

Witness Statement

Name	Peter William Ingham
Address	36 Harbour Street, Wollongong, NSW
Occupation	Bishop of Wollongong
Date	29 November 2016

- 1 I am a Catholic bishop and currently the Bishop of Wollongong.
- 2 I refer to the letter from Mr Tony Giugni to Mr Francis Sullivan dated 20 September 2016 requesting that I provide a statement to the Royal Commission.
- 3 I have prepared this statement in response to that request and in compliance with a Summons or Notice issued by the Royal Commission in connection with a hearing in February 2017 regarding the institutional response of the Catholic Church in Australia to child sexual abuse.
- 4 The statement is produced to the Royal Commission on the basis that it will be tendered and treated as evidence pursuant to the Commonwealth or State legislation applicable to that hearing.
- 5 In preparing this statement I have drawn upon documents, information and assistance given to me by those within the Diocese with responsibilities in the area of Catholic education, particularly those in the Catholic Education Office.
- 6 In this statement I refer to a number of documents by document identification numbers. Those documents are produced to the Royal Commission with this statement.

QUESTION 1

Please describe the role and responsibilities of the following individuals for the governance of Catholic schools, specifically:

- a. the role of the Bishop
- b. the role of the relevant Catholic Education Commission
- c. the role of the relevant Catholic Education Office or Catholic Schools Office
- d. the role of the Director of the Catholic Education Office or Catholic Schools Office
- e. whether the Director of the Catholic Education Office or Catholic Schools Office has any delegated authority from the Bishop and if so, describe:
 - i. which responsibilities are delegated
 - ii. whether the delegation is set out in a document (if so, please provide a copy).

General

Governance of Catholic Schools

Role of the Bishop

- 7 The Trustees of the Roman Catholic Church for the Diocese of Wollongong (Trustees) are a trust corporation, the nature of which is informed by both the Code of Canon Law of the Roman Catholic Church and the NSW Roman Catholic Church Trust Property Act 1936.
- 8 As proprietors, the Trustees have the responsibility for the civil law governance of Catholic systemic schools. In the Diocese, they operate a school system of twenty-nine Catholic parish primary schools, eight Catholic Co-educational secondary schools and a new P-12 Catholic school; all located across the four main geographic regions of the Diocese.
- 9 The principal object of these schools is the advancement of education and religion on a not-for-profit basis. The system of schools is administered on behalf of the Trustees through the Diocesan agency, the Catholic Education Office, in collaboration with local Parishes.
- 10 The Bishop of Wollongong (the Bishop) is the representative for, and on behalf of, the Trustees.
- 11 In Canon Law, a Catholic school is understood to be one which is under the control of the competent ecclesiastical authority or of a public ecclesiastical juridic person or one which, in a written document, is acknowledged as Catholic by the ecclesiastical authority. (Can 803 §1)
- 12 In the case of the diocese, the Bishop is the canonical authority. Canons 804-806 further detail the authority and responsibility of the Bishop for Catholic schools, including schools conducted by a Religious Institute.

Role of Catholic Education Commission NSW (CECNSW)

- 13 The Catholic Education Commission New South Wales (CEC) is an entity established by the Bishops of New South Wales and is responsible to them for the co-ordination, advocacy and representation of Catholic School Education in New South Wales.
- 14 CEC is not a body corporate but is an agency of The Trustees for the Province of Sydney and Archdiocese of Canberra and Goulburn and is created by them for the objects and functions set out in clause 1.3 of the CEC Charter (CTJH.001.90001.0023).
- 15 The CEC provides leadership in Catholic School Education through service, advice and resource development to Dioceses, Religious Institutes, educators and parents. It functions through consultation with all relevant education Authorities — government and non-government - and with Principal and Parent associations and is affiliated with the National Catholic Education Commission (NCEC).
- 16 Responsibility for the direct management of Catholic schools in New South Wales nevertheless rests with the Catholic Schools Authorities (under the canonical episcopal authority of the Diocesan Bishop) and with the Religious Congregations (as the case may be). The Commission has no authority to become involved in the administration of Diocesan systems schools or Religious Institute schools, except in relation to funding contract management.

Signature + Peter Ingham

Witness WJ Walker

- 17 The NSW/ACT Bishops' mandate is broader and covers both religious education and pastoral care for all Catholic school children, as well as the oversight of all Catholic educational establishments including, but without limitation, Catholic Universities and adult education.
- 18 The CEC will witness to its own commitment to Christ as part of the Church's mission of education in faith and will model and promote a faith relationship with Christ. An extract from the recent CEC submission to the NSW Legislative Council Inquiry into Child Protection is at CTJH.001.90001.0001.

Role of Catholic Education Office – Catholic Education Diocese of Wollongong (CEDoW)

Explanatory Note

For the purpose of clarity, it is important to point out the distinction between terms used to identify specific elements of the governance structure of Catholic schools in the Diocese of Wollongong.

Since the release in 2015 of ***Lighting The Way through faith and learning - Vision & Strategic Direction for Catholic Education in the systemic schools of the Diocese of Wollongong 2015-2017***, the title Catholic Education Diocese of Wollongong (CEDoW) has been used to collectively define all parish Catholic primary schools and Diocesan secondary schools plus the Catholic Education Office as the Catholic school 'system'.

