



CONFIDENTIAL DOCUMENT

Review of Archdiocese of Sydney Professional Standards and Child Protection

This document is the report into the review of Professional Standards and Child Protection processes in the Archdiocese of Sydney. This report was compiled and completed on 26 February 2015 by Integroe Partners.

Review of Archdiocese of Sydney

Professional Standards and Child Protection

PART 1: Background and Overview

1. Background

On 30 September 2014 *Integroe Partners* was instructed by the Archdiocese of Sydney to conduct a review of Professional Standards and Child Protection processes relating to the Archdiocese of Sydney. In accordance with our instructions the review of Professional Standards and Child Protection processes took into consideration the following functions:

1. Screening processes
2. Services to parishes and agencies
3. Safeguarding and risk management processes
4. Legislative compliance processes
5. Archdiocesan parish and agency reporting systems
6. Coordination of professional standards complaints and civil claims
7. Stakeholder engagement
8. Communications in relation to professional standards and child protection
9. Processes for engagement in the Royal Commission

The specific details related to the terms of reference are set out in a letter dated 30 September 2014 and marked Annexure 1.

2. Procedural issues

On Wednesday 29 October 2014 *Integroe Partners* met with Bishop Peter Comensoli of the Archdiocese of Sydney to discuss the project. As a result of this meeting further documentation was requested from the Archdiocese of Sydney, a copy of this material is attached and marked Annexure 2.

A preliminary round table discussion with key internal stakeholders was held on Thursday 20 November 2014. The purpose of that meeting was to:

- further develop the information-gathering process;
- discuss any contextual or historic issues;
- engage in planning in order to optimise expediency of the information gathering process;
- explore any issues that related to the review;
- address any questions related to the review process; and
- address administrative matters to ensure efficiency and thoroughness.

The participants in that meeting included the following:

- Monsignor John Usher, Chancellor, Archdiocese of Sydney
- Miss Jennifer Cook, General Counsel, Chancery Office, Archdiocese of Sydney

- Mr Michael Moore, Financial Controller, Chancery Office, Archdiocese of Sydney
- Dr Michael Casey, Special Counsel, Chancery Office, Archdiocese of Sydney
- Mr Henry Pruyn, Executive Director of Catholic Development Fund - Archdiocese of Sydney
- Bishop Peter Comensoli, Apostolic Administrator, Archdiocese of Sydney

The additional documentation requested from the Archdiocese of Sydney was received on Friday 7 November 2014. A list of the documentation provided by Catholic Archdiocese of Sydney is attached and marked Annexure 3.

Extensive data gathering through interviews was convened in the period of mid November to early December 2014. Interviews were conducted with the following personnel:

- Fr Janusz Beiniek, Parish Priest, Hurstville
- Fr Terence Bell, Episcopal Vicar for Clergy, Fairfield
- Mr Bernard Boerma, Executive Director, Catholic Care, Archdiocese of Sydney
- Dr Michael Casey, Special Counsel, Chancery Office, Archdiocese of Sydney
- Ms Jane Comensoli, Director of Human Resources, Catholic Education Office, Archdiocese of Sydney
- Ms Jennifer Cook, General Counsel, Chancery Office, Archdiocese of Sydney
- Ms Maureen Eagles, Director Children and Youth Services, CatholicCare
- Fr Gerald Gleeson, Parish Priest, Summer Hill
- Ms Katrina Lee, Director, Catholic Communications, Archdiocese of Sydney
- Fr Kelvin Lovegrove, Episcopal Vicar for Clergy, Bonnyrigg-Edensor Park
- Fr Danny Maher, Rector, Good Shepherd Seminary, Archdiocese of Sydney
- Mr Doug Mawhinney, Director, Confraternity of Christian Doctrine, Archdiocese of Sydney
- Mr Michael Moore, Financial Controller, Chancery Office, Archdiocese of Sydney
- Ms Sue Phelan, Principal Investigation Officer, Office of NSW Ombudsman
- Mr Henry Pruyn, Executive Director of Catholic Development Fund, Archdiocese of Sydney
- Mr Peter Rush, CEO CCI
- Mr Michael Salmon, Director, NSW / ACT Professional Standards Office
- Mr Kelvin Simon, Senior Investigation Officer, Office of NSW Ombudsman
- Mr Bernard Toutounji, Director Catholic Youth Services, Archdiocese of Sydney
- Fr Eric Skruzny, Rector, Redemptorist Mater Seminary
- Monsignor John Usher, Chancellor, Archdiocese of Sydney
- Mr James van Schie, Manager Parish Advisory Service, Archdiocese of Sydney
- Dr Dan White, Executive Director, Catholic Education Office, Archdiocese of Sydney
- Mr Marita Wright, National Claims Manager, CCI

3. General Observations

From the review process the following general observations were made:

3.1 Leadership in the Australian Church

There is great potential for the role of the Archbishop of Sydney to provide hope for a better future, not only to the faithful of the Archdiocese but for the people of Australia generally, by taking a strategic and compassionate approach to his mandate to support the work of *Pontifical Commission for the Protection of Minors* which calls him to "... take whatever steps are necessary to ensure the protection of minors and vulnerable adults, and to respond to their needs with fairness and mercy."¹

In his correspondence Pope Francis calls for appropriate resources of the Church to be assigned to the building of trust and credibility, preventative safeguarding structures and systems, and exploring pathways for healing:

"...everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and to open pathways of reconciliation and healing for those who were abused."²

"Families... should also know that they have every right to turn to the Church with full confidence, for it is a safe and secure home. Consequently, priority must not be given to any other kind of concern, whatever its nature, such as the desire to avoid scandal, since there is absolutely no place in ministry for those who abuse minors."³

The recommendations provided in this report strive to support the Archbishop in restoring the trust and confidence in the Archdiocese of Sydney that has been diminished in recent times as a result of the absence of robust systems and the failure of the Church to respond to complaints of abuse at the hands of Church workers with competence and compassion. This report also contemplates the potential for the Archbishop of Sydney to influence and contribute powerfully to the development of new processes and systems in the Australian Church.

