



BISHOP'S HOUSE

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10 December 2009

STRICTLY PRIVATE AND CONFIDENTIAL

Mr Christopher Fry

REDACTED

Dear Christopher

**Termination of Employment
 Senior Education Officer**

I write to advise that your employment with The Corporation of the Roman Catholic Diocese of Toowoomba is hereby terminated, effective immediately.

Reasons

You have held the position of Senior Education Officer continuously since 1997.

In September 2007 you received certain information about Gerard Byrnes who was a Year 4 classroom teacher and Student Protection Contact at the primary. This information, although received by you from the Principal of the primary school emanated from two parents and a child from the primary. The information received from one of the parents, KQ and his daughter KH was recently the subject of Magistrates Court proceedings in which the Principal was the defendant.

I acknowledge from your sworn statement provided to the Corporation's lawyers that:

- (a) in assessing the appropriate response, you relied on the information provided to you by the Principal, including the manner in which the Principal conveyed the information;
- (b) the Principal did not provide you with a copy of the Student Protection Contact's typed note of the meeting with KQ and KH on 6 September 2007;
- (c) at no time prior to Gerard Byrnes' arrest did you suspect he had sexually abused students at the primary. REI

I have no reason to doubt your word on these matters. However, I am satisfied that you were aware from information provided to you by the Principal either orally or through the email correspondence which followed the telephone call on 7 September 2007, that the student KH disclosed the following conduct on 6 September 2007:

- (a) Gerard Byrnes put his hand around KH and through the buttoned part of her sports uniform shirt which made her feel uncomfortable;
- (b) Gerard Byrnes kissed a female student on the cheek;

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(c) Gerard Byrnes placed his hand on KH's upper leg which made her feel uncomfortable. I am also satisfied that you were aware of further information received from another mother of a student in Gerard Byrnes' Year 4 class on 7 September 2007. The mother disclosed that Gerard Byrnes had allegedly put his hands down a female student's pants. Although in isolation the manner in which this information was disclosed may lead one to doubt its veracity, it was received in the context of other corroborating information and behaviour by Gerard Byrnes.

In providing advice to the Principal as to the appropriate response to the information about Gerard Byrnes you failed to apprehend that the information, when considered in its entirety, may give rise to a reasonable suspicion of sexual abuse and in such circumstances should have been immediately reported to the police. The conduct complained of was more than inadvertent or inappropriate touching. It included potentially deliberate sexualised acts and in my view should have triggered the statutory and diocesan mandatory police reporting requirements.

Your advice (although reached in consultation with the Principal and Senior Education Officer Hunter) on how to respond to the information received about Gerard Byrnes was to send him a disciplinary letter, wait for his reply and for the matter to be taken no further. You participated in this process. You developed in consultation with Senior Education Officer Hunter and the Principal a letter to Gerard Byrnes which treated the issue as a disciplinary matter of a non-sexual nature. This response was inadequate in the circumstances and indicates a poor understanding by all the professionals involved, including you, of appropriate risk management practices in matters of student protection.

You have acknowledged that you considered Gerard Byrnes' written letter of reply dated 20 September 2007 and informed the Principal that the matter did not need to be taken any further. This is notwithstanding that in this letter Gerard Byrnes admitted to inappropriate contact practices with his female students, including exchanging hugs with female students and allowing female students to sit on his lap during class.

The admissions by Gerard Byrnes in his letter of reply, although couched in innocuous terms, did not illicit any documented response in writing from you. Gerard Byrnes was not told that such contact was unacceptable and would not be tolerated. He was not given a formal warning. The lack of follow up to a potentially serious matter is unacceptable. Even if you believed Gerard Byrnes' explanation, the fact that his conduct had caused two sets of parents to contact the school should have alerted you to the risk that a continuation of such practices would leave Gerard Byrnes, and the Corporation, exposed to further allegations. Further, and of most concern, it should have alerted you to the significant risk to the students in his care. The advice and guidance you provided to the Principal in responding to the information compromised student safety and well-being and allowed Gerard Byrnes to continue to sexually abuse a number of female students in his care.

There is also the matter of your failure to comply with diocesan policy. You failed to report the matter at the time to either the Assistant Director School and Staff Development or the Director of the Toowoomba Catholic Education Office as you were required to do by the Student Protection and Risk Management Kit. Failing to report the information received from the Principal to the Assistant Director or the Director was a serious neglect of duty.

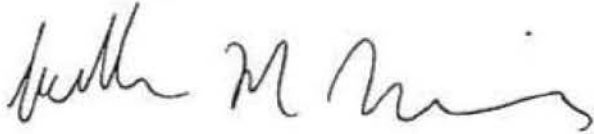
Chris, it brings me no pleasure to take this step. I have carefully reflected and deliberated. I have now lost all trust and confidence in your ability to properly discharge your duties and obligations as a Senior Education Officer within my diocese. Nothing you can say will change that view.

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I will arrange for John Borserio, Director of Catholic Education, to write to you separately as to payment of your contract, leave and other statutory entitlements.

Yours faithfully

A handwritten signature in cursive script, appearing to read "William M Morris".

William M Morris, DD
BISHOP OF TOOWOOMBA