

*Given to Premier Brann Sep. 24 2003.*

## **PRECIS OF DEALINGS WITH AGENCIES RE: ST ANN'S CATHOLIC SCHOOL**

As a consequence of our experiences during the past two years in dealing with this issue with the Catholic Church, the Police and Department for Family and Youth Services, we make the following points:

### **THE CATHOLIC CHURCH**

1. Although an approach was made to the Catholic Education Department in November 2001, requesting they inform all parents whose children attended St Ann's during 1986-91, of the then allegations of sexual misconduct at the school, the Catholic Office refused to do so. The reason given was that they did not want to jeopardise the police investigations. This is in spite of the fact that these investigations had ceased in 1993 and the file closed in 1998. The police did not re-open their investigations until January 2002.
2. The Church has given a police request as their reason for not contacting parents at the time and also advising those parents who had been called to the school, not to discuss the allegations. However, the police have advised the parent group that they had never given such directions.
3. The Church requested families to provide statements if they believed their children had been affected. They also offered to pay for counselling.
4. Numerous approaches were made to the Catholic Church for them to follow the process as outlined in their "Towards Healing" programme, all without success owing to their continuing excuse that they did not wish to hinder the police investigations or subsequent possible criminal proceedings.
5. On 15 May 2002, we wrote to Pauline Verity, Director of Professional Standards, requesting a Review of Process as outlined in "Towards Healing" as they refused to proceed. On 24 May a reply was received explaining that the "Towards Healing" had not yet been implemented and would not until all criminal matters had been finalised. This is in spite of a letter received from David Cappo dated 16 May 2002 in which he assured us that they would not wait for criminal proceedings to be concluded.
6. In the same letter David Cappo advised the parents to involve a lawyer to address the issue of compensation.
7. Although the Church appointed an independent person to head up an internal inquiry in August 2002, we have been advised by them that any submissions or interviews would be conducted by EMA Legal, the legal firm acting for the Catholic Church!!! So much for the transparency and independence of such an inquiry.
8. We are not confident about the outcome of the report because of the way it is being conducted and also as a result of recent public statements by the Catholic Church that the report may not be released publicly.
9. To date we have not received any indication that they are willing to proceed with implementing the "Towards Healing" programme in spite of the continuing statements by the Archbishop in the media. The church has made no direct contact with us since May 2002 (last year).

### **Conclusion**

**Given the failure of the church in 1991, 1993 and since to manage the appalling events and their attempts to now assume control, we do not have confidence that the church will act honourably, with Christian compassion or in our best interests.**

**POLICE**

1. Those officers involved in the original investigation have been in contact with the parents since these issues came to light again in 2001. The initial investigations were hampered by a failure of investigative procedures being delayed through sickness, poor communication between Police and the DPP and lost files.
2. We understand that the internal investigation conducted in 2002 is yet to be presented to the Commissioner of Police. As we have not seen this report we are unaware of any recommendations or changes that might be proposed, albeit that we are assured that "this would not happen now" and "things have changed since then".
3. The Commissioner of Police admitted on ABC 891 in June 2003 that "mistakes were made" in relation to St Ann's School affair. Also, "times were different and we have learnt a lot since then".
4. The Police appeared to follow only one line of enquiry which was based on photographs taken on respite. They failed to follow up with other students in the school in light of the fact that Perkins had unsupervised access to many children in various school activities. It has now been established by the Court that these abuses also occurred on school property during school hours.

**Conclusion:**

**We are of the belief that the investigations were flawed. Although there were protocols in place in 1991, we are unclear what changes have been made (if any). We are not confident that anything has changed to improve the situation.**

**The Police seem to be ill-equipped to respond to persons with an intellectual disability.**

**DEPARTMENT OF FAMILY AND YOUTH SERVICES**

1. In spite of Police records indicating that they had made numerous reports to the Department, there is only record of one report in FACs.
2. Staff that were involved at the time, when questioned by the Department in 2002, stated that they could not remember details of the events.
3. In a letter to John Harley, Public Advocate on 14 January 2002, the then Minister of Human Services, Dean Brown, stated "*I am advised that the mandatory reporting system and the FACs response in relation to the report in August 1991 about this young person was satisfactory. I am further advised that the Department's search of records held by it has located no other relevant files at this point in time*".
4. In a meeting with Jim Birch and Roxanne Ramsay in October 2002, they advised that "*records were obviously not kept*" and "*there is an assumption of informal notes only, but not found*".
5. 3 June 2003 Jim Birch admitted on ABC 891 that there had been "*errors of judgment*".
6. When IDSC was approached for assistance in 2002, they admitted that they were not well equipped to respond to these situations.
7. Legislation and the justice system are currently unable to adequately accommodate children with an intellectual disability. The Layton report addresses a number of these concerns, in particular Recommendation 89, in regard to "*... the deployment of specialised FAYs staff, trained in disability who could undertake or provide consultancy advice on the conduct of investigations for children and young people with disability.*" However, there are other areas that need to be addressed in responding to the intellectual disabled, eg. police procedures, legislative changes, interagency co-ordination.

**Conclusion:**

**We believe that this department is ill-equipped to adequately respond to allegations by children with an intellectual disability.**

**SUMMARY**

Our children are the most vulnerable people in society, they have no voice, no defences and no ability to pursue justice themselves.

These events demonstrate a lack of clear procedures, inadequate protocols and at best, unco-ordinated commitment, and at worst, a lack of commitment by all agencies involved.

There was and still is, no heart to pursue the matter appropriately. We still seek answers.

A further issue that has become apparent in all of this is that our children are now adults and they are more vulnerable than ever before because they are no longer protected under Child Protection Legislation.

LR  and LS   
**24 September 2003.**