

- 1. Title:** **Response Guidelines in Respect of Criminal or Civil Claims or Allegations Against a Current or Former Brother**
- 2. Applies to:** All brothers of the Christian Brothers Oceania Province
- 3. Geographic Application:** Province wide unless otherwise stated
- 4. Legislation/Regulation:** All applicable legislation/regulation
- 5. Guideline Statement:**
- This document identifies who is responsible for overseeing and facilitating the Province's Response in respect of notification of Criminal or Civil claims or allegations against a current or former Brother.
- It also details the Legal and Communication Protocols to be followed as well as an agreed internal stakeholder engagement process to ensure that affected organisations are regularly briefed on emerging and ongoing legal matters.
- The document is in four parts:
- Roles and Responsibilities
  - Legal Response Protocol
  - Communication Protocol
  - Ongoing Engagement with EREA
- The aim of the document is to ensure that there is clarity across the Province and related organisations, with respect to the legal and communication management of criminal and civil matters or allegations against a current or former Brother.
- 6. Procedures:**
- 6.1 Roles and Responsibilities
  - 6.2 Legal Response Protocol
  - 6.3 Communication Protocol
  - 6.4 Ongoing Engagement with EREA

## Response Guidelines in Respect of Criminal or Civil Claims or Allegations Against a Current or Former Brother

Date Approved:	11 February 2016	Version:	1.0
Author:	John Webb	Author's Position:	Oceania Leadership Team
Approval Body:	Oceania Leadership Team	File Ref:	OPB1.12
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**6.1 Roles and Responsibilities****6.1.1 People Involved**

Province Leader – Oceania Province	Peter Clinch
Deputy Province Leader – Oceania Province	Chris Meehl
OLT Liaison Brother for Professional Standards	John Webb
OLT Liaison Brother for NSW and New Zealand	Ted Magee
OLT Liaison Brother for Queensland	Chris Meehl
OLT Liaison Brother for Victoria and Tasmania	John Webb
OLT Liaison Brother for WA and SA	Gerard Brady
Executive Officer for Professional Standards	Shane Wall
Oceania Province Director of Mission	Bill Sultmann
OLT Mission Liaison Brother	Ted Magee
Province Lawyer	Howard Harrison
Province Media Consultant	Julian Brophy
President of EREA Council	Paul Oakley
Executive Director of EREA	Wayne Tinsey
OLT Liaison Brother for EREA	Bernard Gartland
OLT Liaison Brother for PNG, Philippines and East Timor	Bernard Gartland

**6.1.2 Who Oversees/Facilitates Province Response?**

- a) Executive Officer for PS coordinates the PS Office and its need to gather information and offer advice – if EO is unavailable, this task is delegated to: 1. Sue Cain, 2. Charlie Harrison 3. Kelvin Hui or 4. Brian Brandon
- b) The Province Lawyer liaises with legal firms involved in representing the Brother/former Brother
- c) OLT Liaison Brother for PS keeps the appropriate Region Liaison Brother informed and the Region Liaison Brother ensures that pastoral care of the Brother and, where appropriate, former Brother is in place
- d) The Province Leader is available to endorse any media release. If the Province Leader is unavailable, the Deputy Province Leader (or another member of the OLT) becomes involved.
- e) The Province Media Consultant or his delegate coordinates provision of communication advice, development of collateral such as media releases, newsletters, etc. and facilitates communication with outside groups (i.e. media/reporters, school communities) and offers advice on how to deal with the matter from a public relations perspective. He also provides advice to internal stakeholders affected by these matters.

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**6.1.3 Who Ensures the Pastoral Support of the Brother Accused (or Former Brother)?**

OLT PS Liaison Brother informs the appropriate OLT Region Liaison Brother of any issues and accusations against a Brother or former Brother in his region. The Region Liaison Brother then makes the initial and ongoing contact with the Brother, and where appropriate, a former Brother, and communicates information. In normal circumstances the Liaison Brother encourages and accused Brother to inform his Community Leader / Community so that he receives local support. The Region Liaison Brother offers support to the alleged offender before any court appearance and ensures the presence of a support person during court proceedings.

