

National Task Group on Engagement with and Response to the Royal Commission into Institutional Responses to Child Sexual Abuse

1. THE ROYAL COMMISSION

Since it was established in January 2013, the Royal Commission into Institutional Responses to Child Sexual Abuse has been investigating how institutions such as schools, churches, sports clubs and government organisations have responded to allegations and instances of child sexual abuse. Its brief has been to uncover where systems have failed to protect children so it can make recommendations on how to improve laws, policies and practices.

The Royal Commission has been conducting public hearings, private sessions, collecting submissions to issues papers, and holding roundtables to consider what institutions and governments should do to better protect children against sexual abuse.

In June 2014 the Royal Commission published an Interim Report, which sets out how it had found a range of systemic issues regarding how institutions respond to allegations of child sexual abuse. That report focuses on four key areas:

- Prevention - how to better protect children against sexual abuse
- Identification and reporting - how to ensure
 - Children, staff, parents and the community can identify abuse
 - Children disclose abuse quickly
 - People and institutions report allegations, incidents or risks of abuse
- Response – how to eliminate or reduce obstacles, so institutions respond effectively to reports of abuse
- Justice for victims – how to address the impact of abuse and ensure justice for victims.

Commissioners have now spoken with more than 3,200 survivors in private sessions (Justice Peter McClellan, Chair of the Royal Commission, 25 March 2015). They continue to receive verbal and written accounts from survivors, and they continue to hold public hearings into institutions' practices. The Commissioners also conduct public hearings to gather information from government and non-government institutions to inform the recommendations they make.

1.1 Process

The process the Commission is taking includes:

- Private hearings, each is open for each calendar month, in cities and regional centres.
- Public hearings, which initiate a Case Study, scheduled at present to run from midway through the month.
- Case Studies (by July 2015 there will have been at least 28).

1.2 Issues Papers

To date the Commission has issued 8 papers. They fall into two focus areas:

- CHILD PROTECTION
 - Issues paper 1 Working With Children Checks, August 2013
 - Issues paper 3 Child Safe Institutions, October 2013
 - Issues paper 4 Prevention of sexual abuse of children in out-of-home-care, November 2013
- JUSTICE FOR VICTIMS
 - Issues paper 2 Towards Healing, September 2013
 - Issues paper 5, Civil Litigation, March 2014
 - Issues paper 6, Redress Schemes, June 2014 (UCA)
 - Issues paper 7, Statutory victims of crime schemes, June 2014
 - Issues paper 8, Experience of police and prosecution responses, May 2015

2. UNITING CHURCH ENGAGEMENT

The Uniting Church has welcomed the Royal Commission, as it seeks to uncover the truth regarding how institutions have responded to child sexual abuse. The Church has issued a Values Statement in relation to the

Royal Commission into Child Sexual Abuse which, in part, states that the Uniting Church believes that God has given us the gift of the Spirit to "constantly correct that which is erroneous" in our life (Basis of Union, Para 18). Therefore, we will not hide from the truth, however painful that may be, and we will seek, with compassion and humility, to address whatever issues and challenges may emerge for us. We will say "sorry" to anyone who was sexually abused when in our care and, in consultation with those so affected, actively seek for ways to make amends for what happened in the past and identify how we can best offer support into the future. In all of this we are guided by the Word of God, remembering the teaching of the Apostle Paul: "Whatever is true, whatever is honourable, whatever is just, whatever is pure, whatever is pleasing, whatever is commendable... think about these things" (Philippians 4:8).

This section outlines how the Church has been engaging with the Royal Commission.

2.1 Task Groups

In November 2013 the Assembly Standing Committee established The National Engagement and Response Task Group to respond to the Royal Commission (National Task Group) and recommended that each Synod establish a Task Group to respond to the Royal Commission. All Synods did so, adopting identical terms of reference. These task groups meet regularly; track whatever is happening in the Royal Commission, particularly regarding faith based organisations; and the task groups advise on responses, as appropriate, and contribute to the work involved in responding to the Commission.

2.2 Round Tables

Representatives attended roundtables on 'redress' in September, October and November 2014.

2.3 Public Hearings

The Uniting Church has been involved in 3 public hearings:

- February 23 to March 6, and April 28 2015, Case Study 23: Knox Grammar, evidence was given by: former students; former teachers,

house masters, and principal; and the current principal.

