



**Non-State Schools
Accreditation Board**

Queensland Government

21 September 2009

Bishop William M Morris DD
The Corporation of the Roman
Catholic Diocese of Toowoomba
PO Box 756
TOOWOOMBA QLD 4350

Dear Bishop Morris

Thank you for your letter dated 27 August 2009, on behalf of The Corporation of the Roman Catholic Diocese of Toowoomba ("the Governing Body").

The Non-State Schools Accreditation Board ("the Board") notes your request for the Board to nominate an officer to liaise with you and the Catholic Education Office Toowoomba during the review of the Student Protection Kit. It is not the Board's role to be integrally involved in development of the content of the Student Protection Kit. The Board's compliance notice sets out some specific issues which the Board wishes to see addressed, but ultimately the responsibility to ensure it has complied with its legislative obligations must remain with the Governing Body.

The Board notes your submission that the blank template version of the Student Protection Kit, which accompanied your letter dated 20 February 2009, represented the written processes which were in place at the primary school ("the School") during 2007 and 2008.

The Board accepts your submission, but that being the position, it should have been explained to the Board prior to this. The Board's letters of 4 March 2009 and 20 April 2009 specifically asked the Governing Body to provide the actual documents which comprised the written processes for the School. You could have confirmed in your letter dated 5 May 2009 that you considered the blank document to be the relevant document instead of providing the 2009 version of the Student Protection Kit.

The blank template Student Protection Kit itself contemplates the insertion of a lot of information specific for the School, in order to customise it and make it effective for the School. It also contemplates regular review and updating, which has evidently not occurred. Some examples include:

- The page after Mr Borserio's foreword contains an endorsement, which has not been completed - the blank template version is not dated and does not indicate in which school the document is authorised for use.
- The fifth page contains a register of updates, which is supposed to demonstrate how the Student Protection Kit is revised and updated from time to time in response to legislative changes, improvements in procedures, etc. Nothing, of course, is recorded on this page in the blank template version.

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- Pages 14 and 15 of section 1 are supposed to show the name of the School, the names of the nominated student protection contact persons for the School, the name of the nominated 'student protection officer' in the Catholic Education Office for the School, and phone numbers for police and the Department of Child Safety - all of this is blank.
- Section 3 Appendix 1 contains a sample blue card register for the School, which is supposed to record the blue card details, card number, status, expiry date, etc, verified by the Principal.

If the blank template version of the Student Protection Kit constitutes the written processes in force at the School during 2007 and 2008, then that would demonstrate non-compliance by the Governing Body with section 10(3)(a) of the *Education (Accreditation of Non-State Schools) Regulation 2001*, which requires that the written processes must include a process by which suspected abuse can be reported to a stated staff member and section 10(4), which requires that there must be at least two staff members to whom students can report suspected abuse. The blank template version does not designate the staff members to whom abuse can be reported and that, of course, is a serious defect.

If the blank template version constitutes the written processes, a question arises about whether the Governing Body would also be in breach of sections 10(3)(a) and 10(4) in respect of the other schools in the Toowoomba Diocese. This in turn raises an issue about a systemic problem.

In making reference to a 'systemic problem', the Board is not alleging at this time that the Governing Body is not suitable to govern all the schools within the Toowoomba Diocese. However, it must be acknowledged that the current set of problems cannot be laid solely at the feet of the principal, Mr Hayes, or viewed as being confined to one school. Mr Hayes took advice from officers in the Catholic Education Office Toowoomba. Given that the same officers advise other schools in the Diocese and that there are deficiencies in the written processes which are also applicable to other schools in the Diocese, there is certainly potential for a problem which is broader than just one school.

The Board notes your point that reports of suspected sexual abuse to police have increased substantially since 2006, with 6 reports in that year, up to 31 reports in 2009.

The Board's concerns in the present circumstances, of course, relate primarily to the reporting of suspected sexual abuse where a teacher or other school employee is the suspected perpetrator. In that context, the overall number of referrals to police, where relatives or other persons may be suspected of sexually abusing a child, is not central to the Board's concerns.

On page 2 of your letter, you take issue with a statement appearing at page 3 of the Board's letter of 19 August 2009. The Board acknowledges there is a mistake in the final paragraph on page 3 - it says, referring to the requirements of section 366, "... the staff member must generate a written report about it and give that report to the police", where it should have said "... the staff member must generate a written report about it and give that report to the principal".

Despite that error, it is reasonably clear from the paragraph itself and some of the preceding and following paragraphs, that the points being made by the Board were that (a) the staff mistakenly believed that the parents had to make a formal written complaint before the staff were obliged to act, and (b) that staff such as Cathey Long and Megan Wagstaff had not complied with the Student Protection Kit in that they did not document the information that came to them in the manner dictated by the Student Protection Kit and provide it to the principal.

You indicated in your last letter that the Board could shortly expect further correspondence from you. The Board notes your media release on 27 August 2009, which indicated that Thynne & Macartney would conclude their investigation on your behalf by 4 September 2009. The Board presumes that the investigation has been completed and requests a copy of Thynne & Macartney's final investigation report.

The Board thanks you for your correspondence and co-operation to date and looks forward to the Governing Body's timely fulfilment of the compliance notice issued by the Board.

Yours sincerely



Emeritus Professor Roy Webb AO
Chairperson