



# Anglican Church of Australia

## Royal Commission Working Group

### Introduction

This submission is made by the Royal Commission Working Group (**RCWG**) appointed by the Standing Committee of the General Synod of the Anglican Church of Australia (**ACA** or **Anglican Church**) to coordinate a response on its behalf of to the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**).

The purpose of this submission is to provide the Royal Commission information on policies and procedures, developed and promoted by the entities within the General Synod of the Anglican Church, in relation to child protection and child-safe standards, including responding to allegations of child sexual abuse.

It will also summarise the work undertaken by the RCWG in response to the Royal Commission. This includes coordination of responses to issues papers, consultation papers and participation in roundtables discussions and case study public hearings.

### National Approach to the development of Policies and Procedures

The ACA operates under a decentralised structure and its core units of organisation are the 23 dioceses. There are also mission agencies, social welfare agencies, Anglican schools and parachurch organisations with varying degrees of autonomy. A detailed document outlining the structure of the Anglican Church of Australia was provided to the Royal Commission in June 2013.<sup>1</sup>

That document also provided information on the resolutions made and action taken by the General Synod and the General Synod Standing Committee, up to June 2013, on matters of relating to Professional Standards which encompasses child protection, complaints handling and redress.<sup>2</sup>

This submission will provide updated information on the resolutions made and the action taken by the General Synod at its Sixteenth Session held in 2014, and by the General Synod Standing Committee between July 2013 and November 2016.

### The Professional Standards Commission

The Professional Standards Commission was established by the Standing Committee in 2004, taking on broader functions than the previous Child Protection Committee, with responsibilities:

- a) to examine questions of professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry, referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee;

<sup>1</sup> Outline of the Structure of the Anglican Church of Australia – June 2013

<sup>2</sup> Outline of the Structure of the Anglican Church of Australia - June 2013: Appendix 2 - Resolutions of the General Synod and the Standing Committee of the General Synod.

- b) to make recommendations to the Standing Committee on matters relating to professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry.

The Professional Standards Commission has guided the development of a consistent, national approach to matters relating to child safety and complaints handling through its recommendations to the General Synod and the General Synod Standing Committee.

### **Sixteenth Session of General Synod – July 2014**

Representatives of the 23 dioceses and some non-diocesan representatives meet as the General Synod every 3 to 4 years to consider matters of national significance.

The Constitution of the Anglican Church of Australia gives the General Synod wide plenary powers. However, General Synod canons declared to affect 'order and good government' in a diocese or the property of a diocese have no effect in a diocese until adopted by ordinance of that diocese. Resolutions of General Synod are not binding on a diocese.

The General Synod meeting held in 2014 considered a number of recommendations from the Professional Standards Commission.

The resolutions and documents endorsed by the General Synod are provided in detail at Appendix A of this document.

A summary is provided below, noting resolution numbers:

Documents adopted, noted or endorsed:

- The Charter for the Safety of People within the Churches of the Anglican Communion (22/14)
- Launch of the Faithfulness in Service DVD (37A/14)
- Being Together – Expectations of behaviour in our Church community (45/14)
- Faithfulness in Service (46/14)

Resolutions

- Child Protection Measures (23/14)
- Professional Standards Audit (39/14)
- Safe Ministry Policies and Practices (41/14)
- Model Episcopal Standards Ordinance (47/14)
- Offences Canon 1962 (48/14)
- Episcopal Standards Canon 2007 (50/14)
- Register of Persons willing and able to be appointed to Professional Standards Bodies (51/14)

### **General Synod Standing Committee**

There have been 7 meetings of Standing Committee held since June 2013. At each meeting Standing Committee has considered a number of recommendations from the Professional Standards Commission and the Royal Commission Working Group.

The resolutions and documents endorsed by Standing Committee are provided in detail at Appendix B of this document. Where the Standing Committee has endorsed a policy or document as resource for dioceses it has been published on the General Synod website.