Specifically: Catholic systemic schools + CEO = CEDoW

- 19 The Catholic Education Office (CEO) is the Church agency established in the Diocese of Wollongong with the appointment of its first administrator in 1974 by the then Bishop of Wollongong, Bishop William Murray. While it has no separate legal identity or status, the CEO is the organisational construct that is responsible for the operation, administration and oversight of Catholic systemic schools in the Diocese.
- 20 The CEO exists to exercise the evangelising mission of the Church in education by leading and managing the system of Catholic schools on behalf of the Bishop and in close collaboration with parents/carers, parish priests and principals. CEDoW has been established by the Bishop for the provision of a Catholic education that serves the common good of the people of the Diocese through the effective coordination of resources, expertise and good will.
- 21 As such, the CEO is called to provide a range of high quality educational, pastoral and corporate services that support and challenge Catholic systemic schools to deliver the best possible outcomes for every student and to more broadly contribute to the ongoing faith and pastoral life of the Diocese.
- 22 In addition, the oversight and support for the legislative and regulatory compliance of each systemic school is a key responsibility of the CEO.

Role of Director of Schools, Catholic Education Diocese of Wollongong

- 23 The Director of the Catholic Education Office (titled 'Director of Schools' in the Diocese of Wollongong) is employed by the Trustees and responsible to them, through the Bishop, for the leadership and management of CEDoW. The Director of Schools is accountable for all aspects of CEDoW, but in particular, the proper governance, stewardship and operation of all Catholic systemic schools, the effective management of the CEO, and for creative and innovative leadership in the provision of resources, policy formation, strategic positioning and implementation processes in order to ensure the authentic Catholic identity and educational effectiveness of the Catholic systemic

schools in the Diocese. The role is considered to be critically important to the evangelising mission of the Church in the Diocese.

- 24 Specifically, the role of the Director of Schools includes:
- a) regular meetings with the Bishop to update and negotiate a work plan that serves as the basis of the Director's specific duties and responsibilities
 - b) immediate responsibility to the Employer (Trustees), through the Bishop, for all matters concerning the leadership and management of CEDoW ensuring that the system reflects the mission of the Catholic Church
 - c) exercising powers appropriate to the position and, in so doing, advancing the purpose and reputation of CEDoW
 - d) responsibility for the operation of the CEO on a day-to-day basis, ensuring that it does so fully complying with the policies of the Diocese, and reporting on the operations of CEDoW, to the Employer, through the Bishop, as appropriate
 - e) the employment or termination of employment of persons employed by CEDoW, including Principals, Assistant Principals, Religious Education Coordinators and through the Principal, all teaching and non-teaching staff in schools, ensuring that the Employer, through the Bishop, is appropriately informed
 - f) contributing to educational and broader leadership in the Diocese through participation in the development of policy formulation and strategic planning and implementation at the diocesan level through participation as a key member of the Diocesan Executive Council.
- 25 Under delegated authority from the Bishop, the Director of Schools is responsible for employing and terminating the employment of persons employed by CEDoW.
- 26 Under delegated authority from the Bishop, the Director of Schools is also responsible for the leadership and management of the System of Schools and the Catholic Education Office including financial expenditure delegations to defined thresholds.

(Contract of Employment - Director of Schools (2007), CTJH.001.90001.0002)

(Diocese of Wollongong - Conditions of Employment for Executive Employees (2015), CTJH.001.90001.0018)

Child protection matters

- 27 Since July 2005 the Diocese of Wollongong has had a formalised Charter for the Diocese systems and operations in the area of child protection and reportable conduct. See Catholic Diocese of Wollongong, Child Protection Head of Agency Charter (the Charter) at CTJH.001.90001.0062.
- 28 In NSW under *Part 3A* of the *Ombudsman Act 1974*, 'reportable conduct' includes child sexual abuse and sexual misconduct by school 'employees'. For the purpose of this Act, 'employees' includes volunteers and other persons engaged to provide a service to children in schools - for instance clergy/religious engaged to provide pastoral or liturgical services with schools.
- 29 Registered schools, including non-government Catholic schools, are designated agencies falling within the scope of *Part 3A* of the *Ombudsman Act 1974* in NSW.

The role of the Bishop:

- 30 The Bishop is *head of agency* for schools that he has authority over. Referring to *Ombudsman Regulation 2016* [Clause 6.\(2\)](#) - "... the Catholic Bishop who has authority over the agency concerned is to be regarded as the head of the agency."
- 31 With particular reference to *Part 3A* of the *Ombudsman Act 1974*, the Charter details the responsibilities, organisational structure and roles in the Diocese that enable the Bishop as *head of agency* to ensure the Diocese has appropriate systems for prevention and responding to child protection concerns and allegations of abuse.