3.2 An appetite for transition to a more structured model

There is general agreement that change is necessary in the management of child protection and professional standards matters in the Archdiocesan Chancery. There is support for the establishment of an appropriately resourced office to deliver specialist professional advice and support services and to ensure consistency of approach in the management of these complex matters. Senior personnel who have contributed to this review are supportive of transition to a model that:

- applies the values of the Gospel to all decision-making

¹ Letter to the presidents of the Episcopal Conferences and the superiors of the Institutes of Consecrated Life and the Societies of Apostolic Life, signed in the Vatican on 2 February, feast of the Presentation of the Lord.

² *ibid*

³ *ibid*

- is informed by contemporary research and best practice principles
- is accountable through formal reporting systems
- is proactive and strategic in focus
- is resourced by specialist expertise

3.3 Team decision making

Currently there are structures in place to promptly gather appropriate expertise from within the Archdiocesan Chancery to assist the Archbishop to make prudent decisions around the management of complex professional standards and child protection matters. Whilst this is helpful, the co-ordination of such consultation and decision making structures does not appear to clearly fall within the responsibility of any specific senior role. This collaborative decision-making does not appear to be guided by the recommendations of external advisors or a clearly articulated, pre-determined set of values or principles.

It is therefore recommended that regular consultation with a highly skilled advisory group as prescribed within the *Towards Healing* protocol⁴ would enhance the decision-making processes related to the management of complex professional standards issues.

3.4 Role Clarity

It would appear that there is some duplication of functions and some uncertainty as to delegation of authority and overall responsibility for the management of professional standards complaints in some cases. Whilst numerous senior personnel are involved in decision-making relating to professional standards claims and related litigation, it would appear that the management of these sensitive issues would be enhanced by the establishment of a dedicated role that has an over-arching responsibility to ensure that there is an integrated and consistent approach to the management of these sensitive issues. It is recommended that the co-ordination of responses by the Archdiocese in respect of professional standards complaints and the protection of children and other vulnerable groups is co-ordinated through the establishment of a leadership role within the Chancery and that this role is supported by specialist staff.

3.5 Practice Innovation

To address concerns of inconsistency in the administration of *Towards Healing*, financial reparations and the management of litigation in respect of professional standards violations there is value in exploring new ways to engage in inter-Diocesan collaboration, particularly with neighbouring dioceses in the Sydney area. Through this process the expertise, research and experience may be better shared and administrative processes may be enhanced. In particular, we recommend that there would be great value in the establishment of shared structures in the following areas:

⁴ Cl.35.8 *Towards Healing* – January 2010

3.5.1 *Policies and Procedures*

The development of a single set of policies and procedures related to:

- safeguarding of children, young people and other vulnerable groups;
- outreach to survivors of abuse and their families;
- minimum standards for professional development;
- formation for clergy, religious, seminarians and lay Church workers;
- risk management frameworks and protocols;
- effective case management in respect of risk of harm matters

3.5.2 *Administration of Background Checks*

- The development of more streamlined administration related to screening of clergy travelling to neighbouring dioceses;
- A consistent approach to the screening, induction and orientation of clergy from overseas for pastoral placement or visits;
- A consistent approach to the screening of candidates for seminary formation.

3.5.3 *Advisory Oversight Structures*

The appointment of inter-diocesan advisory councils to:

- oversight the management of professional standards complaints
- advise of financial reparations
- initiate education and research initiatives

3.5.4 *Research, Policy Review and development*

The establishment of co-operative initiatives to review and develop policies to ensure consistency and compliance with community standards

3.5.5 *Preventative Initiatives*

The establishment of structures to support prevention through:

- Education initiatives to support safety within family contexts
- Co-ordination of lectures, seminars and workshops on prevention and safeguarding
- Capacity building initiatives to support effective risk management practices for ministry leaders

3.5.6 *Engagement with External Stakeholders*

Exploring new ways to engage with external stakeholders to ensure that the Catholic Church is well represented and engaged in dialogue that shapes whole of Church responses, legislative reform, government policy and community initiatives.

PART 2: Specific Professional Standards and Child Protection Functions

1. Screening Processes

1.1 Head of Agency responsibilities

In the Archdiocese of Sydney the Archbishop is the Head of Agency pursuant to *Part 3A Ombudsman Act (NSW) 1974*. This imposes on him personally a requirement to demonstrate that appropriate systems are in place to ensure the safety of children who are engaged in the ministries of the Archdiocese⁵. A fundamental system that is required to be in place is the operation of the *Working with Children Check* and related screening and background checking protocols and risk assessment processes that should accompany it.

This Head of Agency function applies to the role of the Archbishop in respect of the role of the Parish Priests and Assistant Priest of each parish. In circumstances where that responsibility is delegated to an agency leader, that responsibility is shared subject to the specific conditions that inform the nature, tenure and scope of the delegation as specified in the delegation instrument as accepted by the NSW Ombudsman. In order to advise the Archbishop on the details of the delegations that currently exist, it is recommended that current delegation instruments are reviewed as soon as possible.

1.2 Compliance with the Working with Children Check

Policy documentation was provided to demonstrate that structures are in place for parishes and agencies of the Archdiocese to achieve compliance with current employment screening processes as required in respect of *Child Protection (Working with Children) Act (NSW) 2012*. However, we note that some parishes are not compliant with these current legislative requirements in relation to the implementation of the working with children check⁶ nor were some leaders confident, or in some cases appropriately resourced to effectively administer the processes required in respect of this compliance responsibility.

As each parish is responsible for the management of its own employees with the Parish Priest registered as the employer of that workforce, it would appear that the level of capacity, knowledge and motivation to achieve compliance varies from parish to parish and this does not appear to be monitored or audited by the Chancery at this time. It is also concerning that the management of risk generally is assigned to local leaders who have not necessarily engaged in adequate professional development to develop their capability in managing risk in our current context.

⁵ Section 25B *Ombudsman Act (NSW) 1974*

It is noted that certain functions of Head of Agency have been delegated to the Executive Director of the Catholic Education Office and the Executive Director of CatholicCare

⁶ Data indicates that in a number of the parishes visited the verification process required by the *Child Protection (Working with Children) Act (NSW) 2012* has not been completed.