**6.2 Legal Response Protocol****6.2.1 Criminal**

In the event that police seek to interview a Brother or the Brother is arrested, the following steps are to be followed:

- a) The OLT Liaison Brother for PS is informed immediately by Executive Officer for PS or his delegate
- b) The OLT PS Liaison Brother advises the Region Liaison Brother of the situation
- c) The Brother is informed of the situation by the Region Liaison Brother and given advice regarding the appropriate manner to respond, including the contact phone number of the criminal defence lawyers in his State.
- d) The Province Lawyer is to be advised of the criminal progress by the PSO. The Province media consultant is also to be advised as soon as is appropriate.
- e) The OLT is updated with information as part of the monthly meeting between the OLT and Executive Officer for PS.
- f) The Brother under investigation is encouraged to inform his Community Leader/Community and close family members – he is encouraged to do this by the Region OLT Liaison Brother.
- g) If the allegation is situated within a school setting or is likely to impact on a school, the governing body of the school is informed, if possible before the matter reaches the public domain, by the Executive Officer for PS. In the case of EREA Schools, the Executive Director of EREA is to be informed. In other cases, the Bishop of the Diocese is informed by the Province Leader. Any allegation relating to school settings should also be advised to the Province's media consultant as early as appropriate.
- h) If the allegation has impact upon an Edmund Rice Ministry, the Oceania Province Director of Mission is informed before any media exposure by OLT Mission Liaison Brother.
- i) If charges are made by police against a Brother or former Brother, the Executive Director of EREA is informed by the Executive Officer for PS, local Bishop is informed by the Province Leader and State Professional Standards Office by the Executive Officer for PS.

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- j) Professional Standards Consultative Committee (PSCC) is informed at its monthly meeting by the Executive Officer for PS.

#### 6.2.2 Civil and Towards Healing Matters

- a) Brothers/former Brothers who are named by the Royal Commission and/or have money paid out in any settlements are to be informed at the earliest possible time by the OLT Region Liaison Brother.
- b) Individual Brothers/former Brothers have the right to know of the substance of any allegation made against them and are given the right of reply.
- c) Brothers/former Brothers are to be informed of any outcome from Towards Healing and/or mediation process and, if compensation is made, the amount compensated.

### 6.3 Communication Protocol

#### 6.3.1 Media Advice and Statements

In the event that any situation is expected to enter the public domain (e.g. police seek to interview a Brother/former Brother; or the Brother/former Brother is arrested; or in relation to civil cases or other Professional Standards issues) the following Communication Protocol is to be followed.

- a) The Executive Officer for PS will advise the Province Media Consultant or his nominated representative
- b) The Media Consultant will develop communication advice and develop appropriate supporting collateral such as media statements, internal letters etc. for approval before the matter enters the public domain
- c) The Media Consultant will liaise with other parties (e.g. EREA) with communication requirements or needs and coordinate public response
- d) The Media Consultant will liaise with Executive Officer for PS, Province Leader and OLT Liaison Brother for PS for authorisation of statements to publish
- e) The Media Consultant will facilitate public release of documents as approved
- f) The Media Consultant will update the PSO and OLT of media response

### 6.4 Ongoing Engagement with EREA

#### 6.4.1 Ensure open and regular communication between Christian Brothers Oceania Province (CBOP) and Edmund Rice Education Australia (EREA)

- a) Two formal meetings to be arranged between EREA and CBOP each calendar year. People to be invited include: President of EREA Council; EREA Executive Director; Province Leader; OLT Liaison Brother for PS; OLT Liaison Brother for EREA; Executive Officer for Professional Standards; and Province Media Advisor.
- b) Minutes of the meetings are shared with both the OLT and PSCC.

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- c) The Executive Officer for PS is to forward monthly updates to Executive Director of EREA after each OLT meeting.

**7. Other Relevant Oceania Documents:** Not applicable

**8. Forms:** Not applicable

**9. Context:**

Policies and guidelines of the Christian Brothers Oceania Province are the reasonable attempt by the Christian Brothers Oceania Province to interpret the legal and moral requirements applying to the matter they address. Where there is any discrepancy between legislation and any policies or guidelines of the Christian Brothers Oceania Province, the legislation will prevail to the extent of any inconsistency.

The Christian Brothers Oceania Province also reserves a right of discretion in relation to the implementation of policies or guidelines as the Christian Brothers Oceania Province may deem appropriate. The Christian Brothers Oceania Province will act reasonably in applying such discretion. In the event there is any dispute in relation to the use, or otherwise, of such discretion, the Province Leader retains the ultimate right to decide on such matter.

The Christian Brothers Oceania Province confirms that its polices and guidelines are not incorporated into any employment agreement/contract and, as such, the terms of the Christian Brothers Oceania Province’s policies and guidelines do not form terms of employment.

Members of the Christian Brothers Oceania Province community are expected to take reasonable steps to inform themselves of the Christian Brothers Oceania Province’s policies and guidelines, and ensure that conduct is appropriate as required by these policies and guidelines. Failure to abide by the Christian Brothers Oceania Province’s policies or guidelines may result in the Christian Brothers Oceania Province taking relevant action for misconduct.

**10. Definitions:** Not applicable

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