



POLICY FOR DEALING WITH COMPLAINTS RECEIVED BY ADULTS OF SEXUAL ABUSE WHILST ATTENDING THE SCHOOL

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| Relevant Legislation | Anti-Discrimination Act, 1998; Children, Young Persons and their Families Act 1997 |
| Commencement Date | 30 November 2017 |
| Review Date | 28 February 2018 |

1. Purpose

The purpose of this policy is to detail the protocols for dealing with complaints from former students of the School of sexual misconduct which occurred whilst they were attending the School.

2. Scope

This policy and associated procedures applies to complaints received by former students of the School of sexual misconduct which occurred whilst they were attending the School.

3. Objectives

The objectives of this policy are:

- Provide a policy for dealing with complaints received by former students of the School of sexual misconduct whilst they were attending the school
- Provide procedures for dealing with complaints received by former students of the School of sexual misconduct whilst they were attending the school

4. Definitions

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| “The School” | is the Hutchins School |
| “Employee” | means an employee, contractor, officer, authorized agent or volunteer appointed by the School to undertake a role for the School. |
| “Priest” | means a person in Holy Orders and a person licensed by the Bishop or a person holding authority from the Bishop and includes persons who are no longer licensed or holding authority from the Bishop but who did so at the time of the alleged sexual misconduct. |
| “Complainant” | means a former student of the School who is now an adult who makes a complaint of sexual misconduct which occurred whilst the Complainant was attending School as a student. |

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| “Church worker” | means a person currently or who in the past held a position or performed a function with the actual authority of the Bishop or the Diocese. |
| “Diocese” | means the Anglican Diocese of Tasmania. |
| “Bishop” | means the Anglican Bishop of Tasmania at the relevant time. |
| “PSAS” | means the Pastoral Support and Assistance Scheme of the Diocese. |
| “Sexual Misconduct” | <p>means:</p> <ul style="list-style-type: none"> (i) conduct involving any form of unwanted sexual behaviour, whether by act or words, including sexual harassment or sexual assault; (ii) viewing child pornography, including providing it and showing it to others; (iii) conduct towards a person that would constitute a criminal offence of a sexual nature; (iv) conduct that is sexual harassment as specified in Section 17(3) of the Anti-Discrimination Act, 1998; (v) any other sexual conduct directed towards or involving any school student, including any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires; (vi) unwarranted and inappropriate touching of students; (vii) deliberate exposure of students to sexual behaviour of others, including display of pornographic material. |

5. Policy Information

5.1 Overview

The School has adopted this policy and procedure for dealing with complaints from former students of the School of sexual misconduct which occurred whilst they were attending School.

The School encourages survivors to present their complaint to the School, the Police, the Child Protection Agency or any other competent bodies.

If the Complainant authorises the School to report the complaint to the Police, the School will do so. If the Complainant does not authorise the School to report the complaint to the Police then the School will only report the complaint to the Police in a format so that the Complainant is not identified.

The School will respect the rights of the Complainant's privacy to make their own informed choices about whether to engage with the School's processes or to seek assistance elsewhere including their own legal advice.

5.2 Support

1. On receiving a complaint of sexual misconduct from a Complainant either verbally or in writing, the Headmaster will appoint a support person to assist the Complainant. The support person will encourage the Complainant to report the matter to the Police.
2. The support person will provide assistance to the Complainant during this process including assistance to lodge a written complaint to the School and providing an explanation of the process.
3. The Headmaster will offer to the Complainant professional counselling up to the completion of these processes being the investigation and, if applicable, the Pastoral Support and Assistance Scheme. The Complainant authorises the Headmaster to seek a report from the counsellor or other provider of counselling services as to the need for ongoing counselling as a result of sexual misconduct.
4. The Director of Professional Standards of the Diocese will provide assistance to the Headmaster or the Complainant in arranging such counselling.

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5.3 Complaint Process

5. (a) On receipt of a complaint of sexual misconduct the Headmaster will determine whether the Complaint concerns:
 - (i) a current employee of the School;
 - (ii) a priest or church worker licensed by the Bishop who was a former employee of the School;
 - (iii) a former employee of the School;
 - (iv) a deceased employee of the School.

6. (a) If the complaint concerns a current employee of the School then the complaint will be dealt with in accordance with the School's disciplinary and misconduct policies and procedures.
- (b) If the current employee holds a licence from the Bishop the Headmaster will notify the Bishop as soon as possible.
- (c) If the complaint concerns a former employee the School will investigate the matter in accordance with the policy and procedure **attached** and marked "A".
- (d) If the complaint concerns a priest or church worker who is no longer an employee of the School then the Headmaster will refer the complaint to the Director of Professional Standards of the Diocese to investigate the matter in accordance with the Dioceses complaint procedures and including if appropriate the Pastoral Support and Assistance Scheme. The Director of Professional Standards will keep the School informed of the process of the investigation, and the process and outcome of the PSAS.
- (e) If the complaint concerns a deceased employee the School will deal with the complaint in accordance with the **attached** policy and procedure marked "A".