The role of the relevant Catholic Education Commission (CECNSW)

- 32 The Catholic Education Commission NSW (CECNSW) does not have any role in the Diocese's operations concerning complaints of child sexual abuse.
- 33 Consistent with its general functions (referred to in paragraphs 13 to 18 above), the CECNSW is for instance the signatory to a MoU with FaCS, covering 'centralised reporting' through the school Principal to FaCS. The centralised reporting MoU (2016) relates to Catholic schools as well as the other non-government schools throughout NSW. The CECNSW also represents one of the three major education sectors in NSW (along with the Department of Education and the Association of Independent Schools), which have jointly developed and issued a NSW protocol titled 'Information Sharing Between Principals in Schools' (2014). This protocol explains statutory provisions and obligations schools have to share information about students moving from one school or sector to another. This includes information sharing relating to the safety, welfare and wellbeing of children and young people and relating to students with a history of violence.
- 34 CECNSW also has worked collaboratively with the Diocese and others in the development of resources and guidance documents in important areas of broad relevance, such as the area of privacy and information exchange, and the area of problematic sexual behaviour by children and young people.

The role of Catholic Education Office: Catholic Education Diocese of Wollongong (CEDoW)

- 35 In the Charter the relevant Sector is identified as Catholic Education Diocese of Wollongong (CEDoW). Within this Catholic school system, the Catholic Education Office (CEO) has a central role in the administrative and investigative operations and support of the systemic schools.
- 36 The Director of Schools (the Director) is the relevant Sector Head (SH) and holds a key role in the Charter. The Charter has a number of parts formalising arrangements in the Diocese. The various parts of the Charter are intended to be read together and not taken in isolation.

Extract from the [Charter](#) – Section D (4)

4. The Diocese has purposefully sought an integrated approach to child protection. The approach seeks to coordinate a range of civil and church requirements, and to bring these under the broader context of building a safe and supportive environment for all.

- 37 The Charter addresses that as well as Catholic systemic schools of the Diocese, there are other Catholic registered schools located within the Diocese.

Extract from the [Charter](#) – Section C

10. Operations by *designated agencies* under the jurisdiction of the Bishop:

10.1 Catholic systemic schools administered as **Catholic Education Diocese of Wollongong** (CEDoW) – currently 38 registered schools: 29 parish primary schools; 8 diocesan secondary schools; and 1 regional P-12 school.

10.1 CatholicCare ...

11. Operations by other Catholic organisations that are also *designated agencies*, which are not under the jurisdiction of the Bishop but operate within the territory of the Diocese:

11.1 There are 7 Catholic secondary schools – registered in NSW for Years 7 to 12 – located within the Diocese of Wollongong that are owned and operated either under the auspices of a Religious Institute or of a Public Juridic Person established by the Religious Institute but separate from it, and not the Diocese. Additionally, there is a flexible learning centre that is a registered school (Years 7 to 10), conducted under the auspices of a Public Juridic Person and located within the Diocese.

11.2 While the Bishop is not *head of agency* for these schools, he does, under Church law, have the right to watch over and inspect any Catholic school situated in his territory (CIC/83 806§1). In this light, the Bishop is to be kept informed of the *head of agency* arrangements of other Catholic schools operating in the Diocese.

QUESTION 2

Describe the approach to the employment of both principals and teachers, specifically:

- a. who, or what body, is responsible for employing principals
- b. who, or what body, is responsible for employing deputy principals
- c. who, or what body, employs staff, including teachers, in Catholic schools
- d. the role of working with children checks in employing staff and in their ongoing employment.

Principals

- 38 The Bishop delegates the authority for the employment of Principals to the Director of Schools.
- 39 The Director of Schools invests the responsibility for recruitment processes in the Head of Human Resource Services who conducts the processes of advertising, shortlisting, referee checking, other probity checks including the *Working With Children Check* and running interviews for the position of Principal.
- 40 Interview Panels for Principals are comprised of:
- a) Head of Human Resource Services (Chair)
 - b) The Parish Priest of the recruiting school
 - c) Head of School Improvement (Primary or Secondary, as applicable)

- d) A Principal of a like school in the diocese
- e) A Parent representative of the recruiting school
- 41 The role of the Interview Panel is to make a recommendation to the Director of Schools regarding the preferred candidate for the position.
- 42 The Director of Schools makes the final decision regarding the employment of the Principal after reviewing the recruitment process and Interview Panel discernments. The Director then advises the Bishop in his regular meetings.

Assistant Principals

- 43 The Bishop delegates the authority for the employment of Deputy Principals (known as Assistant Principals in Catholic schools of the diocese) to the Director of Schools.
- 44 The Director of Schools invests the responsibility for recruitment processes in the Head of Human Resource Services who conducts the processes of advertising, shortlisting, referee checking, other probity checks including the *Working With Children Check* and running interviews for the position of Assistant Principal.
- 45 Interview Panels for Assistant Principals are comprised of:
- a) Head of Human Resource Services (Chair)
- b) The Parish Priest of the recruiting school
- c) Head of School Improvement (Primary or Secondary as applicable)
- d) A Principal of a like school in the diocese
- e) A Parent representative of the recruiting school
- 46 The role of the Interview Panel is to make a recommendation to the Director of Schools regarding the preferred candidate for the position.
- 47 The Director of Schools makes the final decision regarding the employment of the Assistant Principal after reviewing the recruitment process and Interview Panel discernments. The Director then advises the Bishop in his regular meetings.

