

**SEXUAL ABUSE WORKING GROUP
(BLEBY COMMITTEE)**

**Notes of Meeting Held
Thursday 13 and Friday 14 June 2002**

In Attendance:

Mr Justice Bleby (Chair), Mr Bill Anderssen, Ms Sue Gribben, Mr Garth Blake, Dean Graeme Lawrence (apology for Thursday night), Mr Philip Gerber.

DISCUSSION RE CONTACT PERSONS ROLE FOLLOWING FROM THE TABLING OF SUE GRIBBEN'S FIRST DRAFT OF ROLE OF CONTACT PERSONS.

Sue Gribben reported that she considered the role of the Contact Person would be:

- Listen to complaint.
- Advise options (not therapy).
- Clarify what the complainant wants to do.
- Recommend to DRG what counselling is required.
- If the person wishes to proceed, record the complaint.
- DRG then to contact the respondent and advise them of the complaint.
- Contact Person to be provided for the respondent.
- Contact Person could be the ongoing support person.

After lengthy discussion, it was **agreed** that the key points for a Contact Person would be as follows:

1. Contact Persons would be the agents of DRG and therefore when the Complainant was talking to a Contact Person, they are talking to the Church.
2. As a result, the first thing that needs to be advised to the Complainant is that the complaint and the information given will be referred to the DRG.
3. Detailed advice needs to be given as to the procedures under the protocol including written material which includes all options, including police and child protection proceedings where appropriate.
4. The Contact Person needs to record the complaint in a written form.
5. Contact Person advises the DRG and gives them the written complaint.
6. The Contact Person is to make recommendations to the DRG regarding needs for counselling.
7. The Contact Person needs to refer the person to local counsellors which are on a panel. These would be Christian counsellors. However, the Complainant may wish to access their own counsellor who would not necessarily have to be Christian.

The main reasoning for having to report all matters that the Complainant raises is that there is an issue of protection of members of the church and the public which is at least as important, if not more important, than the particular confidentiality issue with regard to the Complainant.

It was **agreed** that each diocese or group of diocese must have at least one Contact Person.

If a complaint is made or information given directly to the DRG, then the DRG would appoint appropriate Contact Person.

COUNSELLING PANEL

The DRG would need to compile a panel of counsellors who are:

- Familiar with church processes.
- Need to be following – guidelines?
- Need to consider the possibility that they will be available for continuing counselling and assistance, even after the initial process.
- Their counselling would be completely confidential.

ISSUE OF NATIONAL INFORMATION LINE

Discussion regarding a National 1800 number concluded the following matters:

1. The National Information Line could be a recorded information line and a website. It would be there to provide information and lead people to the Contact Persons.
2. Contact Persons could be accessed by a process of entering the postcode so that the person gets a local Contact Person.
3. Another option would be to have a Duty Information Person on a roster who deals on a weekly or monthly basis with all phone calls.

RESPONSIBILITIES OF THE DRG

The group considered the misconduct definition provided by Philip Gerber, but decided that it was too legalistic and there needed to be a broader entry point.

It was **agreed** that if conduct falls within or may fall within the Code of Conduct, then the complaint or information would be investigated. If the conduct did not fall within the Code of Conduct, or possibly fall within the Code of Conduct, there would be no action taken.

INVESTIGATIONS

The key matters in investigation are having a flexible process with timely reporting back to DRG.

The DRG may carry out an investigation or delegate/appoint (obtain statements etc).

DRG to determine the question of whether a matter is a “case proper to be heard” on a preliminary basis i.e. is there a prima-facie case. Part of this consideration would be whether there are any reasons why the Respondent could not receive a fair hearing of the matter because of the passage of time or any other problems.

DRG then to have prosecution undertaken by independent counsel.

TRIBUNAL

It is necessary to have extra sentencing options, including suspension.

There needs to be a system of investigation for lay people.

The DRG needs to put all matters to the Respondent, and then if they are admitted, then there needs to be a process of voluntary sentencing. There needs to be either an ability to relinquish orders or charge admitted and then to be put to the Tribunal to determine sentence.

Need for a Canon for "by consent" deposition.

The President i.e. Bishop, needs to be excluded from hearings in tribunals. The Diocesan Tribunal needs to report regularly and these to be tabled at Synod. There needs to be provision for any member to report if they need to outside of the combined report.

Garth Blake is to write up a draft Tribunal process.

COMPOSITION OF DRG

The DRG would need to consist of three to five people. One lawyer, one clergy, one with counselling qualifications and experience in abuse issues.

It needs to include one outsider, and at least two men and two women, or one man and one woman if three.

Other desirable features would be experience with conflict resolution, management or church government experience. Also, there needs to be a diversity in the background of the members.

The DRG needs to be appointed by Diocesan Councils or Standing Committees. Bishops and archbishops are to have no power of appointment.

DRG PROCEDURES

Includes outside person

DRG receives complaint/information that s/may be breach of Code (including abuse).

1. Notify Respondent of substance of information/complaint and names of Contact/Support Person.
2. If information/complaint not admitted then DRG must investigate complaint unless:
 - (a) Complaint is false, vexatious or trivial.
 - (b) Complaint is being or has been investigated by police or other competent authority.
 - (c) Complaint has been subject of judicial determination (civil or criminal).
 - (d) Complainant refuses/neglects to provide information/co-operation.
 - (e) Complaint, with consent of complainant, Respondent and DRG is subject of an alternative process and the alternative process leads to a pastoral resolution and the DRG considers complaint does not bear on Respondent's fitness to hold office. (Confidential except for agreed outcomes).

3. DRG proceeds with investigation.

GENERAL DISCUSSION SUBJECTS

- Possible use of Provincial Ordinances Model
- Diocese A with consultation with B
- Appropriate legislation required
- Report to Synod in respect of complaints for Annual Synod
- Names for the people to constitute DRG
- Misconduct and Abuse Commission? DRG?
- Administrative support for DRG essentials
- National Literature - common
- Pre-ordination conduct fully disclosed and full appropriate restitution
- Selection criteria for Contact Persons - see Sue Gribben's criteria
- Criteria for Support Persons for Respondents
- Secondary victims – Blake Committee to look at this
- Schools – where do they fit in as far as Protocols are concerned?
- Use of Anglican name laws - way of bringing people into jurisdiction

Sue Gribben is to revise the duties of the Contact Persons, particularly in relation to the assisting of abusers. And also, the role of counsellors and their relationship to Contact Persons. Also, to consider the issue of secondary victims.

Philip Gerber is to send the Memorandum of Understanding between the NSW churches and DoCS to all members.

Bishop Curnow and Mr Robert Stanley (insurance) are to be invited to the September meeting to discuss issues with them.

NEXT MEETINGS

We agreed on:

Thursday 15 and Friday 16 August 2002, commencing on Thursday evening.

Friday 6 and Saturday 7 September 2002, commencing on Friday evening

Thursday 31 October, Friday 1 November 2002, commencing on Thursday evening.