

Professional Standards Risk Management Service

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Claims Documentation – Archdiocese of Adelaide St Ann's Special School

The Archdiocese of Adelaide has had to deal with requests for compensation for damages arising from injuries sustained by former students of St Ann's Special School. The injuries arose as a result of sexual abuse by the driver of the School bus, a person for whose actions the Archdiocese is considered to be responsible. The perpetrator has been convicted of offences related to the abuse of several students over the period of time of his employment. There is an allegation of negligence on the part of the Archdiocese arising out of the failure of the school principal to take reasonable care in his assessment of the Employee's suitability for engagement in duties associated with the care of children.

The Archdiocese has received formal claims, fully documented, from three students in response to which compensation amounting to \$100,000 has been paid in each case. Catholic Church Insurances limited considers the Archdiocese to be liable for the damages claimed and agrees to grant indemnity in terms of the public liability policy in force at the time and to reimburse the client accordingly.

In the case of ten other students, who were enrolled at the school at the relevant time and of whom it is documented they were in contact with the perpetrator, either as members of a woodworking class he conducted or as passengers in the school bus he was employed to drive, compensation in the amount of \$75,000 has been paid to each person.

In connection with the payment of compensation to this second group of former students you have asked me to ascertain whether, in my view, there is sufficient documentation to support reimbursement to the Archdiocese

It has been established in each case that the claimant was a student at the school at the relevant time and was in contact with the perpetrator. Further it is noted in each of these cases there was a time at which a perceptible change in behaviour occurred; behaviour indicative of the child having been sexualised in such a way that unusually overt sexual conduct was noticeable. It is reasonable therefore to assume that some abusive event occurred.

The claimants in all cases are persons who are intellectually disabled. The files contain a request by a parent or guardian for remedial care by way of counselling by a specialist psychologist. The practitioner could not engage in treatment without some form of written request from a person responsible for the patient.

With regard to the payment of compensation the Archdiocese advises that, having regard for the intellectual impairment of the claimants, it was considered inappropriate to seek formal claims in writing. Every care was taken to establish that, in each case the request for compensation was bona fide. It was recognised that the process required to obtain formal claim documents and releases acknowledging payment would cause such stress in persons so impaired that the abuse they had suffered might well be exacerbated.