidelines in the Safe Ministry Policy including actions that should be taken with barred employees and forms that are in use.	Medium
30	That a comprehensive audit be undertaken in regards to the compliance of the Newcastle Diocese against the requirements of the <i>Child Protection (Working with Children) Act 2012</i> .	High
31	Implementation of an investigation and reporting process to satisfy the requirements of Clause 25 of the Child Protection (Working with Children) Regulation 2013.	High
32	Consideration of publishing forms relating to the National Register on the Diocese parish portal	Low
33	Review and update Guidelines for Parish Recovery in relation to the investigation and reporting of matters	Medium
34	Independent evaluation of the model under the Guidelines for Parish Recovery	Low
35	Consider incorporating relevant training in recognising behaviour that could indicate child abuse or could be a precursor to child abuse.	Medium
36	Review national requirement for standardised case summary form	Low
37	Develop formal policy for Diocese position on reporting of historical sexual assault matters to law enforcement	Medium
38	Formal induction and training for all members appointed to the Professional Standards Board and Committee in line with the national curriculum	High
39	Ensure appropriate training of supervisors who are undertaking management of persons of concern within Parishes.	High
40	Improved monitoring and auditing of compliance with the guidelines for parish safety where a person of concern is identified by Professional Standards	High
41	Auditing of compliance with the requirement for agreement for person of concern within parishes by Professional Standards.	High
42	Adoption of Protocol 9 in relation to Private Confessions in the Newcastle Diocese.	High
Operation of Professional Standards at Newcastle Diocese		
43	Review the suitability of the Professional Standards Director as a <i>member</i> of the Professional Standards Committee.	High
44	Review Section 39 to minimise the influence that the church body has on the decision on restrictions placed on the respondent while the matters are being investigated	Medium
45	Consider skill level of board members under 50c of Professional Standards Ordinance	Medium

46	Review Part 12 of the Professional Standards ordinance for consideration of seeking external judicial review when an appeal is lodged on a decision made by the Professional Standards Board.	Low
47	Replacement of PSM member position with individual who is independent from the church with appropriate skills and knowledge to add value to the committee.	High High
48	Implement formal induction process for all members of the Professional Standards Committee.	
49	All members of the Professional Standards Committee to complete training in line with the national curriculum for members of Professional Standards Boards and Committee.	High
50	Conflicts of interest declaration should be made during PSC meetings.	High
51	Formally minute out of session considerations by the PSC at the next meeting.	Medium
52	The PSC to oversight the progress of investigations arising from the Royal Commission Case Study 42.	Medium
53	Consider the introduction of fixed term appointments for members of the PSC.	Medium
54	Appropriately address conflicts of interest within the Professional Standards Committee.	High
55	Consideration of welfare needs of members of the PSC including the appointment of a chaplain and availability of professional welfare assistance.	High
56	Regular monthly meetings to be held of the Professional Standards Committee.	Medium
57	All members of the Professional Standards Board execute a code of conduct and confidentiality agreement.	High
58	Induction and appropriate training for designated 'contact people' within the Diocese.	Medium
59	Capacity to appoint an Acting Director of Professional Standards in the Ordinance.	Medium
60	Implementation of a standing agenda item in relation to Safe Ministry Training compliance within parishes.	Medium
61	Introduction of periodic analysis of complaints for identification of systemic issues and how the system can be improved.	Medium
60	Consider the physical capacity of the Professional Standards Director in servicing two Dioceses.	Medium
61	Consider financial arrangements for the Professional Standards Team to identify all costs associated with investigations and other activities	Medium