7. The School adopts the scheme of Pastoral Support and Assistance offered by the Diocese to adult survivors of sexual abuse. **Attached** and marked "B" are the guidelines in relation to the process of making and assessing an application for Pastoral Support and Assistance.

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8. If after investigation (either by the School pursuant to the procedures **attached** and marked “**A**” or by the Diocese) the complaint is substantiated then the Complainant will be invited to submit an application to the PSAS.
9. The Complainant will be referred by the Headmaster to the Director of Professional Standards of the Diocese who will offer assistance with completing the application and process of the PSAS.
10. In accordance with the PSAS the application will be assessed by an independent assessor who will make recommendations to the Board of Management of the School. An independent assessor’s recommendations are binding on the Board of Management of the School.
11. The maximum payment of Pastoral Support and Assistance that can be recommended is \$60,000.00 for any Complainant which also includes any payments of counselling provided by the School.

6. Supporting Procedures/Guidelines

Procedures to investigate a complaint regarding a former employee of the School or a deceased employee of the School

7. Related Documents/Systems

8. Record Keeping

This procedure is to be kept for three (3) years until review unless there is a significant legislative organisational change requiring earlier review.

The master copy is kept on SharePoint and is read-only in PDF form. All printed copies are uncontrolled.

9. Policy Owner

Headmaster

10. Policy Review Details

| Date | Changes made |
|------------------|--|
| 26 February 2014 | Policy developed |
| 30 November 2017 | Changed Principal to Headmaster. Deferring further review to 2018. |

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“A”

PROCEDURES TO INVESTIGATE A COMPLAINT REGARDING A FORMER EMPLOYEE OF THE SCHOOL OR A DECEASED EMPLOYEE OF THE SCHOOL

1. These procedures will apply to a complaint received by the School of sexual misconduct occurring whilst the Complainant was a student attending the School by a former employee of the School or a deceased employee of the School.
2. The Headmaster will on receipt of a written complaint alleging sexual misconduct appoint two investigators.
3.
 - 3.1 The Headmaster will offer to the Complainant professional counselling and a support person to assist the Complainant with the investigation process.
 - 3.2 There will be a transparent process in place to determine if and to what extent ongoing counselling will be provided involving consultation between the Headmaster and the provider of the counselling services and which may include the Headmaster obtaining occasional reports from the provider of the counselling service.
4. The Headmaster in appointing two investigators will ensure that one of the investigators has knowledge or experience in sexual abuse matters and that the second investigator has knowledge or experience in investigations. One of the investigators will be the same gender as the Complainant.
5.
 - 5.1 The investigators will investigate the complaint in such manner as they see fit. The investigators are not bound by the rules of evidence.
 - 5.2 Evidence need not be limited to matters raised in the original complaint.
 - 5.3 Investigators where possible will seek a response to the complaint and all other relevant matters from the Respondent to the complaint. Parties may be interviewed more than once.
 - 5.4 The investigators will be given access to all relevant documents and records held by the School and the School will facilitate access to information, including witnesses, as requested by the investigators.
 - 5.5 The School will provide administrative support to the investigators and such other support as required by the investigators to facilitate their investigation.
6. The investigators may rely on findings of a secular court or tribunal or professional body or a body set up in a secular organisation or another church organisation (whether Anglican or of another religion) to investigate complaints of sexual misconduct.
7. The investigators will at the conclusion of their investigation provide a written report to the Headmaster:
 - (a) outlining the results of their investigation including listing all the evidence;
 - (b) stating whether it was likely or not likely that, on the balance of probabilities, that the alleged events occurred; and
 - (c) if appropriate, providing any general recommendations arising from the results of their investigations

8. On receipt of the investigators' report the Headmaster will refer the report to the School's Board of Management who will determine whether the complaint of sexual misconduct is substantiated or not substantiated.
9. If the School's Board of Management determine that the complaint is substantiated then they will invite the Complainant to make an application to the Pastoral Support and Assistance Scheme. The Headmaster will refer the Complainant to the Director of Professional Standards of the Diocese who will provide assistance to the Complainant as required, to make the application.
10. If the School's Board of Management determine that the complaint is not substantiated then they will dismiss the complaint, unless they believe further enquiries are required, in which case they will direct such further enquiries to be made.
11. The Headmaster or his/her delegate will keep the Complainant informed as to the progress of the investigation and determination of the School's Board of Management.