

<b>FILE NOTE</b>
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Date: 14 September 2009

Ref: Internal Investigation Meeting with legal firm representatives

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Present:	Bishop Bill Morris	
	John Borserio	
	John Moore	Thynne and Macartney
	Angela Yates	Thynne and Macartney

2.11 and 3.100 We need to know the final list of offences/charges. We were on the back foot with the Supreme Court bail application because the The Australian had the information before we did. This may be relevant to the civil claim for injury.

2.14 Rowland – Neil Rickleman has requested access to the findings. Rowland have provided professional communication assistance throughout. They need to have access so that a total package can be developed incorporating the findings of the NSSAB inquiry and the T&M investigation.

**Future Action: I would propose a further meeting of Bishop, T&M representatives, QCEC Mike Byrne and Gerard Delaney and Rowland- Neil Rickleman, Emma Lawlor to develop communication strategy.**

2.15 The Bishop would like to write to the victim's parents. Indemnity issues.

**Future Action: Letter to victim's parents as part of a communication plan.**

2.20 Issue of incompleteness of the investigation given that the Principal was not able to be interviewed needs to be addressed.

3.38 SEO's provided advice based on the information provided by the principal by phone.

7.5 The superimposition of the need for a complaint from a parent to be in writing before the obligation to report is triggered – not in current procedures.

**Future Action: re-train: complaints can be taken forward without being received in writing.**

7.8 The issue of 'belief'.

7.19 'Disbelieving' Comment about 'gossip' from SPC.

Future Action: re-train: 'don't listen to gossip' – the information in this case was not gossip.

7.25 'The principal has confirmed..' how can this be if the principal has not been interviewed?

8.1.7 The document is currently being re-drafted taking into account the comments from NSSAB. The revised document will go to NSSAB by 18 October 2009.

8.2.8 SEO's acted in good faith. No cover-up. Poor judgement.

8.3.5 8.4.5 8.8.1 8.9.1 Timing of communication to them – no basis to pursue disciplinary action. This will allow them to move on.

8.5.12 Inconsistencies were previously noted between Fry and Hunter's version of events in relation to this communication traffic. Investigators satisfied on this issue without having the benefit of the Principal's account.

8.5.19 Clarify the proposed action.

8.6.9 (b) 'casual and unresponsive' – usually thorough and serious.

**Future action:–Change to response procedure- discuss in person, call for the school file, ask for copy of written records, speak to SPC in assessing the allegations.**

The 'discuss in person' is a difficulty given the geographic spread of the schools in the diocese.

8.6.9 (c) **Future action : review SPC nominations process (referee check?)**

8.6.10 related to clause 8.5.12

8.6.14 Fry Awaiting draft letter from T&M requested Thursday 10 September.

8.6.17 Action if principal is found not guilty – Fry –permanent reallocation

**Future action: Develop a new role in the CEO Student Protection Officer, full-time, single focus not additional to other competing and complex activities.**

8.7.9 Did Hunter have the same level of information as Fry?

Are both SEO's equally responsible?

Hunter was instrumental in the development of the initial documentation, contribution to QCEC Student Protection Working Party, lead facilitator for Principal inservice

and all employees biennial inservice across the diocese, developed the Risk Management kit.

8.7.14 Hunter Awaiting draft letter from T&M requested Thursday 10 September

8.7.17 Action if principal is found not guilty – reduction in pay and temporary re-allocation from student protection duties.

**Future action: Develop a new role in the CEO Student Protection Officer, full-time, single focus not additional to other competing and complex activities**

Are both SEO's equally responsible?

If principal is found not guilty the disciplinary action for Hunter is at a lesser level than Fry, different outcomes.

If the principal is found guilty both SEO's receive equal termination outcomes.

10.4.2 Three experienced personnel came to the same conclusion – in retrospect a major error – none with any affinity for/with the teacher. Wrong course of action.

10.4.10 Lack of follow-up. Reliance on the principal to monitor teacher was not followed up by SEO Fry. This was operationally a task for Fry as SSPS was in his list of schools.