The decentralised, parish-based approach to background checks and screening appears to impede the capacity of the Chancery to monitor legal compliance or implement consistent and effective practices related to background checking. This in turn renders the capacity of the Archbishop to provide any meaningful assurances to the community about the screening standards that are in place.

1.3 Out of School Hours Centres in parishes

It is noted that some Parishes in the Archdiocese administer out of school hours centres (OOSH). The administration of background checks for workers engaged in these centres does not appear to fall within the ambit of any individual's responsibility apart from the Parish Priest or the Co-ordinator of the centre. As this service is directed towards young children it is recommended that legal compliance is monitored in respect of the application of appropriate background checking and risk management procedures.

1.4 Screening and induction of ministry leaders visiting the Archdiocese

As the screening of personnel coming into parishes to lead ministry, (particularly clergy and religious from outside the Archdiocese), is completed at the local parish it would appear likely that there would be no access to historic information that may be held by the Archdiocesan Chancery relating to that individual. In some circumstances the decentralisation of screening and background checking may be less effective and may therefore impede the management of risk that could be captured through a model that draws on the data held centrally.

While a committee has been established recently to address induction and orientation of clergy from overseas no documentation was provided to describe the work of this committee. The risk posed by accepting clergy from overseas is generally assessed to be higher due to the difficulty in obtaining full disclosure about their personnel history, varying quality in the comprehension of risk and cultural differences. In addition to this the challenges associated with experiences of isolation, loneliness, cultural assimilation and language barriers should cause this group to be the subject of intense support, careful and sensitive management and close monitoring. Therefore it is recommended that the management of induction of clergy and religious from overseas or interstate is completed centrally from a risk perspective and is appropriately resourced by skilled personnel.

The review did not identify any detailed processes designed to undertake thorough risk assessments before engaging visiting clergy and religious. This is a matter currently under review and it is therefore recommended that robust risk assessment processes are implemented in the near future.

From the data gathered it is reported that at times clergy from some overseas countries who are visiting the Archdiocese celebrate Mass even if they have not complied with

requirements under *Towards Healing*. This is a significant matter of concern and indicates that more robust structures need to be put in place to ensure that the screening processes as prescribed under the *Towards Healing* protocol are complied with and that community standards are met.

Overall it would appear that the approach taken to the Working with Children Check demonstrates a compliance perspective rather than one that is committed to thorough risk assessment and prevention. While the background checking process is administered as is required under law, a more proactive and preventative paradigm may inform the assessment and management of risk through the engagement of specialist expertise to ensure that the Archdiocese not only meets its compliance requirements but exceeds these standards in order to ensure the safety of children and other vulnerable groups who are engaged in ministries throughout the Archdiocese.

2. Advisory And Education Services

2.1 Parish Advisory Service

The Parish Advisory Service, under the leadership of Mr Henry Pruyn Director of the Catholic Development Fund, supports parishes in respect of a range of administrative and compliance areas including work health and safety, GST, financial matters as well as compliance with the *Working with Children Check*. The service is administered by Mr James van Schie who was identified by numerous stakeholders as a highly capable and respected advisor whose services were greatly appreciated particularly by Parish Priests.

Whilst the Parish Advisory Service is a valuable resource to Parishes, the scope of responsibility of this small service is broad and is not resourced to sensitively and professionally manage complex child protection and professional standards issues which may arise from time to time. Some stakeholders found the Advisory Services to be under-resourced causing them to seek advice from other sources where specialist expertise is available. In consideration of current community expectations the absence of such expertise may pose a risk to the reputation of the Archdiocese and also to the safety of children and young people.

It is uncertain whether this service extends to smaller agencies of the Archdiocese which may leave them without adequate professional support regarding compliance and risk management. It is therefore recommended that the quality of professional services available to support smaller Archdiocesan agencies and ministries is reviewed and enhanced if required.

It is noted that for some clergy, the NSW/ACT Professional Standards Office is regarded as the first point of contact for advice on child protection and professional standards matters

rather than the Archdiocesan Chancery. This is encouraged by the website of the Archdiocese which lists the contact details of that office for these matters. This is inconsistent with the practices of other dioceses throughout the state which have specialist personnel available within their diocesan structures to provide advice on the management of professional standards matters in the first instance.

We recommend that the appointment of specialist expertise is necessary to advise on complex child protection or professional standards issues as they arise.

Currently there are very detailed procedures codified to support Parish Priests in the effective administration of a broad range of compliance responsibilities. However it is evident from our interviews that, some parish priests find the procedures imposed through the Advisory Service to be excessively cumbersome and bureaucratic. Whilst this data may fall outside the scope of this review in that the existing procedures do not include child protection and professional standards, it is recommended that this feedback is considered carefully in the design of new procedures for the administration of compliance responsibilities related to child protection and professional standards.

2.2 Professional development for clergy and agency leaders

We note that professional development is scheduled on an annual basis at clergy gatherings. However feedback indicated that the nature and quality of professional development on matters relating to child protection and professional standards is limited to very brief sessions and focuses on compliance with minimal exploration of key issues and concepts relating to safeguarding or current issues of concern. This is possibly due to the fact that education services is not a key duty of any role within the Chancery.

It is also noted that not all clergy attend these conferences or gatherings which compromises any assurances provided by the Archbishop that clergy are kept up to date on emerging issues and responsibilities related to the management of child protection and professional standards. The fact that clergy may not necessarily attend gatherings and therefore not experience professional development may contribute to the variance in compliance relating to recent changes in legislation relating to the Working with Children Check and its implementation.

We recommend that the quality of, and priority given to education for parish priests and other agency leaders in the area of child protection and professional standards is reviewed and that a more systematic approach is taken to the professional development of agency leaders which includes an accountability framework that makes professional development mandatory.

2.3 Seminary formation in child protection and professional standards

From the data gathered it is evident that formation at the Good Shepherd Seminary is adequate in the area of professional standards and that external expertise on matters related to professional standards is sought to ensure that the formation of seminarians includes a deep understanding of issues related to this area.

However, we note that seminarians who come from overseas and commence their studies at Good Shepherd Seminary in 3rd or 4th year from overseas, may not necessarily have covered critical topics related to professional standards. This gap in the formation of this particular group of seminarians poses a risk which we recommend should be addressed.

