

ST ANN'S TASKFORCE SUMMARY
HELD AT CATHEDRAL OFFICE WEDNESDAY 30/4/03

Present: Pauline Frick, Sue Cain, Jacquie Van Santen, Tony Fuller, Allan Dooley, Anne Carolin, Jane Swift and David Cappo.

Apologies: Archbishop Wilson

Tony Fuller has had discussion with Brian Hayes and will be meeting with him tomorrow with a view to completing the investigation and finalizing the report for Archbishop Wilson.

He has had no further contact with Donald Craig. Tony's question for Donald Craig would focus on his attempt to connect possible/probable injury to students with professional negligence on the part of St. Ann's School.

REDACTED has not responded to further communication from Tony.

Allan Dooley emphasized the need to move to resolution regarding Claude Hammam. Richmond School Community needs to be able to move forward. There is also a financial consideration.

Allan believes there is enough evidence to move to resolution on the issue of Claude's professional competence. He anticipates that Claude will not be reappointed to the position of school principal in Catholic Education SA.

Sue Cain tabled a report outlining a number of issues for consideration of the taskforce. Sue said that these issues needed to be clarified prior to any attempt to reach resolution with the families under Towards Healing.

1st Issue: In category 2 there are 9 complaints of which 2 are not tied up with the civil case. It is possible to move forward with the Family 6, MM and MO Families.

The question remains are other families wishing to proceed with civil action or move to resolution through TH? We need to anticipate that those families currently involved in the civil action who have not made TH Statements may decide to do so once they find out that some cases have proceeded to settlement.

Family 6 came to see Sue Cain last week. They are particularly anxious about bringing their complaint to resolution.

2nd Issue related to CCI involvement. CCI is clearly stating that without evidence of professional negligence there is no legal responsibility to these families or students. If CCI is to be involved it introduces another set of difficulties, as they will have their own set of procedures and criteria that need to be met before they will assess liability. This could involve psychiatric assessments. Will CCI be prepared to waive this requirement?

3rd Issue relates to whom financial settlement will be made to. Will it be the student or the families?

Allan D: The two statements by [REDACTED] and [REDACTED] support the notion that the principal was given information that should have alerted him to the possibility that Brain Perkins behaviour was a cause for concern and needed further investigation. Allan emphasized the need to dialogue with CCI as soon as possible to get clarity on this issue.

David C. said that he believed the PS could keep going with the process, as the church knew that it would pay some settlement to families whether or not CCI was prepared to be involved. He added that should CCI establish liability PS would need to stipulate to CCI what procedures they considered appropriate. We need to determine limits within which we operate. If CCI refuses to cooperate the dioceses would cover the costs. It is vitally important that the families are not put at further risk of distress.

Jane S. asked whether CCI could delay the process by insisting on further data. The issue of legal liability needed to be balanced against the pastoral care for the students and their families.

Tony F. said that he would forward a report to Patrick Monagha bringing him up to date with [REDACTED] and [REDACTED]'s statements so that CCI are aware of the possibility of some vicarious liability.

Anne C will forward [RE] 's and [RE] 's statements to Tony Fuller.

Sue Cain said that it was essential that the process was clear to avoid pitting families against each other and causing confusion. She asked whether we could move to facilitation on the basis of the TH statements and the Police Report.

What evidence is required to satisfy the panel that the likelihood of abuse occurred and the extent to which the student was at risk? ?
The committee makes a decision on the basis of reasonable cause and the balance of probability.

Next step is negotiation between CCI and the Archbishop

Allan reiterated that the committee had no doubt about the students in Category 1 and these complaints should be moved toward settlement as soon as possible.

Category 2 is not as straightforward. There are some students who were clearly far more at risk in term of their contact with BP. It is very difficult to determine who has been affected and to what extent. In some cases it is also difficult to determine whether it is the family or the student who has been more affected.

CCI has clearly stated that the victim who should receive compensation not the family. If the family wishes to take independent action they are free to do so.

In the case of LA [redacted] Family their son was on the bus and there is a strong case that his later behaviours of violence, aggression and sexual harassment are related to his exposure to sexual abuse by BP.

If we are looking at the affect on the victim it is much more difficult to establish balance of probability.

If we proceed with the notion of categories, Category 2 would need to be further refined into 3 possible sub categories. There would need to be stricter guidelines for Category 2. Each family in Category 2 would need to be examined on a case-by-case basis to determine the probability and extent of abuse.

If this process were to be followed it would be necessary to recruit volunteers specifically for this purpose Sue Cain does not make the final assessment about compensation. Sue Cain makes the decision about quality of evidence and whether it is sufficient to proceed. It is a similar process to committal where a magistrate makes a decision about whether there is sufficient evidence to move to trial. Sue's role would be comparable to the magistrate.

Sue said that she does not have the information to make this decision. Tony Fuller said that he would assist Sue in working through this process. Police reports will be crucial in determining outcomes for families.

Clarification regarding the purpose of facilitation was sought.

1. Pastoral Care
2. Financial recompense

Sue said that it is important to separate this process. Some families do not want pastoral care. She recommended that the families' wishes were respected if this were the case. Tony suggested that a waiver should be developed for families to sign if they chose not to receive pastoral support. The process needed to be formalized.

In the interests of time and efficiency it was decided to ask the families to sign a consent form for the release of information from police files to enable TH to assess their complaint. Sue Cain agreed to send the consent forms out to families with a covering letter.

Sue has the TH complaint reports but will need to check with Anne to make sure that the relevant information gathered by Eileen Young and held at CEO is also included in the PS files

Actions

1. Sue and Anne to cross reference documentation and make duplicates where appropriate. (Sue and Anne)
2. Minutes copy to Allan and Tony (Anne)
3. Consent for release of information and covering letter to families. (Sue)

Anne Carolin
6/5/03