



## Reporting historical child sexual abuse to the Police

### A resource for Dioceses

There are a number of issues to consider when creating a policy for the Church reporting complaints by an adult of historical child sexual abuse to the Police (when the complainant does not go to the Police). The following 4 approaches represent the range of approaches in use in the Anglican Church and other organisations.

Pastoral care, in particular support for the complainant, should always be provided when reporting to the Police.

#### **Approach 1 – automatic disclosure every time**

All complaints of historical child sexual abuse including the name of the alleged abuser, details of the alleged abuse and the complainant name and contact details are reported to the Police irrespective of the consent of the complainant.

The advantage is that the Police will have all information available to the Church and that the Church will be seen to be transparent about child sexual abuse.

The disadvantage is that the autonomy of the complainant will be ignored. This may result in harm to the complainant and withdrawal of the complaint. Therefore the identity of the alleged abuser may remain unknown to the Church and the Police.

#### **Approach 2 – no disclosure without consent**

Complaints of historical child sexual abuse are reported to the Police only with the consent of the complainant.

The advantage is that the autonomy of the complainant is respected by the Church. This may assist in their healing.

The disadvantage is that information of child sexual abuse known to the Church is not disclosed to the Police. The Church may also be perceived as covering up child sexual abuse.

#### **Approach 3 – automatic partial disclosure**

All complaints of historical child sexual abuse are reported to the Police. However, if the complainant does not consent to their identity being revealed to the Police, their details are provided in a coded form without any identifying information.

Should the Police subsequently request the identity of the complainant, then a further request for permission to disclose their identity is made to the complainant by the Church. This often occurs in circumstances where the Police have information regarding other complaints about the same alleged abuser.

The advantage is that the Police will have significant information about the alleged sexual abuse and that the autonomy of the complainant is respected.

The disadvantage is that the Church may be criticised for not assisting Police to the fullest extent.

#### **Approach 4 – risk of harm**

In approaches 2 & 3, withholding the contact details of the complainant is over-ridden if the Police or the Church believe there is a risk of harm to another child or adult. In these cases, the Church should report the identity of the complainant to the Police even without the complainant's consent. Due to health and safety concerns for the complainant there may be some cases where their identity will not be revealed.

The advantage of this further step is that where there is a risk of harm the Police will have all information available to the Church.

The disadvantage is the autonomy of the complainant is ignored.

#### **Considered opinion**

When formulating a Diocesan approach to the reporting of historical child sexual abuse to the Police, the PSC recommends approach 3 together with approach 4 subject to any applicable legislation (for NSW, see section 316 of the *Crimes Act 1900*; for Victoria, see section 327 of the *Crimes Act 1958*).

For approach 3, it will be important to liaise with the appropriate Police department about the diocesan policy and the exchange of information including the form of coding of the complainant's details. It will also be important to inform the complainant of the diocese's approach and, where applicable, to record their decision about reporting of information to the Police.

Whatever approach is adopted, the Police have the right to obtain this information from the Church through a search warrant or court order.