Some stakeholders expressed interest in the development of a more structured and robust seminary formation programme that takes into account professional standards issues. We support this recommendation and advise that such a programme should thoroughly explore foundation documentation related to professional standards established by the Australian Catholic Bishops' Conference particularly *Integrity in Ministry, Towards Healing* and *Integrity in the Service of the Church*.

2.4 Professional development for personnel of Archdiocesan agencies

It is also noted that professional development of staff within larger agencies on matters related to child protection and professional standards is both regular and comprehensive. However, the professional development available to smaller agencies who regularly work with children and other vulnerable groups is less clear.

2.5 Investigation, management and fact finding processes

The review indicated that professional investigations and assessments are appropriately coordinated to support professional standards claims and child protection complaints as required. These processes are usually coordinated through the NSW/ACT Professional Standards Office in collaboration with the Chancellor.

However, it is also evident that smaller agencies have a very limited understanding of complaint management and investigation processes. The absence of professional development on topics related to the management of complaints and investigations means that small agency leaders and parish priests are likely to have a limited understanding of contemporary standards relating to complaint management and investigation processes.

It is noted that no Chancery-based documentation has been circulated to clergy regarding the management of investigations, findings and actions arising from these processes; however, comprehensive policies and procedures have been drafted and are awaiting circulation at this time.

It would appear that the quality of information currently available to clergy who are the subject of a complaint about investigation procedures is insufficient and requires review. Information should be available to clergy on matters that are likely to arise during the course of an investigation including principles of procedural fairness, the management of confidentiality, self-care and issues. In addition to this, it is appropriate that a clear procedure is put in place in the Archdiocese to ensure that all clergy are aware of their entitlement to support should they become the subject of complaint.

It would also be appropriate for some senior and highly trustworthy clergy to engage in some professional learning so that they may competently carry out support to clergy who may be the subject of a complaint in the future. It is also noted that the quality of follow up and ongoing risk assessment and risk management following an investigation into an allegation of reportable conduct or a breach of professional standards is a matter that requires further attention and additional resourcing. This would ensure that appropriate preventative structures are in place to avoid recurrence of matters that might have led to the registration of complaint in the first place.

2.6 Management of outreach to survivors of abuse

From the data gathered the pastoral services available through the Chancellor Monsignor John Usher are assessed by numerous stakeholders to be of excellent quality. Monsignor Usher has developed strong relationships with external stakeholders including the Office of NSW Ombudsman, the NSW/ACT Professional Standards Office, the National Professional Standards Office and NSW Police to ensure that outreach to survivors of abuse is appropriately managed by the Archdiocese of Sydney.

Information gathered also supports the position that Monsignor Usher has successfully closed many complex Towards Healing complaints and many complainants have registered satisfaction with the approach that he has taken in managing these matters and the outcomes determined. It is also noted that in many cases survivors of abuse receive ongoing pastoral connection with Monsignor Usher on behalf of the Archdiocese of Sydney.

Concern was registered that a precedent may have been created in the Archdiocese that substantial cash payments are made to complainants in a manner that is inconsistent with other dioceses in Australia. In the current context where inconsistency of response to survivors of abuse is a major concern, we note that many less resourced dioceses are required to take a more cautious approach in their stewardship of church assets. Therefore the establishment of structures to ensure appropriate accountability and consistency is a matter that should be given careful consideration.

3. Safeguarding And Risk Management Processes

3.1 Policy development

Draft policies were developed in September 2014 and await ratification and implementation. Notwithstanding this, there was no plan presented for the implementation of these policies and no role was identified as being responsible for the implementation or ongoing review and development of these policies.

No current or previous policies related to child protection or professional standards were presented to the review. While individual agencies may have had their own policies in place, there is no evidence of the existence of any current policy of the Archdiocese that clearly expresses its position and expectations on matters related to professional conduct or the safety of children and other vulnerable groups.

It is noted that the larger agencies (the Catholic Education Office and CatholicCare) have comprehensive policies in the areas of child protection and professional standards and they have been in operation since the establishment of child protection legislation in 1999. In particular, the Office of the NSW Ombudsman commended the Catholic Education Office on their policies and expertise in the area of child protection.

Chancery personnel currently recognise the need for, and have expressed interest in giving greater priority to policy review and development and the resourcing of professional development to ensure that there is a satisfactory grasp of the principles that inform these policies. It is recommended that an implementation plan is developed as soon as possible to ensure that the policies are widely understood and implemented at the local level. It is also recommended that the specialist expertise of the Catholic Education Office is called upon to guide the effective implementation of these policies.

3.2 Risk management planning for offending clergy

Records are maintained relating to the current location of clergy who are known to have offended in the past. However no comprehensive risk management plans were provided to the reviewer which indicates that offending Clergy may require more formalised assessment and management plans. Comment was made that investigation findings and recommendations were not shared with supervisors, thereby compromising the capacity to contribute effectively to risk management. A more systemic approach to the management of oversight and the development of a risk management framework in respect of offenders is recommended.

3.3 Engagement with Archdiocesan Child Related Ministries (Particularly Youth Groups and Movements, CCD, Preschool and Childcare Services, Welfare and Education)

Our review indicated that relationships between the Chancery and Archdiocesan child related ministries are respectful and that Chancery personnel are highly regarded for their competence and willingness to provide assistance when they are contacted. However it is apparent that limited opportunities exist for leaders of child related ministries to engage in professional learning on matters related to child protection and professional standards through the service offerings within the Chancery.

It is noted that larger agencies have specialist expertise in the areas of child protection and professional standards and that there is an appetite on their part to engage in greater collaboration with Chancery personnel to achieve a cross sectoral approach to safeguarding. It is recommended that these opportunities are pursued in the future.

From the data gathered it is also evident that the management of complex litigation presents some internal challenges and places pressure on relationships between the Chancery and agency leaders from time to time. This is not surprising given the complexity of some of these cases and the level of seriousness of such matters. More streamlined structures and clearer lines of accountability and communication may assist in addressing this matter.

3.4 Resource Development

The Archdiocesan website contains some resources relating to professional standards for access by the general public. It is also evident that there is periodic review and development of these resources which means that those who visit the Archdiocesan website have access to current information.