- March 10 to 18 2015, Case Study 24: preventing child sexual abuse in out-of-home care and responding to allegations of child sexual abuse occurring in out-of-home care, evidence was given by Wesley Mission Sydney and Wesley Mission Victoria.
- March 25 to 27 2015, Case Study 25: redress and civil litigation, invited us to speak to our written submission to the consultation paper on redress and civil litigation. Evidence was given by the President of the Assembly, Rev Andrew Dutney, and Anne Cross on behalf of the Uniting Church.

2.4 Written Briefings

Written briefings were prepared for the Church's representatives who attended

- Roundtables
- Public hearings
- Meetings of school principals and agency CEOs

2.5 Written Submissions

The Uniting Church made written submissions on

- Issues Papers
 - Working with children checks
 - Child safe institutions
 - Preventing sexual abuse of children in out-of-home care
 - Civil litigation
 - Redress schemes
- Consultation Papers
 - Redress and civil litigation

2.6 Documents Produced

The Royal Commission subpoenaed and requested documents for two case studies.

Case Study 23: Knox Grammar

Case Study 24: Preventing, and responding to allegations of, child sexual abuse occurring in out-of-home care (in the lead up to the Public Hearing in March 2015, Sydney). They asked for two sets of documents:

- Allegations of child sexual abuse in out-of-home care from 2004 to 2014
- Policies, guidelines and other relevant documentation related to
 - Recruitment, assessment and training of carers in out-of-home care
 - Monitoring and oversight of children in out-of-home care

in the context of preventing child sexual abuse and responding to allegations of child sexual abuse

- Systems, policies, practices and procedures for
 - Reporting allegations of child sexual abuse in out-of-home care
 - Responding to allegations of child sexual abuse in out-of-home care
 - Supporting children who have been sexually abused in out-of-home care.

The Task Groups responded to other notices that have been served on the Queensland UnitingCare agencies.

2.7 Other Activities

The National Task Group prepared a number of other written documents, including:

- Liturgical resources for Synods
- A letter from the Uniting Church President to congregations
- A paper on the structure of the Uniting Church for the Royal Commission
- A list of all Uniting Church entities for the Royal Commission

The National Task Group also:

- Monitored other hearings to note and communicate relevant issues
- Provided advice to archivists and liaised with them individually
- Convened inter-Synod meetings of representatives of Synod Task Groups
- Maintained ecumenical partnerships
- Commenced discussion on incorporation
- Appointed a Policy Officer as of 29 September 2014.

The National Task Group's engagement with the Royal Commission strongly clarified the policy implications for the Uniting Church.

3. POLICY IMPLICATIONS

The Commissioners have indicated that they expect organisations to have documented evidence that all organisations are reviewing their policies and processes in order to learn from complaints, share that learning,

and improve practices to protect children from sexual abuse.

In responding to the Royal Commission, particularly when information was provided on allegations, and church policies on prevention, a range of organisational issues were identified that have to be addressed.

3.1 Information

Across and within many services and activities in Synods, information is often seen to be handled ad hoc, inconsistent, incomplete, or information is simply unknown. This is in relation to:

- recording of allegations
- reporting and responding to allegations
- identification and analysis of trends
- learnings and review of policies and procedures after each allegation
- nationally sharing learnings
- review of relevant policies and procedures
- provision of equitable justice (personal and financial).

The task of retrieval of historical records and information has proven to be very challenging and time consuming for Synods.

3.2 Compliance & Consistency

It has become clear that there is a strong need to systematically improve and monitor a range of practices across the Assembly, all Synods and services:

- Child protection policies, procedures and protocols, related training and implementation
- We need consistent requirements for mandatory child protection training
- Consistent staff and volunteer employment protocols and training
- High level, consistent professional standards in dealing with complaints of child sexual abuse.

3.3 Transparency

We need more transparency both within the Church and between the Church and the wider community in relation to our child safe principles, policies and protocols. Internally, transparency could be improved with a national database of complaints.

We could be sharing information across Synods. This would inform consistent decision making and assist decision

makers to better understand the extent and nature of child sexual abuse.

3.4 Accountability

Child safety and protection is most effective when it is embedded in the culture of the Church. And that is evidenced in strong, up-to-date policies and procedures. Policies and procedures, or protocols / guidelines, gain traction when they are driven and reinforced by Church leaders. This is a particular challenge to congregations.

