

Towards Healing: John Ellis facilitation

A Towards Healing facilitation for John Ellis was held at the Professional Standards Office, Sydney, on 20 July. Those present were John Ellis, Nicola Ellis (John's wife), Mgr Brian Rayner (representing the Archdiocese of Sydney) and myself (as facilitator). Michael Salmon, who had acted as facilitator in this case prior to his appointment as Director of the Office, had also agreed to attend. However, given his current position, it was now agreed that he would not participate.

The facilitation commenced at approximately 3.00 pm and ended at approximately 6.30 pm. (Prior to the facilitation, I met privately with John, Nicola and John and Mgr Ryan.)

In addition to the usual processes of a facilitation, an agenda of issues had been identified by John and Nicola and which was addressed at the facilitation. (Prior to the facilitation, Mgr Rayner had been consulted regarding this agenda and agreed to a discussion of those issues. This agenda is further discussed below.)

During the meeting, I took handwritten notes of the discussion and the points raised. Nicola also took notes.

Outcomes

- John had the opportunity to speak to Mgr Ryan, as representative of the relevant Church Authority, of the effects of the abuse he had experienced, as detailed in his complaint.
- Nicola was also given the opportunity to speak.
- Mgr Ryan responded, expressing his regrets at what John had experienced, and recognizing John's strength and courage.
- Mgr Ryan offered a financial gesture of \$30,000 as a gesture of reconciliation.
- Mgr Ryan also undertook to enquire as to an appropriate spiritual director to assist John in his healing process and reconciliation with the Church.

Outstanding issues

- At the facilitation, John explained that he was not able to accept this financial gesture, given that it would require his signing of a deed of release. Mgr Ryan stated that the offer of this gesture would remain open, and without any date of its withdrawal in the near future.
 - In the discussions leading up to the facilitation, John had indicated that he sought a further meeting with an appropriate Bishop, following the facilitation, to provide an appropriate expression of regret. At the facilitation, Mgr Ryan initially stated that such a meeting with an appropriate Bishop, or the Cardinal, would only be appropriate as a form of closure to John's complaint, but would not be appropriate if legal proceedings were pending.
 - The Monsignor later undertook to give consideration to the possibility of such a meeting, notwithstanding the possibility of litigation. (The Monsignor advised John that he would enquire as to a spiritual director, regardless of any legal proceedings John may initiate.)
-

Points for clarification

Following the facilitation, John expressed in writing to the Director of the Office and the National Committee his dissatisfaction with the conduct of the Towards Healing process as it had been applied in his case, and forwarded a copy of his letter to me.

It may be appropriate to clarify some of the points raised by this letter.

Time delays

I am aware of some of the delays John experienced between lodgement of his complaint and my appointment as facilitator. I discussed these with John on the telephone (in December 2003) following my appointment and at our first meeting (in February 2004).

In our first telephone conversation (as noted, in December 2003), John advised me that he was shortly going on holidays and would contact me on his return to Sydney. He did so at the end of January and I met with him the following week at his city office.

At that meeting, I explained the Towards Healing process and asked him to give some thought to what he would seek from the relevant Church Authority and that I could put to that Authority to consider. John advised that he wished to give the matter some thought and would discuss it further with Nicola. I spoke to John several times over the following weeks to check on the progress of this. John asked me to meet with him and Nicola at their home in Beecroft to discuss their expectations. (This meeting, which took place in April 2004, was arranged for the week after John's advising that he was ready to meet with me again.)

At that meeting, John described what he considered to be an appropriate response from the Church Authority, and the basis of his request. In terms of a financial gesture, it was well in excess of the generally accepted "cap" to such payments in the Towards Healing process. However, John requested that this request, together with an explanation of its basis, be put to Mgr Rayner (representing the Authority) for consideration. I advised John that the Monsignor would probably need some time to consider his proposal. (While waiting for the Monsignor's response, John was away, although I kept Nicola informed, at John's request.)

Mgr Rayner advised that John's request—in terms of a financial gesture—could not be met. An offer of a payment of \$25,000 was made by the Monsignor, and conveyed by me to John.

In the meantime, John's employment as a solicitor with a leading Sydney legal firm was terminated. John asked that this change of circumstance be brought to the Monsignor's notice. The Monsignor increased the proposed financial gesture to a payment of \$30,000, the additional \$5,000 to assist John with any immediate costs and/or treatment.

John requested that the facilitation be scheduled as quickly as possible. He further suggested that it be conducted at the premises of Mount St Benedict, on the upper North Shore (for reasons of location, but also as it was a site that he was familiar with). This request was conveyed to Mgr Rayner, who, while reluctant to travel to this location (due to the time involved and the difficulty in finding a date free for the time that would be required), said he was prepared to do so. However, as John wished the facilitation to occur as soon as possible, he agreed to travel to the city, and a date was set for approximately 3 weeks later (on the first date all could attend).

The financial gesture/gesture of reconciliation

As noted above, Mgr Rayner offered John a financial gesture of \$30,000 (increased from \$25,000). He explained to me the basis on which he had arrived at this figure. With the

Monsignor's permission, and at John's request, I outlined these factors to John privately, prior to the facilitation. At the facilitation, the Monsignor also explained to John the basis of this gesture, from the point of view of the Church Authority.

As mentioned above, at the initial meeting with John, I outlined the Towards Healing process. We discussed the aims of the process, the process itself, the conduct of the facilitation and possible outcomes, including the offer of a financial gesture. I explained that there is a generally accepted "cap" on payments made as a financial gesture. I advised that in accepting such a financial gesture, the complainant is required to give an undertaking, in the form of a deed of release, that the gesture is in full (financial) satisfaction of their complain/claim. I further advised John that in some cases, the financial gesture offered by the Church Authority is not acceptable to the complainant, who may then decide to pursue other remedies. I suggested that in such cases, the Towards Healing process can still be beneficial in addressing other issues between the complainant and the Church Authority.

Agenda

As already noted, in my meeting with John and Nicola, a proposed agenda of issues for discussion at the facilitation was drafted. I explained to them that I would consult Mgr Rayner to check his agreement to discuss all those issues raised. One of these issues related to the circumstances relating to Father Duggan's coming to Australia and any enquiries made as to his previous conduct (the item on the agenda was "what questions were asked?"). A second issue proposed by John and Nicola related to enquiries that were being made now ("what questions are now being asked?"). I misunderstood this issue and put to the Monsignor the more general question of what enquiries are being made now about a member of the clergy or a religious coming to Australia. In meeting with John and Nicola prior to the facilitation, they explained that this issue they had proposed related specifically to any enquiries that were now being made regarding Father Duggan's history. I offered my apologies to them for this error. I also advised the Monsignor of this. During the facilitation the Monsignor sent for Father Duggan's file and reviewed all the documents it contained, discussing the contents of each with John and Nicola.

Recording of the facilitation

Prior to the facilitation, John requested that it be recorded (by audio recorder). I conveyed to Mgr Rayner this request and he expressed his discomfort with the proposal. I was of the view that it could inhibit the discussion and hamper any progress in the healing process. I proposed to John that I would take written notes of some of the points raised and could read back any critical points/points in dispute, if appropriate. Twice during the facilitation I was requested to confirm that a specific point had been noted. (This was by the Monsignor who requested that I confirm the undertakings he had made to John.)

During the facilitation, Nicola also took extensive notes. I have arranged with the Office to confirm John's request for a copy of the notes I made, and for it to be sent to him.

Raymond Brazil