We note that some resources on the Archdiocesan website are outdated and appear to be responding to external criticism rather than inviting those who have been affected by abuse to engage with the Archdiocese of Sydney. This is discussed more fully at section 8 of this report.

It is recommended that website resources are focussed on prevention, child safety and outreach for survivors of abuse.

4. Legislative compliance processes

4.1 Children and Young Persons (Care and Protection) (NSW) Act 1998

Structures existing to support the reporting of children and young people who may currently be at risk of significant harm appear to be limited to the draft policies. Therefore the policies

and procedures currently in place in respect of this compliance area appear to be agency based and are not clear.

Case management of “below threshold” matters represents a significant responsibility for “children’s services” within the Archdiocese which may include a broad range of ministries. It is therefore recommended that structures are put in place to ensure that parish priests and agency leaders are aware of the responsibilities related to mandatory notification and are supported in the management of these matters.

4.2 Part 3A Ombudsman Act (NSW) 1974

The Archdiocese of Sydney is compliant with *Part 3A Ombudsman Act (NSW) 1974* however a current concern is held by numerous stakeholders that the resources available to administer this significant compliance responsibility within the Chancery is inadequate.

Concern is held by some parish priests and agency leaders that they have inadequate understanding of key concepts relating to child protection compliance thereby limiting their capacity to respond to complaints that would fall within the jurisdiction of the NSW Ombudsman. Connected to this is a concern that there is insufficient professional support available to provide guidance to clergy who may be managing complaints of reportable conduct.

The perception is that the lack of available resources impacts on its responsiveness to risk issues and to the inquiries to the Office of the NSW Ombudsman’s Office. This inevitably leads to a reduced level of confidence in the capacity of the Archdiocese to manage allegations of reportable conduct and the issues arising from such matters.

The functions required in order to adequately meet compliance standards in this jurisdiction include the following:

- Responding to correspondence from the Office of the NSW Ombudsman as they scrutinise the progress of investigations into allegations of reportable conduct;
- Understanding and applying legislative amendments to cases;
- Understanding and applying revised reporting and operating procedures of government agencies;
- Managing issues arising during the course of investigation processes; and
- Co-ordinating risk assessment and management processes.

The current resourcing of these functions is assessed as insufficient to meet fundamental compliance standards and offering very limited scope to initiate proactive or preventive risk management initiatives if any. It is recommended that additional appropriately skilled and experienced personnel are engaged to ensure that the duties supporting compliance in this area meet current and anticipated demands in the future.

4.3 Child Protection (Working with Children) Act (NSW) 2012

This aspect of legal compliance is discussed at Part 2: 1.Screening

5. Archdiocesan Agency Reporting Systems

5.1 Reporting by parishes and smaller agencies

The draft policies of the Archdiocese provide clear direction to Diocesan agencies and parishes on the requirement for professional standards and child protection matters to be immediately notified to the Archdiocesan Chancery. However, it would appear that many smaller agencies and parishes are not aware of the protocols that have been referred to and therefore current reporting requirements are less clear.

It is recommended that a comprehensive structured suite of professional development in the area of professional standards as well as the development and circulation of accessible resources would enhance reporting by parishes and smaller agencies.

5.2 Reporting by CEO and Catholic Care

Executive Directors of both the CEO and CatholicCare have delegations pursuant to *Part 3A Ombudsman Act (NSW) 1974*. As copies of these delegation instruments were not provided we are unable to comment on the conditions, term and scope of these delegations.

We note that the CEO and CatholicCare have comprehensive systems in place for reporting both child protection and professional standards matters.

It is also noted that the Chancellor has developed an effective working relationship with the Office of the NSW Ombudsman and that he seeks to manage allegations of reportable conduct competently on behalf of the Archdiocese.

5.3 Complaint Management Systems related to Professional Standards

The Casebook database maintains critical information to ensure that documents may be readily retrieved and factual data about claims is readily available. However, our review process was not able to identify any complaint registration and management framework or system in respect of the receipt of professional standards complaints.

It would appear that a robust complaint management system may enhance the management of complaints relating to professional conduct matters so that such complaints are documented, recorded and appropriately responded to in a manner that complies with community expectations.

5.4 Reporting of Civil Claims relevant to the Trustees of the Archdiocese

Our review indicates that there are very clearly articulated procedures in place for the reporting of matters that may lead to the commencement of civil proceedings against the Trustees of the Archdiocese of Sydney. Concern however was raised about the need for more effective communication to the Chancery about potential civil claims to ensure that adequate notice was provided to the trustees in respect of these matters. It is recommended that the implementation of new policies and related professional development will address this concern.

6. Coordination Of Professional Standards Complaints And Civil Claims

6.1 Management of Towards Healing matters

Currently Monsignor John Usher, Chancellor co-ordinates the professional standards complaints. Our review indicates that Monsignor Usher is perceived to be very pastoral and generous in his contact with survivors of abuse and that he manages *Towards Healing* cases in a manner that is sensitive and appropriately compassionate. This has resulted in many successful settlements through the application of the *Towards Healing* process.

The increasing demands of professional standards complaints indicates that more dedicated resources are required to manage the significant duties related to the processing of professional standards complaints. From the data gathered it is apparent the office of Professional Standards (NSW & ACT) significantly supports the work of the Archdiocese of Sydney; this is indicative of the need to re-assess the resources required by the Archdiocese of Sydney to deliver all of the functions currently required in the management of matters under *Towards Healing*.

Decision making regarding financial compensation to survivors of abuse under *Towards Healing* rests with the role of Chancellor provided that the outcome falls within his financial delegation. As this financial delegation is substantial (that is \$100,000 for immediate interim payments) it would be appropriate that decisions regarding financial compensation are the subject of significant scrutiny or extensive, documented consultation. It is recommended that this matter is addressed through the establishment of accountability systems and external advice.

It is also noted that terms of reference or meetings scheduled for the Professional Standards Consultative Committee as required in accordance with the *Towards Healing* protocol were not presented. It is also reported that the insurer would benefit from being informed of developments in respect of settlement negotiations under *Towards Healing* at an earlier stage so that it may meet its obligations to its reinsurers. It is therefore recommended that enhanced collaboration with CCI in decision making relating to the management of *Towards Healing* settlements would improve the management of these claims.