Catholic school staff, including teachers

- 48 The Director of Schools delegates the authority to select Teaching and General Employees to Principals of schools according to internal processes and the New South Wales and Australian Capital Territory Catholic Systemic Schools Enterprise Agreement.
- 49 Principals liaise closely with Human Resource Services to run advertisements for casual, temporary and permanent vacancies at their schools. These advertisements always alert possible applicants to the child related nature of the position that requires *Working With Children Checks*.
- 50 All applicants for positions must obtain an employment clearance from CEDoW Human Resource Services prior to being appointed to any positions at schools.
- 51 This clearance involves probity checks including 3 satisfactory referee checks (recorded on the [Structured Referee Check](#) form) and a check of the applicant's Working With Children Check status and type of clearance. A number of further probity questions are asked on the [CEDoW Application](#)

[for Employment](#) form to assist to ascertain the suitability of the applicant for child related work. This clearance also involves the accreditation of Teachers according to the *NSW Teacher Accreditation Act 2004* (see below).

- 52 Principals must ensure that clearance from CEDoW Human Resource Services is obtained for any preferred applicant (Teacher or General Employee) prior to an offer of employment. This occurs through a phone call to the relevant School Recruitment Officer, or Principals are able to check a secure list of approved school Staff that is updated on a daily basis as applications are processed for CEDoW.
- 53 The Recruitment process for Teachers and General Employees involves shortlisting and the convening of an Interview Panel as follows.
- 54 Interview Panels for Teachers and General Employees are comprised of
- a) The Principal of the recruiting schools (Chair)
 - b) The Parish Priest of the recruiting school
 - c) Head of School Improvement (for Middle Leader positions)
 - d) A relevant current Staff member of the recruiting school, or subject specialist from the Catholic Education Office (eg, a finance specialist for the recruitment of a school Bursar).
- 55 The role of the Interview Panel is to discern the preferred candidate for the position.
- 56 The Principal makes the final decision regarding the employment of the Teacher or General Employee and notifies Human Resource Services in writing of the appointment. A contract of employment is issued by Human Resource Services.

Role of *Working With Children Checks* (WWCCs)

- 57 Since the commencement of Working With Children Checks (WWCCs) in NSW in 2000, CEDoW has and continues to rigorously comply with all NSW legal obligations to obtain, verify and monitor the WWCCs for those Staff who are engaged or contracted to undertake 'child-related work', as defined and amended pursuant to *Child Protection (Working with Children) Act 2012* and *Child Protection (Working with Children) Regulation 2013*.
- 58 All such employees and contractors engaged in CEDoW schools have their WWCC clearance details logged on CEDoW's personnel management systems, in accordance with the *Office of the Children's Guardian* (OCG) recommended practice in NSW, prior to them undertaking any such child-related duties.
- 59 Prior to the commencement of the WWCC in NSW in 2000, all existing CEDoW Staff fulfilled the legal requirement to provide a Prohibited Employment Declaration to CEDoW and these are retained securely by CEDoW as required.
- 60 Currently this legislative requirement for WWCCs has only captured those who commenced child-related work with CEDoW since 2000. However, NSW is currently in a staged transition phase to ultimately require pre-existing workers to obtain a current WWCC. CEDoW is well progressed in implementing the NSW transition phases for WWCC. Also, CEDoW is in the process of implementing amendments to the *Board of Studies, Teaching and Educational Standards Act 2013* such that by 31 December 2017 all child-related workers (for school Principals, Teachers and General Employees)

will be required to have a current WWCC (Type: paid employment) in order to maintain Teacher Accreditation in NSW ¹.

- 61 The final stage of *phasing in* of the current NSW WWCC scheme will be completed by 31 March 2018 for the remainder of non-teacher Staff who do not require Teacher Accreditation.
- 62 The expiry date of the individual’s check (as provided by the OCG employer website) is monitored so that only those employees (permanent, temporary or casual) with current clearances remain in child-related work in the diocese.
- 63 Any applicant who provides a WWCC that is “not found”, “expired”, “interim barred” or “barred” when checked by Human Resource Services will not be provided with a contract of employment, casual engagements or placed on the secure list of approved school staff. They will be notified in writing and not provided employment without a current WWCC clearance. For any applicant who provides a WWCC that is “Application in progress”, their employment may be approved provided that other checks are in order, but the WWCC is checked regularly until the status is “Cleared”.
- 64 Additionally, probity checks are undertaken according to the requirements, qualifications, completed application form, as well as the referees input as to the suitability of all school staff for child-related work. (Refer to CEDoW [Application for Employment](#) form and the [Structured referee check](#) form.)
- 65 Whenever the NSW *Office of the Children’s Guardian* (OCG) provides notification to CEDoW of a “barred” or “interim barred” WWCC status, the employment status of the particular person with CEDoW is checked and if they are a current employee the appropriate action is taken to ensure they are immediately removed from child related work. The employee (or past employee) is informed that CEDoW has received notification from the OCG and the person will not be employed in child-related work unless a WWCC clearance is provided. Once the appropriate action is taken to ensure that the person is no longer engaged in child related work with CEDoW, this is confirmed to the OCG.

