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

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<tr>
<td>Commencement Date</td>
<td>26 February 2014</td>
</tr>
<tr>
<td>Review Date</td>
<td>26 February 2017</td>
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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

<table>
<thead>
<tr>
<th>“The School”</th>
<th>is The Hutchins School</th>
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<tbody>
<tr>
<td>“Employee”</td>
<td>means an employee, contractor, officer, authorized agent or volunteer appointed by the School to undertake a role for the School.</td>
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<tr>
<td>“Priest”</td>
<td>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.</td>
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<tr>
<td>“Complainant”</td>
<td>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.</td>
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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” means:
(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.

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”.

(f) If the complaint concerns the Headmaster then the complaint will be referred to the Chairman of the School Board who will be responsible to ensure that the complaint is dealt with in accordance with the School’s Disciplinary and Misconduct Policies & Procedures concerning the Headmaster.

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.

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 School Board. An independent assessor’s recommendations are binding on the School Board.

11. The maximum payment of Pastoral Support and Assistance that can be recommended is $75,000.00 for any Complainant which also includes any payments of counselling provided by the School.

12. The Headmaster will report all complaints received under this Policy to the School Board and will keep the School Board informed of the procedures followed under this Policy.
6. **Supporting Procedures/Guidelines**

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

- Attachment ‘A’ – Procedures to Investigate a Complaint Regarding a Former Employee of the School or a Deceased Employee of the School (The Hutchins School).
- Attachment ‘B’ – Guidelines for Application for Pastoral Support and Assistance Scheme (Anglican Church of Australia, Diocese of Tasmania).

7. **Related Documents/Systems**

N/A

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**

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<tr>
<th>Date</th>
<th>Changes made</th>
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<tr>
<td>26 February 2014</td>
<td>Policy developed</td>
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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 Chairman of the School Board who, with the Headmaster, will make a recommendation to the School Board whether the complaint of sexual misconduct is substantiated or not substantiated.

9. If the School Board having received the recommendation from the Headmaster and the Chairman of the School Board makes a finding 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 Board having received the recommendation from the Headmaster and the Chairman of the School Board makes a finding 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 finding of the School Board.
“B”

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF TASMANIA

GUIDELINES FOR APPLICATION FOR
PASTORAL SUPPORT AND ASSISTANCE SCHEME

General

1. An Application for Pastoral Support and Assistance (“application”) is to be lodged with the Registrar of the Diocese of Tasmania, GPO Box 748, Hobart, Tasmania, 7001.

2. Any questions are to be directed to the facilitator (Director of Professional Standards, who can be contacted through the Diocesan Office on telephone 6220 2020.

3. An application can only be lodged once the Tribunal or Committee has found the complained conduct occurred.

4. On the receipt of an Application by the Registrar it will be forwarded to:-
   (a) the Director of Professional Standards who will provide it to the Independent Assessor; and
   (b) the Church Management Group who will, if it is considered by that group to be necessary, provide medical reports or information to the Director of Professional Standards on behalf of the Diocese who will in turn provide that Information to the Independent Assessor and the applicant.

5. For the purposes of the Pastoral Support and Assistance Scheme ("the Scheme") references to an injury shall be construed as including references to any impairment of bodily or mental health.

Basis of Grants of Pastoral Support and Assistance

1. Pastoral support and assistance may be granted under this Scheme where a person suffers injury as a result of sexual misconduct by a person who is subject to the Ordinance or who would have been subject to the Ordinance if the Ordinance was in force at the time the act or omission occurred.

2. The term 'sexual misconduct' is based on the definition of Information" in the Professional Standards for the Protection of Children and Adults from Sexual Misconduct Ordinance 2005 and for the purposes of this Scheme is
   (a) any form of unwanted sexual behaviour, whether by act or words, including sexual harassment or sexual assault;
(b) viewing child pornography including providing it or showing it to others;
(c) any form of sexual behaviour involving a minor including showing or providing pornography to a minor;
(d) sexual behaviour by a Clerk undertaking a ministry role or position, occurring within a pastoral relationship, which is inconsistent with the standards to be observed by Clerks undertaking a ministry role or position.

3. In respect of the injury of a person the pastoral support and assistance granted under this Scheme may be granted in respect of any one or more of the following matters:-
   (a) expenses actually and reasonably incurred as a result of the Injury;
   (b) pecuniary loss to a person as a result of his total or partial incapacity for work arising from the injury; and
   (c) the pain and suffering of the person arising from the injury.