A summary is provided below, noting resolution numbers:

#### November 2013

- Revisiting Settled Abuse Claims (SC2013/2/5)
- Royal Commission into Institutional Responses to Child Sexual Abuse (SC2013/2/6) and (SC2013/2/31)
- National Register – Status of Register (SC2013/2/29)

#### May 2014

- Curriculum for Training Members of Professional Standards Commission and Boards (SC2014/1/28)
- Conference on Professional Standards (SC2014/1/7)
- Pastoral Care and Assistance Schemes (SC2014/1/28)

#### November 2014

- Model Episcopal Standards Ordinance and Protocol (SC2014/3/24)
- Redress Scheme Conference (SC2014/3/25)
- National Register – Disclosing Information for Professional Standards Audits (SC2014/3/27)
- Reporting Historical Child Sexual abuse to the Police (SC2014/3/29)

#### May 2015

- Seal of the Confessional – Canon Concerning Confession 1989 9(SC2015/1/20)
- Royal Commission Consultation Paper on Redress and Civil Litigation (SC2015/1/21)
- Faithfulness in Service Revisions – Definition of Bullying (SC2015/1/22)
- National Register Operational Report and Audit (SC2015/1/23)
- Diocesan Professional Standards Audit (SC2015/1/24)

#### November 2015

- Royal Commission Working Group Report (SC2015/2/14)
- Royal Commission Summons – National Register (SC2015/2/15)
- Royal Commission Statement from Anglican Bishops (SC2015/2/16)
- Response to the Royal Commission Report on Redress and Civil Litigation (SC2015/2/17)
- Professional Standards Report – Faithfulness in Service Discussion Guide (SC2015/2/18) (*Document*)
- Faithfulness in Service Revisions – Definition of Bullying (SC2015/2/19)
- Protocol for determining the responsibility of diocese for investigating and disciplining church workers for misconduct (SC2015/2/19)

#### May 2016

- Seal of the Confessional – Canon Concerning Confessions 1989 (SC2016/1/18)
- Episcopal Standards and Retired Bishops (SC2016/1/24)
- Amendments to Holy Orders, Relinquishment and Deposition Canon 2004 (SC2016/1/25)
- Episcopal Standards Legislation (SC2016/1/26)

November 2016

- Royal Commission Working Group Report (SC2016/2/24)
- Response to the Royal Commission Report on Redress and Civil Litigation (SC2016/2/25)
- Commonwealth Redress Scheme (SC2016/2/26)
- Principles for the use of names of persons who perpetrated, or failed to take action in relation to child sexual abuse (SC2016/2/27)
- Faithfulness in Service – Further Revision (SC2016/2/29)
- National Register – Protocol for Access to and Disclosure of Information (SC2016/2/30 and SC2016/2/35)
- Ministry Suitability Information Protocol Canon (SC2016/2/33)
- Diocesan Responsibility for Disciplinary Action (SC2016/2/34)
- Policy for Safe Ministry with Persons of Concern (SC2016/2/36)

### **National Bishops Meeting**

The National Bishops Meeting is not a formal institution in the governance structure of the ACA but it provides the opportunity for all Bishops to come together, on an annual basis, to discuss matters of significance to the Australian Church.

Issues arising from the Royal Commission have been included in the agenda in each year since 2013. Justice Peter McClellan AM attended the meeting in 2014 and 2015.

Doctrinal issues relating to Confessions in the Church have also been the subject of discussion at these meetings and the views of the Bishops have fed into a review currently underway of the Canon concerning confessions.

### **Royal Commission Working Group:**

The Royal Commission Working Group was established in November 2013 by resolution of the General Synod Standing Committee

1. *The Standing Committee:*
  - A. *reaffirms the commitment of the Anglican Church of Australia to the physical, emotional and spiritual safety and welfare of the children in its care;*
  - B. *repeats the apology made by the Thirteenth Session of General Synod in October 2004 to all children who have been sexually abused by clergy and church workers of the Anglican Church of Australia;*
  - C. *welcomes the announcement of the establishment of a Royal Commission into child sexual abuse covering organisations including churches; and*
  - D. *welcomes the opportunity the Royal Commission will bring for the Anglican Church of Australia to review its policies and procedures to protect children from harm.*
2. *The Standing Committee, recognising the importance of a national response on behalf of the Anglican Church of Australia, establishes a Royal Commission Working Group with the following functions:*
  - a. *To participate in the consultation on the terms of reference of the Royal Commission;*