¹ As of 31 December 2017 the NSW Board of Studies and Teaching Educational Standards (BOSTES) requires Teachers to be registered to teach in all schools of NSW under the **Board of Studies, Teaching and Educational Standards Act 2013**. One of the objectives of BOSTES is -

- (c) the accreditation of teachers and the monitoring of the accreditation process across all schools and early childhood education centres under the [Teacher Accreditation Act 2004](#).

Pursuant to this the **Teacher Accreditation Act 2004** requires BOSTES to oversee Part 25A as below

- (1) A person cannot be accredited under this Part by a teacher accreditation authority unless the person holds a working with children check clearance under the **Child Protection (Working with Children) Act 2012**.
- (2) It is a condition of the accreditation of a person under this Part that the person holds a working with children check clearance under the **Child Protection (Working with Children) Act 2012**.

School employers are, according to *Part 1 Section 4* of the *Teacher Accreditation Act 2004*, a Teacher Accrediting Authority and therefore are legally bound to only accredit Teachers (as defined by the Act) who meet the requirements of the Act. To employ any Teacher without a current WWCC (Type: paid employment) at any given time after 2017 will be in breach of the *Teacher Accreditation Act 2004*.

QUESTION 3

Describe the requirements of the Director of the Catholic Education Office or Catholic Schools Office to report complaints of child sexual abuse to diocesan authorities, including the Bishop, including whether:

- a. such reports are made in writing
- b. the requirements are set out in a document (if so, please provide a copy).

66 Complaints and allegations of child sexual abuse in the Diocese are considered serious matters. When these arise in the school system of CEDoW the Director of Schools is required to ensure diocesan authorities, in particular the Bishop, is advised. Such reports are made both orally and through written documentation. Where there is a matter of serious urgency it may warrant the Director providing an initial verbal briefing for the Bishop and significant matters of concern would be accompanied by a briefing note also. Such matters are also documented on file and in the relevant child protection online registers that are maintained by CEDoW. These registers and the related confidential files are to be maintained securely, accessible for audit purposes and as may be required for the Bishop as *head of agency*.

EXTRACTS from the [Charter](#) – Section H. (3.5):

3.5 Documentation relevant to the matter is retained in confidential files in secure storage in the sector, available for the Bishop as *head of agency* and for the purpose of auditing compliance with the Act.

67 The requirements upon the CEDoW Director are referred to above and also are set out in the Charter in relation to the particular systems for prevention and responding to complaints and concerns of abuse, including child sexual abuse.

Note: The Director is the relevant Sector Head for the Catholic systemic schools sector (CEDoW).

EXTRACT from the [Charter](#) – Section F. (8.):

8. Sector Heads (SHs)

The three **SHs** are to be well briefed on child protection issues in their sector.

8.1 SHs report serious matters to the Bishop, ensuring that the CPD [Child Protection Delegate] is kept informed, as a matter of urgency.

8.2 SHs provide quarterly schedules/reports on current child protection cases for the Bishop, coordinated through the CPD.

8.3 As part of each SH's regular review of total operations, each SH meets with the Bishop and provides a report regarding child protection matters, in terms of the cases that have arisen, how they have been managed, progress and any outstanding issues. At that point any issue impacting on the progress of a case would be raised directly and discussed with the Bishop. The CPD is also kept informed of outstanding issues.

68 The Director of Schools (as Sector Head) attends quarterly meetings of the Diocese of Wollongong

Professional Standards and Child Protection Team (PSCPT) where the schools sector, as well as other sectors in the Diocese, report directly to the Bishop on current cases and advise the Bishop of any key issues.

EXTRACT from the [Charter](#) – Section H. (2.2, 2.3):

- 2.2 The Bishop ensures all sectors have intake and enquiry systems:
 - 2.2.1 to record details of the allegation (or conviction)
 - 2.2.2 to make a determination as to whether or not it is a reportable allegation or if it falls within one of the exemptions under the Act
 - 2.2.3 to respond through an appropriate course of action
 - 2.2.4 to track progress in dealing with the matter in a timely manner
 - 2.2.5 to document the process and retain records in the sector in secure storage available for the purpose of auditing compliance with the Act.
- 2.3 The Bishop and/or his CPD are kept apprised of developments and changes to these systems through the SHs and the PSCPT.
 - 2.3.1 The Bishop through his CPD receives quarterly update reports through each SH on current matters in the sector and is informed as a matter of urgency regarding more serious matters.
 - 2.3.2 The Bishop meets with each SH regularly throughout the year as part of the review of overall operations in the sector. This enables discussion of the quarterly reports and any concerning matters.