4. Pastoral support and assistance granted under this Scheme in respect of an injury may be granted:
   (a) to or for the benefit of the applicant; and/or
   (b) to any person responsible for the maintenance of the applicant who has suffered pecuniary loss as a result of the injury.

5. In respect of an injury, pastoral support and assistance shall not be granted under this Scheme in relation to any matter referred to in 3 and in respect of which compensation has been paid under any compensation law or is payable under the Criminal injuries Compensation Law or the Workers Compensation Law.

6. In 5 compensation law means any other law of Tasmania or any law of another State, a Territory of the Commonwealth or the Commonwealth that relates to the payment of compensation.

**Jurisdiction**

1. Grants of pastoral support and assistance are within the discretion of the Independent Assessor and in exercising his/her discretion in any particular case he/she may have regard to any circumstances that he/she considers relevant.

2. The Independent Assessor will not be bound by the rules of evidence.

3. Once a grant of pastoral support and assistance is made it is final. Interim grants can be made, where the Independent Assessor deems it appropriate.

4. A grant may be made on and subject to such conditions as the Independent Assessor determines as to the payment of any sum paid under the grant.
Limits on Amount of Grants

1. The total amount granted by way of pastoral support and assistance to any one person in respect of an application shall not exceed $75,000.
2. A grant of pastoral support and assistance will be reduced by the amount paid, at the time of assessment, by the Diocese for counselling.
3. Any claim for expenses in bringing the application is to be determined by the Independent Assessor.
4. Any grant of pastoral support and assistance will be reduced by the amount recoverable by Centrelink and/or Medicare. These entities will be reimbursed direct by the Diocese.

Procedure for Determining Applications for Pastoral Support and Assistance

1. An application shall be made to the Independent Assessor by completing Part A and Part B which are attached and by providing the details and documentation listed in those forms.
2. The application will be verified by a statutory declaration which is provided for in Part B.
3. The Church Management Group is entitled to have the applicant assessed by a registered medical practitioner or registered psychologist of its choosing.
4. The Church Management Group is entitled to submit any medical or psychologist's report or any other document or information relevant to a person's application to the independent Assessor.
5. In consideration of an application, the Independent Assessor is entitled to inform himself/herself as he/she sees fit.
6. An applicant is entitled to appear before and be heard by the Independent Assessor either personally or be represented by a lawyer or appear with a support person.
7. The Church Management Group or a person appointed by the Group is entitled to appear before and be heard by the Independent Assessor.
8. If at a hearing before the Independent Assessor something is raised which does not appear in the application verified by statutory declaration then a further statutory declaration needs to be provided by the applicant and an opportunity given to the Church Management Group to make representations with respect to the additional material.
9. The Independent Assessor will provide a short statement reasons with respect to the amount of pastoral support and assistance granted ("the report") to the applicant and to the Church Management Group.
10. The Church Management Group will refer the report to the Diocesan Council and once approved will arrange for an offer of the assessed sum to be given to the applicant in exchange for a written Deed of Release releasing the Diocese, its employees, officers or agents (but excluding the respondent) from any claims, demands, or actions under statute or at common law, arising out of the complaint.

11. On execution of the Deed of Release by the applicant the Director of Professional Standards will arrange for payment to be made of the assessed sum to the applicant.

Restriction of Publicity Proceedings

Proceedings before the Independent Assessor shall be conducted in private.

Affect on Other Rights and Remedies

The legal rights of an applicant are affected by the acceptance by him or her of an offer of pastoral support and assistance made by the Diocesan Council in accordance with the Independent Assessor's decision. (See Part A).

An applicant is encouraged to seek independent advice before accepting an offer of pastoral support and assistance from the Diocesan Council.

Finality of Decision of Independent Assessor

A decision of the Independent Assessor under this Scheme is final and cannot be appealed.
APPLICATION FOR PASTORAL SUPPORT AND ASSISTANCE SCHEME

PART A

I.......................................................................................................................................................

(Full Name)

of.......................................................................................................................................................

