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WD

From: WO
Sent: Wednesday, 2 September 2009 5:13 PM
To: WD
Subject: Re: Professional Standards Matter

WD

Thank you for keeping me in the communication loop.

I am strongly supportive of the process you have followed to date on this matter.

Regards,

WO

----- Original Message -----

From: WD
To: YG, WO
Sent: Wednesday, September 02, 2009 12:16 PM
Subject: FW: Professional Standards Matter

Hi YG

Could you run Bernard's views re 'dismissal' issue past Ian Curlewis. It is important that I know where I stand.

Thank you,

WD

THE SCHOOL

From: Bernard Hill [mailto:REDACTED]
Sent: Wednesday, 2 September 2009 12:09 PM
To: WD
Subject: RE: Professional Standards Matter

Dear WD

Thank you for the update.

If I can be given the details of any external counsellors chosen by anyone, I can contact the counsellor directly, authorise up to ten sessions at our expense, and ask that they direct their invoices to me. All that we will do is pay the bill – we won't ask for any reports etc. No hurry obviously.

Just one comment about the 'dismissal' option – which is outside my jurisdiction as such: Make sure that you are within the terms of his contract and other employment law principles before you dismiss. At the very least you should be mindful of the principles of natural justice in doing so. One way to apply natural justice is to write to the staff member, list the factors that you consider warrant his dismissal, and ask the staff member to 'show cause' why they should not be dismissed. This allows them to put an argument to you (ie to 'be heard'), which you can then consider...and then take whatever action that you deem lawful and appropriate in the circumstances. But I'm sure that you have access to good advice on this.

Let me know if I can be of any further assistance to you. And please let me know if you would like to have time with anyone to ensure that you are 'de-briefed' and looked after.

Bernard

Bernard Hill

Director of Professional Standards
The Anglican Church of Australia
Diocese of Perth
GPO Box W2067
PERTH WA 6846

REDACTED

From: WD
Sent: Wednesday, 2 September 2009 11:18 AM
To: Bernard Hill
Cc: WO
Subject: RE: Professional Standards Matter

Dear Bernard,

Thank you for your considered advice on this delicate matter.

Thus far, I have;

- Spoken to the boy's family to receive detailed accounts of the form of abuse. The allegations are serious.
- Met with the staff member concerned this morning and suspended him from duties on full pay, with a rider that should the police formally charge him, I will immediately dismiss him from his post here at the School.
- Offered (and he accepted) counselling, immediately following the aforementioned meeting, from the School Counsellor. The staff member has also been offered external counselling as per the PSU offer.
- I met with the mother of the boy who was allegedly abused this morning along with this boy's younger brother, who is still at the School. In this interview, I offered counselling to the family en masse or as individuals.
- The family has approached the Sexual Abuse Unit of the Police Service with the allegation and they will be setting up a case.
- I am in the process of lodging an electronic mandatory report to the Department of Child Protection and that will be sent today.
- I hope to speak with our Archbishop by phone today/tomorrow to inform him of events.

Regards,

WD

THE SCHOOL

From: Bernard Hill [mailto:REDACTED]
Sent: Tuesday, 1 September 2009 5:34 PM
To: WD
Subject: Professional Standards Matter

Dear WD

I refer to the matter that you brought to my attention by telephone this afternoon.

I confirm that the following actions suggested by you are appropriate and reasonable:

- Stand the alleged perpetrator down on full pay (You may wish to consult their employment agreement to check any applicable provisions re power to suspend, however it is highly likely that the common law would allow suspension for such alleged serious misconduct)
- Inform the parents of the alleged victim and report your action and intention to report the matter to the police (if that is your decision – see below).
- Offer access to counselling to the victim, parents and immediate family members (Professional Standards will pick up the bill for this – we can discuss the details at another time)
- Offer access to counselling to the alleged perpetrator (ditto re PSU funding)
- Satisfy yourself that the alleged perpetrator has access to support – either family or friends – to ensure their emotional well-being
- Report the allegation to the Archbishop's office so that he is aware if there is any media attention
- Prepare a media response – which should be 'it is a police matter' as it should be left to the police to investigate the allegation and you do not want to say anything that will compromise it.

I have emailed the members of the Professional Standards Committee, listing your proposed actions. At the time of writing only the Chair, John Hedges (a barrister) has responded.

He agrees with the actions with the exception that he believes that it should be up to the alleged victim to report the matter to the police. I can see the merits of both arguments – ie the issue that it is an allegation of criminal misconduct in your workplace. It is certainly not wrong of you to report it to the police.

You should also be mindful of any other members of staff who may need debriefing or counselling as a result of the allegation.

I will keep you informed if I have any further responses from PSC members.

In the meantime, I will be available to assist when required.

All the best WD

Bernard

Bernard Hill

Director of Professional Standards
The Anglican Church of Australia
Diocese of Perth
GPO Box W2067
PERTH WA 6846

REDACTED