Signature 

Witness 

QUESTION 4

Describe the requirements of principals of Catholic schools to report complaints of child sexual abuse to the relevant Catholic Education Office or Catholic Schools Office, including whether:

- a. such reports are made in writing
 - b. the requirements are set out in a document (if so, please provide a copy).
- 70 Complaints and allegations of child sexual abuse are considered serious matters. School staff are required to report such child protection concerns to their Principal, or directly to CEO (to CEDoW Child protection officers at CEO as a first point of call) if it involves the Principal.
- 71 When these arise in the Catholic systemic school, the Principal is required to report to CEO (to CEDoW Child protection officers at CEO as a first point of call). Such reports are made both orally and through written documentation. Where there is a matter of serious urgency it may warrant the Principal (or Principal's delegate) providing initial verbal information to the CEDoW's child protection officers (CPOs) for urgent attention. See H.1 Child Protection Allegation or Concern Involving an 'Employee' - Guide for Principals at CTJH.001.90001.0099.
- 72 All such matters are required to be documented in the relevant child protection online registers that are maintained by CEDoW and the associated documentation regarding the matter is retained securely on CEDoW file.
- 73 The reporting requirements upon the CEDoW Principals are set out in CEDoW policy and procedure documents (particularly in documents referred to in paragraph 74(b) below), and also in the Charter.
- 74 CEDoW policy and procedure relating to CEDoW schools and school Principals reporting to CEO:
- a) Across all child protection areas
 - i. A to Z Manual - Child Protection (CTJH.001.90001.0037)
 - ii. A.1 Concern for Child Safety and Wellbeing: Reporting (CTJH.001.90001.0042)
 - iii. A.3 Making a Risk of Significant Harm (ROSH) Report (CTJH.001.90001.0043)
 - iv. A.4 Centralised Mandatory Reporting in Schools - RoSH [via the Principal] (CTJH.001.90001.0044)
 - v. A.6 Obligation for Reporting to Police (CTJH.001.90001.0172)
 - b) Also, concerning a school 'employee' (includes volunteer or person engaged to work with students), there is an explicit requirement that staff at every level must report child protection concerns or allegations, including complaints of child sexual abuse, in order to ensure that the Bishop as the *head of agency* complies with the obligations set out under *Part 3A* of the *Ombudsman Act 1974*. Such reports made from the school level are generally made through the Principal, unless there are reasons why the matter cannot be reported to the Principal.
 - i. G. Professional Conduct and Child Protection - Responding to Allegations Involving School Personnel (CTJH.001.90001.0111)
 - G.1 Form: Report of Incident Involving an 'Employee' (CTJH.001.90001.0097)
 - G.2 Form: Report of Initial Details re Child Protection Allegation Involving an Employee (CTJH.001.90001.0098)

- H.1 Child Protection Allegation or Concern Involving an 'Employee' - Guide for Principals (CTJH.001.90001.0099)
 - ii. The mandatory reports of Risk of Significant Harm (RoSH) that are made to the NSW FaCS *Child Protection Helpline* must also be reported to CEO, to the CEDoW child protection officers.
 - A.3 Making a Risk of Significant Harm (ROSH) Report (CTJH.001.90001.0043)
 - iii. Reporting of crimes including child sexual abuse: Consistent with all other obligations upon staff in schools, including child protection obligations, all school employees must promptly report to the Principal any child protection concern or information relating to a crime, which may require further reporting to authorities. This does not prevent an individual making a report to Police. Where there are reasons why the matter cannot be reported to the Principal, it must be reported directly to CEO to ensure that reporting to Police and/or other relevant authorities does occur promptly.
 - A.6 Obligation for Reporting to Police (CTJH.001.90001.0172)
 - iv. Pursuant to *Part 3A* of the *Ombudsman Act*, the agency must make a Notification to the NSW Ombudsman (this details the reporting of complaints of sexual abuse in CEDoW).
 - Within 30 days of the head of agency becoming aware of a reportable allegation (including child sexual abuse or sexual misconduct involving child/ren) or conviction against an 'employee', the school agency must notify NSW Ombudsman via: Part A of the NSW Ombudsman notification form (CTJH.001.90001.0101).
 - At the completion the school agency must forward to the NSW Ombudsman Part B of the NSW Ombudsman notification form, accompanied by copies of all documentation relevant to the investigation and decision making, for the scrutiny of the Ombudsman.
- c) Concerning problematic or harmful sexual behaviour by children/students in schools
- i. M-SPEC (Managing Student Pastoral and Educational Concerns) on CEDoW InfoPoint
 - ii. Also, using guidance and reporting forms developed collaboratively with CECNSW SB CEC Support Manual - Children with Sexual Behaviour problems (CTJH.001.90001.0016)
 - SB Form 1 Student Sexual Behaviour Report
 - SB Form 2 Student Sexual Behaviour Assessment and Planning
 - SB Form 3 Student Sexual Behaviour Identified Risks
 - iii. Pursuant to *Part 5A* of the NSW *Education Act*, there are mandatory guidelines in NSW in respect of violent behaviour by a student, which may pose a risk to others. In this context, 'violence' specifically includes students with "seriously inappropriate sexual behaviour that could cause physical or psychological harm" to a person in the school. All schools in NSW need to consider and apply these guidelines especially when considering student enrolment applications and/or the transfer of any student to another school.
 - NSW *Education Act Part 5A*: Implementation Guidelines for Students who pose a Risk because of Violence

QUESTION 5

Outline which body has responsibility for the investigation of complaints of child sexual abuse. Specifically:

- a. whether complaints are investigated by the relevant Catholic education authority
- b. whether complaints are investigated by another body, for example the diocesan professional standards office.