- b. *To facilitate a review of past complaints of child sexual abuse notified to the dioceses and associated Anglican schools and agencies, and ensure that all appropriate steps have been taken in dealing with those complaints including reporting them to the police where appropriate.*
  - c. *To identify the policies and procedures currently in place in each of the dioceses and associated Anglican schools and agencies to respond to and prevent child sexual abuse.*
  - d. *To identify national best practice policies and procedures to respond to and prevent child sexual abuse and facilitate their implementation by the dioceses and associated Anglican schools and agencies including arranging for the preparation of all necessary legislation for the next General Synod.*
  - e. *Prepare all submissions necessary to respond to the Royal Commission.*
  - f. *Advise dioceses on their response to and participation in the Royal Commission.*
  - g. *Co-ordinate management of issues arising out of the Royal Commission in the Church and public domain.*
  - h. *Contribute to the development of a more national framework for child protection.*
  - i. *Such other functions necessary to respond to the Royal Commission.*
3. *The Standing Committee requests the Royal Commission Working Group to consult with the Professional Standards Commission in fulfilling its functions and such other persons it considers appropriate.*
  4. *The Standing Committee requests that each of the dioceses and associated Anglican schools and agencies fully cooperate with the Royal Commission Working Group including providing all relevant information, and assistance necessary to fulfil its functions.*

The members of the RCWG at November 2016 are:

- The Primate (ex officio)
- The General Secretary (ex officio)
- Mr Garth Blake SC (Chair)
- Ms Sue Harrington (Lawyer, SA)
- Mr Ken Spackman (Diocesan Registrar, Vic)
- Ms Helen Miller (Counsellor, NSW)
- Ms Kasy Chambers (CEO Anglicare Australia, ACT)
- Rev'd Andrew Ford (General Manager Mission and Partnerships, Anglicare Sydney)
- Ms Sherril Molloy (Member of the Executive, Anglican Schools Australia. Qld)

Ms Anne Baker has supported the RCWG in the role of Royal Commission Officer since June 2016.

### **Work undertaken by the Royal Commission Working Group (RCWG)**

The RCWG has met on a number of occasions each year since its establishment in November 2013. It has undertaken a range of tasks in response to the outputs of the Royal Commission.

One of the RCWG's first undertakings was to encourage the 23 dioceses of the ACA to conduct a review of all child sex abuse complaints, documentation, policies, protocols and practices operating in each diocese.

### Royal Commission Case Studies – Public Hearings:

The RCWG has monitored the Royal Commission hearings into Anglican entities and in some instances has sought leave to appear. The objective of the RCWG in monitoring the public hearings and reports associated with the case studies is to identify emerging issues and recommendations which should be taken into account in the development of policies and procedures in the Anglican church of Australia.

- Case Study 3 – Grafton Anglican Diocese
- Case Study 20 – Hutchins School Tasmania
- Case Study 25 – Redress and civil litigation
- Case Study 32 – Brisbane Grammar Schools and St Paul’s School, Queensland
- Case Study 34 – Geelong Grammar School, Victoria
- Case Study 36 – Church of England Boys Society
- Case Study 42 – Anglican Diocese of Newcastle
- Case Study 45 – Problematic Behaviour in Schools – Trinity Grammar, Sydney and The Kings School, Parramatta
- Case Study 46 – Criminal Justice issues and Consultation Paper
- Case Study 52 – Anglican Church Authorities in Australia (Wrap up)

### Royal Commission Issues Papers:

The RCWG has reviewed the issues papers circulated by the Royal Commission and identified issues of relevance to operations within the ACA.

The RCWG has coordinated submissions on behalf of the Anglican Church of Australia in response to the following issues papers:

- Issues Paper 1 – Working With Children Checks
- Issues Paper 3 – Child Safe Institutions
- Issues Paper 4 – Out of Home Care
- Issues Paper 5 - Civil Litigation
- Issues Paper 6 – Redress Schemes
- Issues Paper 8 - Experience of Police and Prosecution Responses
- Issues Paper 10 – Advocacy Support Therapeutic Treatment Services

### Royal Commission Consultation Papers:

The RCWG has coordinated submissions on behalf of the Anglican Church of Australia in response to the following consultations papers:

- |                                   |                |
|-----------------------------------|----------------|
| - Redress and Civil Litigation    | March 2015     |
| - Complaint handling and response | April 2016     |
| - Records and Record Keeping      | September 2016 |
| - Criminal Justice                | October 2016   |

### Royal Commission Round Tables

The RCWG has coordinated participation in private round tables conducted by the Royal Commission:

- Redress – September 2014
- Child Safe – April 2016

### Royal Commission Research Studies:

The RCWG reviews all research released by the Royal Commission to identify issues relevant to the operations of the ACA. The most recent reviews have included:

- Service and support needs of specific population groups
- Risk profiles for institutional child sexual abuse
- Our Safety Counts Research reveals new insights into children’s view of safety
- Evidence and Frameworks for understanding perpetrators
- Principles of trauma informed approaches to child sexual abuse

### Ecumenical Engagement:

The RCWG has engaged with other churches and faith based organisations in addressing the issues arising from the work of the Royal Commission. Regular meetings have been held to facilitate the sharing of information. More specifically in 2015 and 2016, the Chair of the RCWG and the General Secretary has participated in meetings with representatives of the main churches to facilitate a consistent response to the recommendations in the Royal Commission’s Report on Redress and Civil Litigation.