6.2 Management of Civil Litigation related to Professional Standards

It is reported that the management of litigation in respect of professional standards cases is conducted in a thorough and professional way and that skilled and professional lawyers are engaged by the Archdiocese of Sydney to support this important work. It is noted that the oversight of litigation is achieved through the General Counsel role within the Archdiocese of Sydney.

Historically, the Archdiocesan Finance Committee and senior personnel from the finance office of the Archdiocese of Sydney have played a significant role in the management of professional standards cases where litigation is commenced. This approach may be perceived as an indication that priority has been given to preserving the assets of the church as opposed to engaging in a process that is designed to achieve justice through a compassionate, fair and expedient process of determination. It is recommended that the existing advisory structures are revised to include a mix of appropriate expertise to support appropriate engagement in litigation.

In circumstances where a special issues insurance policy applies, the management of these cases becomes the subject of a specific protocol which defines the roles of CCI and the Archdiocese in these matters. In particular, we note that the Archdiocese of Sydney has negotiated to exclusively engage Corrs Chambers Westgarth Lawyers to manage litigation in respect of Special Issues claims in accordance with the protocol.

With the exception of the Archdiocese of Sydney (and the Archdiocese of Melbourne in respect of the Melbourne Response), all other Catholic Dioceses in Australia comply with standard arrangements whereby the insurer allocates lawyers from a carefully selected panel with known experience and expertise in the management of these special issues claims. This ensures that matters are conducted in a manner consistent with the values of the Church and at competitive professional rates.

It is reported that, historically the approach to litigation by the Archdiocese of Sydney has at times been inconsistent with the pastoral needs of the victim and characterised by a reluctance to strive for early settlement⁷. However, the data gathered indicates that there has been significant learning since the treatment of the Ellis case in the Royal Commission into Institutional Responses to Child Sexual Abuse. The extent to which the Ellis case is illustrative of the management of other professional standards litigation cases has not been thoroughly explored, however, it is recommended that the findings made as a result of the very detailed treatment of this case by the Royal Commission should inform the management of litigation in respect of special issues claims in the future.

⁷ Report of Case Study 8 - *Royal Commission into Institutional Responses to Child Sexual Abuse*

Notwithstanding this, it is apparent that the management of litigation by the Archdiocese of Sydney in respect of civil claims related to sexual abuse is currently treated with sensitivity and in accordance with the values of the Catholic Church.

The management of civil proceedings and the provision of instructions to lawyers in matters that involve large agencies of the Archdiocese is a matter that has at times presented challenges for all involved. In particular, significant concern was raised about the development of rules that may have a significant impact on the management of litigation where religious congregations and the Archdiocese of Sydney have been named as co-defendants. It was reported that at times, the approach taken by the Archdiocese of Sydney is one that is not necessarily cognisant of the vulnerability of some small religious congregations who may be significantly exposed where it may be argued that the liability should be shared between numerous parties.

7. Stakeholder Engagement

7.1 Liaison with External Agencies

It is evident that the Archdiocese of Sydney enjoys constructive relationships with relevant external agencies including NSW Police, the Office of the NSW Ombudsman, the Office of the Children's Guardian and Family and Community Services. However, as no dedicated role bears overall responsibility for child protection and professional standards matters, the liaison function with external agencies is shared by numerous roles within the Archdiocesan Chancery. These strategic relationships are very important and a more co-ordinated approach to the management of these relationships is recommended.

7.2 Engagement with Relevant State and National Catholic Church Agencies

In terms of engagement with Catholic Church agencies there is evidence of a close working relationship with the NSW/ACT Professional Standards Office and ongoing liaison with the National Committee for Professional Standards, the Truth Justice and Healing Council and CCI.

The Archdiocese of Sydney is regularly represented at professional standards and child protection meetings at Inter-Diocesan gatherings. As attendance at state and national gatherings is shared amongst key Chancery personnel this results in a lack of continuity at times, some inconsistency in practice, a lack of awareness of recent initiatives and confusion for external parties about the identity of relevant Chancery contacts in respect of child protection and professional standards initiatives that may be applied across dioceses. It is recommended that in order for the Archdiocese of Sydney to exercise leadership in this area in the national context, a more co-ordinated approach to the management of these relationships is also recommended.

8. Communications In Relation To Professional Standards

8.1 Management of Media and Public Relations

The Director of Communications is regularly engaged in planning and decision making around the management of significant communication challenges related to professional standards matters.

It is evident that professional and highly confident communications capacity is available to the Archdiocesan Chancery and that the Catholic Communications Team is well equipped to manage public relations issues and approaches from the media in respect of professional standards or child protection matters.

It is also noted that a team approach to the management of critical issues that may involve media exposure is a standard mode of practice which is assessed to be of a very high calibre.

8.2 Pastoral Communications

In or around 2013 the Archdiocese of Sydney created a document entitled "Response to Sexual Abuse" which was broadly circulated throughout Archdiocesan agencies and is currently posted on the Archdiocesan website. The document is assessed as being a practical resource that provides some comment on the response that the Archdiocese of Sydney takes in respect of professional standards cases and child protection legal compliance responsibilities. However it is recommended that consideration is given to an updated document that provides in stronger terms an invitation for survivors of abuse to engage with the Church so that their experience may be acknowledged and that appropriate pastoral support may be provided.

8.3 Website resource development

It is noted that there is a dedicated section on the website providing resources, links and documentation on matters relating to child protection and professional standards which is located under the title of Royal Commission. It is recommended that this is reviewed in that the impression created by the location of these documents under such a heading is that these resources are drawn purely out of a compliance paradigm rather than one that is concerned with outreach and invitation to engage.

It is appropriate that the message to be delivered to those visiting the Archdiocesan website is one that conveys an invitation for survivors of abuse and their families to contact the Archdiocese. The message should also promote the safety and wellbeing of all people (particularly children, young people and other vulnerable groups) that are engaged in ministries of the Archdiocese.