- 75 The Catholic school authority – CEDoW – generally has responsibility for the investigation of complaints and allegations of child sexual abuse. CEDoW has a team of trained and experienced officers who are generally the persons who conduct such investigations for CEDoW. Rarely does CEDoW engage an external investigator to conduct an investigation and provide a report to CEDoW.
- 76 However, if the person who is the subject of such a complaint/allegation is a cleric or member of a Religious Order, then the Chancery has responsibility for the investigation and CEDoW and its child protection officers and advisors offers whatever cooperation and assistance is required. Generally, in those matters relating to a cleric or member of a Religious Order, an external investigator is engaged to conduct the investigation and provide a report to the Bishop.

Extract from the [Charter](#) - Section H. (5):

Matters where clergy and religious persons are the subject of the concern

5.1 The Office of the Bishop carries out the notification for *head of agency*.

5.2 The Bishop and/or his CPD also involve the Professional Standards Office (PSO) as appropriate.

5.3 In so far as another sector may need to be involved in the investigation and/or ongoing management, then the sector will continue to be involved and will act in cooperation with the Office of the Bishop.

QUESTION 6

Provide information about the operation of the relevant investigation body, including:

- a. the number, qualifications, skills and training of staff employed in this body and
- b. any policies or procedures that govern the conduct of an investigation.

- 77 Within CEDoW Human Resource Services, a team of three full time staff (Team Leader plus two other CEDoW professional officers) are responsible for the day-to-day management and conduct of investigations and matters related to child protection. In addition, administrative/systems support is also provided by another officer.
- 78 The CEDoW team of three professional officers carrying out the investigations function, all hold tertiary qualifications and participate in ongoing professional development relevant to the role. This includes training that has been offered by the NSW Ombudsman’s Office, such as:
- a) Responding to child protection allegations against employees

- b) Handling serious child protection allegations against employees
- c) Complaint handling, *and also* Managing unreasonable complainant conduct
- d) Interviewing children, *and also* Grooming behaviour
- 79 The skills, experience and background of these CEDoW professional officers forming the team carrying out the investigations function include:
- a) a registered psychologist, former organisation psychologist and senior manager, child and adult counsellor and manager of school counselling services;
- b) an employment relations/legal studies graduate, former Juvenile Justice youth worker, DV and Women's Refuge worker, and Court Deputy Registrar (including Children's Court);
- c) a behavioural science/arts graduate, former NSW Police detective sergeant, with police training and experience in child abuse and sexual assault response, and 6 years at Special Crime and Internal Affairs.
- 80 These investigations officers also engage in other courses, workshops, forums and ongoing professional supervision with a view to continuous improvement.
- 81 Policies and procedures (see those listed in the response to question 4 above)

[Catholic Diocese of Wollongong Child Protection Head of Agency Charter](#) (the Charter), particularly Sections F and G and H, as well as the Charter Appendixes 1, 2 and 3.

[A to Z Manual - Child Protection](#) which covers a wide range of interrelated responsibilities

- [A.3 Risk of Significant Harm \(RoSH\) Report](#) made to NSW FaCS *Child Protection Helpline*
- [A.6 Obligation for Reporting to Police](#) reports of crimes

Also, concerning a school 'employee' (includes volunteers or persons engaged to work with students, for instance clergy/religious who provide pastoral or liturgical services with a school)

- [G. Professional Conduct and Child Protection - Responding to Allegations Involving School Personnel](#)
- [G.1 Form: Report of Incident Involving an 'Employee'](#)
- [G.2 Form: Report of Initial Details re Child Protection Allegation Involving an 'Employee'](#)
- [H.1 Child Protection Allegation or Concern Involving an 'Employee' - Guide for Principals](#)

CEDoW refers to [NSW Ombudsman guides: Child Protection](#) (Fact Sheets and Practice Updates) including the Ombudsman Fact Sheet - [How we assess an investigation](#). By law it is required that:

- Within 30 days of the head of agency becoming aware of a reportable allegation (including child sexual abuse or sexual misconduct involving child/ren) or conviction against an 'employee', a notification is made to the NSW Ombudsman: [Part A of the NSW Ombudsman notification form](#).
- Upon notification of a reportable allegation relating to child sexual abuse or sexual misconduct involving child/ren, the Ombudsman generally will monitor under s25E of the Ombudsman Act.
- For all reportable allegation notifications that were received by the Ombudsman, at the completion of the matter the agency forwards: [Part B of the NSW Ombudsman notification form](#), accompanied by copies of all documentation relevant to the investigation and decision making, for the scrutiny of the Ombudsman.

QUESTION 7

Provide information about whether the implementation of the reportable conduct scheme and the information sharing provisions in Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW) has led to any variation in policies and procedures relevant to the prevention of or response to child sexual abuse.