### **ACA Response to the Royal Commission’s Report on Redress and Civil Litigation**

In response to the Royal Commission’s Report on Redress and Civil Litigation the RCWG recommended to Standing Committee that the ACA should meet the challenge posed to establish a redress process in the interim (before the establishment of a national government scheme) that was consistent with the principles identified in the Royal Commission’s Report.

The RCWG recommended to Standing Committee the establishment of one incorporated entity to provide redress services to the dioceses and Anglican entities that choose to utilise the service.

The RCWG recommended a model which would provide redress to survivors of abuse, through a structure that is as independent as practicable from the ACA. The terms of reference would establish clear and consistent operating principles for the delivery of redress which, once established, would be applicable to all participating dioceses and Anglican entities.

The RCWG proposed that redress services be delivered on a decentralised basis to ensure accessibility to survivors and to enable a direct personal response by participating dioceses and entities.

Standing Committee in November 2015 encouraged the RCWG to explore this concept further in consultation with dioceses and Anglican agencies.

The RCWG conducted two consultation forums in June and September 2016 attended by representatives of the Anglican dioceses along with representatives of the school and welfare sector. Each forum attracted over 40 attendees representing 20 Dioceses.

Ms Leigh Sanderson, Special Counsel, Royal Commission into Institutional Responses to Child Sexual Abuse spoke at the first consultation forum and expanded upon the key principles of redress as prioritised in the Royal Commission's report.

A draft Redress Scheme options paper and costings were prepared and it was intended to seek the approval of Standing Committee to progress the creation of an independent, incorporated entity manage an Anglican redress scheme for those dioceses and Anglican entities which chose to opt in. This project has been put on hold following the announcement of the Commonwealth Redress Scheme on 4 November 2016.

The RCWG has been in discussions with the Redress Task Force in the Department of Prime Minister and Cabinet and the Chair and General Secretary have been invited to provide input to the work of the Task Force in the development of the Commonwealth Scheme.

### **General Synod -Directors of Professional Standards Network**

The General Synod supports the Professional Standards Director Network (Network) which is a gathering of the Directors of Professional Standards (DPS) in each Diocese. The Network holds 2- 4 meeting each year and whilst each Director operates independently within their own Diocese, the meetings provide an opportunity for sharing knowledge and peer support.

The Network provides the opportunity for the Professional Standards Commission to consult with the Directors on matters of policy and procedure to contribute an operational point of view.

The RCWG has engaged with the Network in regard to current issues arising from the Royal Commission.

### **National Professional Standards Register**

The ACA National Professional Standards Register was established in 2007 pursuant to the National Register Canon 2007 and records confidential detailed information on clergy and church workers who are the subject of allegations of child abuse and sexual misconduct.

The National Register is an essential part of the ACA's response to the prevention of child abuse and adult sexual misconduct. The Canon provides for a national, transparent and accountable process to ensure appropriate checks are made before all ordinations, licences or appointments are made.

The ACA National Register is continually reviewed and enhanced to ensure it operation contributes fully to a safe ministry environment in the ACA.

The National Register has been independently audited annually and a report provided to the General Synod Standing Committee for review and action.

**Conclusion:**

The ACA commenced a coordinated, national approach to developing and promoting child protection, complaints handling and redress policies in 2001.

The structure of the Anglican Church of Australia facilitates the independent operation of each of the 23 dioceses and Anglican agencies. However, it is the view of the RCWG that one outcome of the recent consultation forums on redress was a shift to the acceptance of the principles of independence and consistency of outcome in regard redress.

The opportunity currently exists for stakeholders within the ACA to be challenged to create structures to deliver the most effective outcomes in the area of professional standards, child safety, complaints management and redress.

**Royal Commission Working Group  
Anglican Church of Australia – General Synod**

**13 January 2017**