9. Processes Related To The Royal Commission

9.1 Management of Information Related to the Royal Commission

The role of General Counsel has assumed primary responsibility for ensuring that responses to information required by the Royal Commission is comprehensive and well documented. The comprehensive record management system “Casebook” has been developed to ensure that information that may be the subject of enquiry may be easily collated and reports developed swiftly. Investment in this very effective and powerful record management search system has assisted the Archdiocese in understanding their history and managing the complex matters related to historic professional standards complaints and will continue to do so into the future.

9.2 Management of Issues Arising from the Royal Commission

Personnel within the Chancery of the Archdiocese currently exercise compassionate and respectful practice in the management of professional standards claims regardless of whether such claims fall within the ambit of *Towards Healing* or whether they are the subject of civil proceedings.

The Royal Commission Public Hearing No 8 explored the Ellis case in particular and in doing so provided a rich source of learning for the Archdiocese of Sydney⁸. It is recommended that consideration is given to engagement in a formal process to ensure that the Archdiocese of Sydney is able to demonstrate, not only their capacity to listen and learn from this public scrutiny and the findings resulting in this process of inquiry, but to demonstrate the application of such learning in their daily practice and management of such cases.

The impact of engaging in the Royal Commission public hearing would have been significant for some Chancery personnel and therefore an opportunity to debrief from this experience would be considered very important not only for the benefit of the future management of cases but also for the professional learning and the wellbeing of those personnel who were significantly involved in this case.

9.3 Advice on national and state wide issues and initiative

It is evident that the Archdiocese of Sydney engages in state wide and national initiatives by the Australian Church on matters related to child protection or professional standards. However engagement in such initiatives could be increased should additional resources be made available to support such engagement.

There is great potential for the Archdiocese of Sydney to provide innovative and restorative leadership in the area of professional standards both within the Archdiocese and in the Australian Church generally. This would however require the assignment of additional

⁸ *ibid*

resources to ensure that the Archbishop was fully briefed on developments both nationally and internationally and that he was regularly advised on how progressive and innovative leadership may be achieved in this important area. It is therefore recommended that careful consideration is given to the engagement of specialist expertise to fulfil this function on behalf of the Archdiocese.

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PART 3: Summary of Recommendations

Recommendations based on general observations	
Team decision making	R1: Regular consultation with a highly skilled advisory group as prescribed within the Towards Healing protocol to enhance the decision-making processes related to the management of complex professional standards issues
Role clarity	R2: Establishment of a leadership role within the Chancery supported by specialist staff to ensure co-ordination of responses by the Archdiocese in respect of professional standards complaints and the protection of children and other vulnerable groups
Practice innovation	R 3: Explore new ways to engage in inter-Diocesan collaboration and shared structures in the areas of policies and procedures, administration of background checks, advisory oversight structures, research, preventative initiatives and engagement with external stakeholders.
Recommendations relating to specific functions reviewed	
1. Screening Processes	
Function	Recommendations
Head of Agency responsibilities	R4: Review of current Head of Agency delegation instruments pursuant to <i>Part 3A Ombudsman Act (NSW) 1974</i> .
Compliance with WWCC	<p>R5: Review of the devolved structures within the Archdiocese to assess the viability of a decentralised approach to employment screening and risk management</p> <p>R6: Audit of agencies and parishes to ensure compliance with the WWCC</p> <p>R7: Develop comprehensive training for agency leaders and Parish Priests to ensure that compliance with the WWCC is achieved and that other screening strategies are applied in the recruitment process for both volunteers and paid workers</p> <p>R8: Appoint dedicated personnel to co-ordinate background checking processes and risk assessment for visitors to the Archdiocese who will be engaged to lead ministry in the Archdiocese</p> <p>R9: Encourage the application of the WWCC from a broader risk management / safeguarding perspective rather than a compliance perspective</p>

Processes at Parish OOSH Centres	R10: Review of parish-based OOSH centres to ensure legal compliance and that child safe practices are in place
Screening of ministry leaders visiting the Archdiocese and from overseas	R11: Appoint specialist expertise to scrutinise draft programs, policies and procedures for the induction of visitors to the Archdiocese who will be engaged to lead ministry in the Archdiocese R12: Centralised management of induction of visiting clergy and religious and implementation of robust risk assessment processes
2. Services to parishes and agencies	
Parish Advisory Services	R13: Establish an office that delivers education, advisory and outreach services to agencies of the Archdiocese R14: Engage specialist expertise to advise parishes and smaller agencies re child protection, professional standards and safeguarding issues R15: Review and enhance professional services available to support smaller Archdiocesan agencies and ministries should be reviewed and enhanced if required.
Professional development for clergy and agency leaders	R16: Review the quality of and priority given to mandatory education for parish priests and other agency leaders in the area of child protection and professional standards R17: Introduce mandatory annual professional development for clergy and agency leaders on child protection and professional standards R18: Maintain attendance records for professional development
Seminary formation in child protection and professional standards	R19: Introduce mandatory professional development for seminarians who come from overseas and commence their studies at Good Shepherd Seminary in 3 rd or 4 th year R20: Develop a structured and robust formation program for seminarians which thoroughly explores child protection and professional standards
Investigation management and fact-finding processes	R21: Develop a standardised complaint management protocol for the Archdiocese to be implemented through scheduled training for agency leaders R22: Circulate information about investigation procedure to clergy to ensure that they are aware of their rights and responsibilities R23: Appoint and train some senior priests to assume support role for clergy who are the subject of a complaint that requires investigation

Management of outreach to survivors of abuse	<p>R24: Establish clear guidelines to guide the response of the Archdiocese to complaints and pastoral financial settlements</p> <p>R25: Review accountability systems and the financial delegation available for pastoral payments</p> <p>R26: Engage with other dioceses and Church Authorities to ensure alignment regarding pastoral payments where possible</p>
3. Safeguarding and risk management processes	
Policy Development	<p>R27: Ratify, circulate and implement draft child protection policies</p> <p>R28: Develop implementation plan for the introduction of new policies through mandatory workshop-based professional development</p> <p>R29: Recruit additional resources to assume responsibility for policy review and development, education and community engagement</p> <p>R30: Engage the specialist expertise of the Catholic Education Office to guide the effective implementation of these policies.</p>
Risk management planning for offending clergy	<p>R31: Develop a risk management framework to support the monitoring of known offenders</p> <p>R32: Develop individual risk management plans and MOUs where appropriate</p> <p>R33: Develop comprehensive systems for the effective supervision and monitoring of offending clergy including feedback of recommendations from investigations to the Parish Priest or supervising priest</p>
Engagement with Archdiocesan child-related ministries	<p>R34: Assign formation and professional development functions to a specific role within the Chancery</p> <p>R35: Review and develop a more streamlined structures and clearer lines of accountability and communication regarding the management of litigation</p> <p>R36: Develop strategies to build intra-diocesan agency collaboration, dialogue and resource sharing</p>
Resource development	<p>R37: Review and develop resources to support survivors of abuse and their families</p>