- 82 Following upon the NSW Parliament passing the child protection legislative reform package in December 1998, the NSW reportable conduct scheme which commenced in 1999 has brought significant development of systems in the Diocese of Wollongong for both prevention and responding to reportable conduct. Under the NSW reportable conduct scheme there is a particular focus on the risk and critical importance of appropriate management of matters relating to child sexual abuse and sexual misconduct involving children, which includes grooming behaviours.
- 83 The introduction of the NSW reportable conduct scheme brought with it wide ranging development of formalised practice and standards in this Diocese and elsewhere across NSW, under the guidance and oversight of the Office of the Ombudsman. In Catholic education this has provided a platform for significant training of the workforce and awareness raising to grow a *culture of safety* in the Diocese, including an explicit code of conduct.
- 84 The NSW reportable conduct scheme has provided a much needed road map to assist the proper handling of often difficult and complex situations. The oversight of the NSW Ombudsman now ensures there is a rigorous investigation and firm basis for taking appropriate action. The current suite of policies and procedures in the Diocese, and relevant to the operations of Catholic education in the Diocese, owe much to the NSW reportable conduct scheme that provides for independent and competent oversight by the Ombudsman.
- 85 Based on the experience gained over the course of the last 17 years, in NSW there have been important refinements made that have enhanced the operation of the NSW reportable conduct scheme. The information sharing provisions of *Chapter 16A* that were introduced in 2009 have been particularly significant. This includes for instance:
- i) when there is a basis for concern regarding an employee, volunteer or person engaged to work in schools (or a prospective worker at the recruitment stage) and the risk they may pose to child/ren;
 - ii) when conducting reportable conduct investigations and risk assessments and there is need to seek and/or provide information to other prescribed bodies; or
 - iii) when conducting investigations and risk assessments and developing safety plans regarding a student with problematic or harmful sexual behaviour that may pose a risk to any child/ren.
- 86 There has been significant development of policies and protocols and practice to facilitate appropriate information exchange. This includes development of guidelines ensuring these information exchange provisions are well integrated with the relevant [Privacy Manual for schools](#).
- 87 Refer also to [A Guide to Reporting or Exchanging Personal Information](#) (Revised August 2016) at CTJH.001.90001.0045.
- 88 The [CEDoW Protocol for Exchange of Information](#) (CTJH.001.90001.0173) was first developed by CEDoW in 2009 to formalise the process in CEDoW with regard to Chapter 16A and other legal provisions for information sharing in NSW.

QUESTION 8

Provide information about whether and how these variations have improved the capacity of your Catholic education authorities to respond to complaints of child sexual abuse.

- 89 There has been significant improvement over the last 17 years in the capacity of the Diocese of Wollongong to appropriately respond to complaints of child sexual abuse. The monitoring provided by the NSW Ombudsman and feedback provided to the Diocese testifies to this. The NSW reportable conduct scheme has required the Diocese to have in place systems with policies and procedures for responding to reportable allegations, including complaints of child sexual abuse.
- 90 More than just policies, the mandatory training required of all school staff in CEDoW has built awareness and shared responsibility to better enable the whole institution to respond appropriately to complaints of child sexual abuse. There is now an explicit requirement that staff at every level must report concerns or allegations of child sexual abuse in order to ensure that the Bishop as the *head of agency* complies with the obligations set out under *Part 3A* of the *Ombudsman Act 1974*.
- 91 The high level of compliance required by the NSW reportable conduct scheme clearly demanded that the school education authorities have appropriate expertise available to foster development in the workforce and to help carry out the complaint response function. CEDoW has a professional team dedicated to handling these matters, including reporting and investigating as appropriate.
- 92 Such capacity building is not limited to the school education sector of the Diocese. Referring again to the Charter at Section H. (6), the institution takes a Diocese-wide approach to capacity building.

Extract from the [Charter](#) - Section H. (6) regarding the development of operations in the Diocese.

6. Building child protection expertise and capacity in all sectors to ensure a high level of compliance in responding to reportable allegations and other child protection concerns. A number of arrangements apply within the Diocese.

6.1 The Diocese fosters a culture that values early intervention regarding potential child protection concerns and a consultative approach to ensure compliance with the Act. Where there is a potential child protection concern the dictum is – “If in doubt check it out!” It can help to work through the issues to ensure the response is appropriate, rather than make these judgements without reference.

6.2 The CPO in each sector participates in child protection forums relevant to the sector and continues to build relevant experience and expertise required for the careful assessment of reportable allegations, exemption matters and to ensure compliance with any notification requirements.

6.3 Similarly, the Bishop’s CPD stays abreast of child protection matters in the Diocese and continues to build relevant experience and expertise regarding compliance with notification requirements.


6.4 With a focus on developing child protection expertise and experience of compliance requirements, the CPA is available within the Diocese to provide advice with the less straightforward matters. The CPA may liaise and advise sectors in relation to –


* complying with notification requirements

* the investigation and appropriate action in relation to reportable allegations and exemption matters

* implications for the broader system in terms of policies and procedures.

6.5 Furthermore, there will at times be a need to seek additional advice on more complex issues and matters of jurisdiction, at times from the Office of the Ombudsman.

Signature 
Name Peter William Ingham
Date 29/11/2016

Witness 
Name William J Walker
Date 29/11/2016