
From: Harry Herbert
To: Christian Mathis
Sent: 31/08/2012 11:25:17 AM
Subject: RE: Synod Abuse Policy for Schools

Thanks for doing that.

Rev Harry J Herbert

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From: Christian Mathis [mailto:christianmathis@nsw.uca.org.au]
Sent: Friday, 31 August 2012 11:23 AM
To: Andrew Williams
Cc: Harry Herbert; Kath Merrifield; John Kitchener
Subject: Synod Abuse Policy for Schools

Good morning Andrew,

Harry and I met this morning to discuss the above matter in response to your previous e-mail.

Outlined below is a summary of the current position which I outlined to Harry;

- Whilst Synod has published Sexual Misconduct regulations and complaints procedures for Ministers there is no such policy specifically for schools.
- Each school is regulated by up to three independent authorities (the Board of Studies, General Ombudsmen and the Commission for Young Persons and Children).
- Each regulator requires the school to maintain and enforce its own child protection policies and procedures. For example the General Ombudsmen sets out guidelines on allegations of 'reportable conduct' whereas CYPC focuses upon the risks of significant harm.
- I hold examples of these policies which we present to insurers which I am happy to share with you.
- In addition to child protection policies our schools also have Grievance and Complaints policies for parents, students and staff.
- Regulators and the AIS (the peak body for independent schools) audit schools for regulatory compliance. AIS also conduct child protection training for all staff who come into contact with children. Schools will also have a criminal check policy for staff and contractors.
- It is also a legal / regulatory requirement schools to report abuse allegations to police. Depending upon nature of matter, regulator and/or AIS may also conduct their own investigation.

Civil Complaints

- There is no documented procedure for schools to report potential civil claims to Synod, however every year we require each school to declare any incident that could give rise to a possible claim under our insurance arrangements.
- Typically complaints involving alleged abuse of students (past or present) are made to the Principal by the plaintiff's solicitors / police. Depending upon the circumstances of each matter, the Principal will inform members of school council, police, regulator(s)/AIS and the Synod Director of Schools (now John Oldmeadow, previously Jim Mein).
- Those schools experienced in receiving such complaints (e.g Knox) may engage Wendy Blacker of Gadens Lawyers direct and Wendy will then notify me.

Insurance Claims

- The majority of complaints relate to civil defence matters following an alleged breach of the statutory duty of care. Most cases relate to alleged sexual misconduct perpetrated by staff resulting in requests for compensation for psychological injury and/or loss of economic earnings.
- Such incidents fall within the Synod's Professional Indemnity insurance policy.
- Gadens' act jointly for our external insurers (Allianz and QBE) as well as for the Synod Insurance Fund which would fund the below deductible portion of costs (\$250k for sexual misconduct claims).
- Any incident that could give rise to a possible claim is notified immediately to insurers by Proclaim who manage claims for the Synod Insurance Fund whilst liaising with Gadens and insurers.

I hope this clarifies the matter, should you require any further advice or assistance then please do not hesitate to give me a call.

Best wishes

Christian

Christian Mathis

Manager | Risk & Insurance Services

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