**Future action: All complaints of misconduct by school staff in their dealings with students to go directly to Assistant Director School and Staff Development. This will be communicated to schools on receipt of the draft letters to Fry and Hunter.**

10.4.11 Action taken via letter did not stop the former teacher abusing his students.

10.5 Documentation

**Future action: written records – develop and implement with school leadership teams and SPC's guidelines and procedures for recording written reports, detailed account of the information received, the advice given or action taken, signed and dated. What about electronic version of file notes?**

10.6.3 Professional consensus did not err on the side of proceeding with the allegation.

**10.6.4 New position of Student Protection Officer will report directly to the Assistant Director Staff and School Development.**

10.7.2 This clause is aligned with a section of the response from NSSAB 'cumbersome nature etc'.

**Future Action:** the documentation has been reviewed, is currently being re-formatted for submission to NSSAB by 18 October 2009. Review definitions of major terms 'sexual abuse', 'inappropriate touching' etc.

Notwithstanding the 'inadequacy' of the document Sexual abuse / harm:

2006 6 reports to police + 2 to DoCS;  
 2007 8 reports to police + 13 reports to DoCS;  
 2008 11 reports to police  
 2009 31 reports to police in first two terms.

10.7.5 Clause focuses on the perception that a formal written complaint from parents is needed to progress a complaint.

**Future Action:** The matter of not requiring a formal written complaint to proceed will be addressed in the revised Student Protection Document.

10.8.2 Did the SEO's have all of the information in September 2007? When did Fry and Hunter become aware of the SPC typed notes of the September meeting?

**Provisional Key Recommendations:**

11.1.1

- a) definition of terms to be checked in the revised Student Protection Document.
- b) 'policy should include scenarios' Are scenarios better placed in the training material otherwise the document could become 'cumbersome' again.
- c) Record keeping content and structure to be mandated.
- d) Student Protection Document to reflect the accountability of the school principal to comply with statutory reporting requirements.
- e) Zero tolerance on grooming – practical? Related to Code of Conduct?
- f) Touching policy from Code of Conduct to be reflected in the revised document.
- g) Making a written report/further steps as are reasonable – has been inserted in the revised document.

11.1.2 **Future Action:** revise current procedures and develop an internal reporting policy for TCEO. (see 6.30)

11.1.3 Removal of discretion to report > no decision or judgement to be made or considered. Frivolous reports, vindictive reports etc.

Lack of communication from QPS on status of cases.

**Future Action:** Establish a regular meeting (4 per year) with head of CPIU and Director (or delegate) to receive feedback on status of police reports.

11.1.7 Policy suggestion is included in the revised Student Protection Document.

11.1.8 External legal check. Currently we use Cleary & Lee, diocesan legal firm and Suzanne Brooks, Barrister for legal checks. This clause suggests principals may also access this legal advice directly. Procedures would need to be set up-not sure about the practicality of this.

11.1.9 Proposed introduction of a new level of mandatory reporting > to diocesan legal firm as a second check mechanism.

**11.1.10 Future Action: inclusion into employee's employment contract of a clause to clearly demonstrate the requirement to comply with statutory and diocesan policy on reporting of student protection matters.**

11.2 Staff training will be undertaken following the accreditation of the revised Student Protection document.

11.3 Audit and Compliance Monitoring

11.3.1 Random class inspections – culture of transparency and awareness rather than jumping in to check? Additional role for SPC? Not sure how appropriate or effective this suggestion is.

11.3.2 Independent audit of student protection records on an annual basis – a record keeping check. Who constitutes an 'independent auditor'? Currently forms part of the SEO's formative annual visit to schools. A compliance issue.

11.4 Review of student protective behaviours program can be better implemented and supported in the curriculum. Student protective behaviours currently on every school's website. All schools to have section of their library dedicated to parent material.

11.5 Visibility audit conducted. Schools are modifying classrooms and risk management assessments have been conducted and staff supervision amended accordingly.

**Future Action: Periodic – every three years to coincide with the review cycle of the Student Protection documents with NSSAB.**

11.6 Disciplinary recommendations

11.7 Media recommendations

**Future Action: As a matter of priority have a face to face meeting including:**

**Bishop Morris**  
**John Borserio**

**John Moore**  
**Angela Yates**

**Thynne and Macartney**

**Mike Byrne**  
**Gerard Delaney**

**QCEC**

**Neil Rickleman**  
**Emma Lawlor**

**Rowland**

Venue:

Date:

Time:

12.1 Opportunity to share learning with other employing authorities, provide input into the QCEC Student Protection Working Party review of the template manual.