	R38: Develop website resources that are focussed on prevention, child safety and outreach for survivors of abuse
4. Legislative compliance processes	
Management of mandatory reporting and case	R39: Review and develop structures to ensure that parish priests and agency leaders are aware of the responsibilities related to mandatory notifications R40: Ensure that all agency leaders and parish priests are supported in the management of mandatory notifications
Responding to allegations of reportable conduct;	R41: Establish mandatory professional development on professional standards and child protection for clergy and agency leaders R42: Develop programs of professional development for senior clergy to assume role of support person when a priest is the subject of a complaint / investigation R43: Recruit skilled and experienced personnel to support enhanced legal compliance
5. Archdiocesan parish and agency reporting systems	
Archdiocesan reporting systems for parishes related to professional standards and child protection	R44: Develop a comprehensive suite of professional development to ensure effective reporting of relevant professional standards and child protection matters R45: Develop and circulate accessible resources to enhance reporting by parishes and smaller agencies
Complaint management systems related to professional standards	R46: Implement a robust complaint management system so that such complaints are documented, recorded and appropriately responded to in a manner that complies with community expectations
Reporting of civil claims relevant to the Trustees of the Archdiocese	R47: Arrange for the facilitation of reflection on the learning and implications flowing from the treatment of the Ellis case in the Royal Commission R48: Implement policies and professional development addressing the need for more effective communication with Chancery to ensure that adequate notice may be given to the Trustees

6. Co-ordination of professional standards complaints and civil claims	
Management of <i>Towards Healing</i> matters	<p>R49: Review the resource requirements to deliver all of the functions currently required in the management of matters under <i>Towards Healing</i></p> <p>R50: Encourage survivors of abuse to make direct contact with Archdiocese</p> <p>R51: Appoint an appropriately skilled advisory panel with specific terms of reference to support decision-making on professional standards matters and financial settlements</p> <p>R52: Enhance collaboration with CCI in decision making relating to the management of <i>Towards Healing</i> settlements</p>
Management of civil litigation related to professional standards	<p>R53: Review the application of the Special Issues protocol</p> <p>R54: Review the findings made by the Royal Commission to inform the management of litigation in respect of special issues claims in the future</p> <p>R55: Articulate a policy position related to the management of special issues claims</p> <p>R56: Establish an advisory committee made up of relevant, diverse expertise on the management of professional standards claims</p>
7. Stakeholder engagement	
Liaison with external agencies	R57: Develop a more co-ordinated approach to the management of stakeholder relationships
Engagement with relevant state and national Catholic Church agencies	R58: Appoint personnel to ensure that consistent and effective liaison with state and national agencies related to professional standards is achieved
8. Communication in relation to Professional Standards and Child Protection	
Pastoral communications	<p>R59: Develop new resources to support parishioners and Church workers to understand the current context</p> <p>R60: Develop resources to provide outreach and support to stakeholders and to survivors of child sexual assault</p>

Website resource development	<p>R61: Re-locate professional standards and child protection resources away from the Royal Commission banner</p> <p>R62: Develop online resources that includes links to additional sites that may support parishioners and Church workers to understand the current context</p>
9. Processes for engagement in the Royal Commission	
Management of information related to the Royal Commission	R63: Continue to utilise and maintain the Casebook record management system
Management of Issues Arising from the Royal Commission	R64: Engage in formal process to review the findings made by the Royal Commission in respect of Royal Commission Public Hearing No 8 to demonstrate capacity to listen, learn and apply learning in daily practice
Advice on national and state-wide issues and initiatives	<p>R65: Engage in collaborative processes to assist the Australian Church to develop a shared position and consistency of practice wherever possible</p> <p>R66: Consider the engagement of specialist expertise to fulfil the function of engagement nationally and internationally</p>

PART 4: Proposed Implementation Model

Phase 1: March 2015

Maintain existing structures with increased resources to support work of Parish Advisory Service

Review compliance and accountability structures of the Archdiocese in respect of legal compliance to assess the viability of parish-based administration of the WWCC

Establish Archdiocesan Safeguarding Working Party to develop Archdiocesan Safeguarding Strategy

Articulate principles to inform management of professional standards and child protection matters

Phase 2: July 2015

Launch Archdiocesan Safeguarding Strategy

Establish and induct Advisory Groups to steer future direction of professional standards and child protection

Align policy and practices throughout Archdiocesan parish and agencies where possible

Facilitate inter-agency consultation forums to implement safeguarding principles

Maintain an oversight role only for large agencies that have capacity to manage compliance and implement safeguarding initiatives

Increases level of involvement in management of professional standards and child protection matters in smaller agencies

Recruit of personnel for new structure

Phase 3: October 2015

- Implementation
- Infrastructure Development
- Resource Development

PART 5: Indicative Operational Structure:

In consideration of the size of the Archdiocese and the initiatives recommended in this report, the following indicative structure is presented for consideration:

Auxiliary Bishop or Vicar General with Archbishop's Delegation

Consultative Panels

- *Professional Standards Complaint Management*
- *Financial Reparations*
- *Education and Research*

Director (1)

- Litigation management
- Advice to Archbishop and Trustees
- Inter-diocesan liaison
- Stakeholder relationship management
- Executive Officer to Advisory Boards

Prevention and Education Manager (2)

- Resource development
- Professional Development
- Formation
- Policy development

Professional Standards Manager (2)

- Complaint management
- Investigation management
- WWCC Oversight
- Audit

Healing, Support and Outreach Manager (1)

- Survivor and complainant liaison and support
- TH liaison
- Resourcing to inform decision-making