3.5 Communication

There needs to be clear, easily accessible information to the community regarding protocols for making a complaint.

Also, taking the wider meaning of 'communication', this report is intended to communicate to the whole Church (through the Assembly) the importance of addressing child sexual abuse; being seen to do so; document, evaluate and improve all of what we are doing to report allegations, support victims; and do all we can to prevent any further abuse.

4. CHALLENGES

In light of what the Church has learnt from the Royal Commission, there are certain organisational challenges which - if met - can only make the Church a safer, stronger, more accountable institution, particularly in how it cares for children. Two recent Royal Commission case studies clearly indicate where improvements must be made. They are:

- Case Study 23: Knox Grammar and
- Case Study 24: preventing child sexual abuse in out-of-home care and responding to allegations of child sexual abuse occurring in out-of-home care.

Many of the issues raised in relation to Case Study 23 are relevant to the whole Church. The focus of the hearing was on organisational culture, which needs to demonstrate openness and accountability in how we respond to child sexual abuse effectively. (See also 4.1 Policy below.)

The public hearing into Case Study 24 clearly shows the Royal Commission's position regarding the responsibility of institutions to have good data on allegations of child sexual abuse, to

analyse that data and use it in a timely manner to make improvements. It also indicates that institutions themselves should analyse their own data and do their own research to better understand any trends and issues that need to be addressed, also in a timely manner. Consequent to Case Study 24, the Uniting Church is challenged to ensure better communication between agencies and across Synods to achieve higher standards of care and greater consistency across the Uniting Church.

In summary, the key areas which the Church should be focusing on include:

- Policy;
- Data; and
- Research.

4.1 Policy

Implications from the public hearing into Case Study 23 include the need to have an open and accountable organisational structure. That can only really be evidenced in the Church's documented policies and procedures, particularly those regarding:

- Our organisational culture;
- Employment practices (screening, checking, etc.);
- Training (for relevant personnel at all levels; ongoing; mandatory);
- Responding to allegations; and
- Reporting (mandatory) and recording.

4.2 Data

Issues raised by the public hearing into Case Study 24 include:

- Institutions must have the raw figures to begin to understand the extent of abuse;
- While raw figures constitute the data, it is vital to look at percentages and trends (over time, across age, gender, place, etc.);
- Use that information to work differently, in a way that makes children safer;
- Use the information to understand whether the nature of allegations has changed over time;
- Develop and implement a coordinated approach to collect data and improve OOH delivery practice across the UC network;
- All the Uniting Church agencies that deliver out-of-home care must gather and share information and share the variety of learnings, now, not some time in the future; and

- Must 'join the dots' between what has been learnt, the data that has been gathered and programs available from the police and Departments to deal with sexual exploitation differently.

Since Case Study 24, it is pleasing to report that there is increasing agreement across agencies within the Church to look at the sharing of appropriate information, with a view to identifying trends, learnings, and using the learnings to improve children's safety.

4.3 Research

Case Study 24 raised the issue that more research should be done within the Uniting Church. Some agencies have been operating for over a century and are well placed to better understand the poor practices of the past that gave rise to incidents of child sexual abuse. Such research would inform the development of good practice into the future.

5. CONCLUSION

In the public hearing on Case Study 25 on redress, Justice McClellan pointed out to Andrew Dutney and Anne Cross that "you can assume that we'll be back to talk to you about that work (child safety improvements that Anne talked about: auditing, reviewing and improving policies and procedures) in the course of our work ... You can assume that this isn't the last time we will talk about the issues, perhaps outside of redress, that are of concern to your church" (transcript 25 March 2015).

The Royal Commission's emphasis has clearly been on the need for organisations like ours to have strong, up-to-date, readily accessible, consistent policies and processes to protect children from sexual abuse. Such documentation reflects and drives our practices and activities at all levels of the Church.

To begin to address this, a National Child Safe Policy Framework has been developed. It includes:

- A clear, common policy statement on keeping children safe;
- A values based framework which reiterates our commitment to keeping children safe;

- A framework to guide practice, including documentation; and
- Ready reference to useful materials.

Terence Corkin
General Secretary

Allan Thompson
Executive Officer, National Task Group