(Address)

apply for pastoral support and assistance from the Diocese of Tasmania ("the Diocese") in respect of sexual misconduct committed against me as found by the Diocesan Tribunal or the Committee appointed by the Bishop, and I make this application upon the following bases:

(a) the amount of pastoral support and assistance (if any) will be determined by the Independent Assessor who has been appointed by the Bishop;

(b) the Diocesan Council will offer to me such an amount as may be recommended to it by the Independent Assessor, provided I execute appropriate releases and discontinue any relevant legal proceedings;

(c) if I reject the amount offered to me by the Diocesan Council the Diocese of Tasmania acknowledges that any rights that I may have to commence or continue legal proceedings against the appropriate respondent are unaffected by my application for pastoral assistance;

(d) neither I nor any person acting on my behalf, the Independent Assessor, or the Diocese of Tasmania or any person acting on behalf of the Diocese, will (save as required by law) or for the purposes of medical treatment,
   (i) disclose to any person;
   (ii) rely or seek to rely in any arbitral or judicial proceeding (whether or not such proceedings relates to the subject matter of this application) on any communication, statement or information, whether oral or documentary, made or provided in the course of or in relation to the Independent Assessor's deliberations;
(e) I will not call the Independent Assessor as a witness or subpoena or demand the production of any records, notes or the like made by or for the Independent Assessor in the course of or in relation to his deliberations;

(f) I irrevocably waive any rights that but for this provision I may have had to seek judicial review of any act or omission of the Independent Assessor.

..........................................................................................................................
(Signed) ...........................................................................................................

..........................................................................................................................
(Witness) ...........................................................................................................

..........................................................................................................................
(Date) ...................................................................................................................

..........................................................................................................................
(Witness print full name, occupation and address)
ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF TASMANIA

APPLICATION FOR PASTORAL SUPPORT AND ASSISTANCE SCHEME

PART B

1. PERSONAL PARTICULARS

I, ..................................................................................................................................................(insert full name)

Address:
Date of birth:
make application for a grant from the Pastoral Support and Assistance Scheme.

2. CIRCUMSTANCES OF THE APPLICATION

This application arises from:
(a) a single incident or occurrence; or
(b) a number of separate incidents or occurrences as described in paragraph 3 of this application.
(delete (a) or (b))

3. DETAILS OF THE CONDUCT GIVING RISE TO THE APPLICATION

I refer to my complaint to the Diocesan Tribunal or the Committee which is attached and marked "A" and the Tribunal or Committee's findings which are attached and marked "B".

4. DETAILS OF INJURIES

(Attach any medical reports you seek to rely on)
(a) Psychological or psychiatric effects (Describe any psychological or psychiatric injuries and/or conditions sustained)
(b) Physical injuries (Describe any physical injuries sustained)

(c) What has been the impact of these injuries on the applicant? (Include details of any pain and suffering)

5. DETAILS OF EXPENSES INCURRED

(Attach the originals of any documents which substantiate these claims)

(a) Details of any medical, pharmaceutical, counselling or other treatment expenses (itemise those expenses paid by Medicare, a private health insurer or by the applicant).

(b) The cost of any therapeutic devices or aids.

(c) The cost of travel for required medical treatment.
(d) Any other costs incurred.
   (Provide details)

6. DETAILS OF ANY LOSS OF INCOME ARISING FROM ANY TOTAL OR PARTIAL INCAPACITY FOR WORK
   (Attach the originals of any medical reports or certificates which substantiate these claims)

7. DETAILS OF THE COSTS INCURRED IN MAKING THE APPLICATION INCLUDING THE COST OF MEDICAL REPORTS OBTAINED IN SUPPORT OF THE APPLICATION
   (Attach accounts to substantiate the cost of the reports)

8. I wish to rely on the following statutory declarations which have been filed in support of this application.

   Name of declarant                                           Date statutory declaration sworn
9. Are there any other comments you wish to make?

10. I wish to rely on the following further documents (not mentioned in paragraphs 5 to 8 inclusive) which have been filed in support of the application:

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<tr>
<th>Description of document</th>
<th>Date of documents</th>
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11. I wish to have this application dealt with in the following matter:
   (delete the paragraph which is inapplicable)
   
   (a) I wish to be present and make submissions to the Independent Assessor on the material which has been filed or
   (b) I want the Independent Assessor to determine the application only on the basis of the material which has been filed.

12. STATUTORY DECLARATION

I, .............................................................................of .....................................................................
........................................................................................................................................................
........................................................................................................................................................
........................................................................................................................................................
   (name, address and occupation)

   do solemnly and sincerely declare that the facts and statements set out in this application are true to the best of my knowledge and belief.

   I make this solemn declaration by virtue of the Oaths Act 2001.

   Declared at .................................................in Tasmania this ..................day of......................... 20 ......


Signature

Before me...............................................................
   Justice of the Peace/commissioner for declarations or authorised person)