	conducted.	
62	Consider the appointment of suitably qualified persons to the Professional Standards panel who are independent to the Diocese.	Medium
63	Implement formal induction process for all members of the Professional Standards Board.	Medium
64	All members to completed training in line with the national curriculum for members of Professional Standards Boards.	High
65	All members of the Professional Standards Board acknowledge code of conduct and confidentiality agreement.	High
66	Consider the provision of a statement of alleged facts and reference to exhibits for Professional Standards Board papers.	Medium
67	That the Ordinance be amended to enable a 'Certificate of Conviction' to be accepted in lieu of a hearing.	Medium
68	Development of a standardised template for reporting of outcomes from Professional Standards Board hearings.	High
69	That a panel of appropriately qualified individuals and firms be identified to provide appropriate legal advice when required and representation of the Diocese at Professional Standards Board hearings.	High
70	Employment of registrar/secretariat function for the Professional Standards Board	Medium
71	Consider the development of a renewed Professional Standards Protocol 2012. If the Diocese, retain the current protocol consider the recommendations listed under 4.5.5 are considered as a priority.	High
72	The production of a simple document for complaints, regarding the process for making a complaint, expectations and support. This should be available within the Diocese in electronic and hard copy.	Medium
73	The General Synod recommends that each diocese ensures that its website contains details of its professional standards policies and procedures and includes a link to the professional standards information on the General Synod website.	Medium
74	Develop a flowchart of the professional standards process indicating activities and responsibilities at each stage of the process.	Medium
75	Inclusion of approval details and review date for the Professional Standards Protocol.	Medium
76	Investigate the purchase and deployment of a case management database for the Diocese investigations.	Medium
77	Consider numerical case referencing numbering system for investigations.	Medium
78	Standardised presentation of matters to PSC and PSB consistent with criminal brief of evidence formats.	Medium
79	Develop a standardised investigation case management system.	Medium

80	Publication of professional standards policies and procedures on the Diocesan website.	Medium
81	Update Professional Standards reporting poster.	Low
82	Consider the inclusion of information in Encounter magazine, e-news and other communiqués within the Diocese.	Low
83	Convene a meeting with appropriate representative from the Diocese, NSW Police Local Area Command and NSW Police Corporate Spokesperson for Sexual Assault to improve communication and investigation timeliness.	Medium
84	Formulation and implementation of a Whistleblower Policy for the Diocese.	Medium
Auditing and Review of Professional Standards		
85	Development of a parish professional standards self audit tool and auditing information package.	High
86	Implementation of professional standards auditing in parishes managed by the Professional Standards Director.	High
87	Standing item at Diocesan council for review of outcomes from audits, including best practices and opportunities for improvement.	High
88	The Diocese should give consideration to appointing a permanent part-time policy officer with experience in law and/or human resource management to be responsible for managing the development of policies, procedures, related forms and communication.	High
89	The Diocesan Council should have a policy committee that reviews policies and where necessary procedures before they are considered by the Diocesan Council.	High
90	Review of position descriptions and performance outcomes for individuals to include responsibility for implementation of review outcomes.	Medium
91	Consider the development of key board position descriptions for external recruitment and an appropriate remuneration scale.	Medium
Redress Scheme		
92	Development of a protocol for the administration of the Pastoral Care and Assistance Scheme within the Newcastle Diocese.	Medium
93	If an external independent panel is required to review a claim for PCAAS, experts who are not associated with the Diocese or victims should be engaged.	Medium
94	Consider the longer term therapeutic needs of the victim for claims outside the redress scheme.	Medium
95	Notification of eligible applicants of potential entitlement to a reconsideration of redress.	Medium
96	All redress protocols and related material be reviewed, updated and	Medium

	centralised under a holistic redress process for the Diocese.	
97	Development of a flowchart relating to the types of redress available within the Diocese and the process.	Medium
98	Develop a standardised format for document management for all claims for PCAAS	Medium
99	Develop a database for all claims made under PCAAS, including status and payment levels.	Medium
100	Ensure appropriate levels of security are maintained for all claims made under PCAAS.	High
101	Review the referencing process for redress claims in the Diocese	Medium
102	Consider back-capture of summary information of previous claims made under PCAAS database.	Medium
103	Appointment of secretariat for management of redress claims within the Diocese	Medium
104	Review and update of protocol of claims for redress outside PCAAS to improve timeliness in relation to claims.	
105	Review the current membership of PCAAS is reviewed to remove conflicts of interest on the committee and ensure independence from the Diocese.	High
106	Code of Conduct and confidentiality agreement to be completed for members of the PCAAS.	High
107	Consider the appointment of a Victim Support Officer to have key role in supporting survivors as part of the apology and redress process.	High
108	Development of clear protocols around the access to counselling and psychological care within the Diocese.	Medium
109	Consider the implementation of a Victim Support Officer role within the Newcastle Diocese.	Medium
110	Further development of the Diocese matrix and the development of detailed assessment procedures and manuals.	Medium
111	That the Diocese considers participation as a member of the Commonwealth Redress Scheme when it becomes available.	Low
112	Improve information available on website for survivors about the availability of redress.	Medium
113	Consider consistent terminology across all protocols and information packages for victims	Medium