The attached Policy entitled, *Dealing with Complaints received from Adults of Sexual Abuse whilst attending the School*, has been approved and adopted by the Board of Management of Launceston Church Grammar School. It is provided for the information of the school community.

Stephen Norris

Headmaster

November 2014
POLICY FOR DEALING WITH COMPLAINTS RECEIVED FROM ADULTS OF SEXUAL ABUSE WHILST ATTENDING THE SCHOOL

OVERVIEW

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

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

If the Complainant authorises the School to report the Abuse Complaint to the Police, the School will do so. If the Complainant does not authorise the School to report the Abuse Complaint to the Police then the School will only report the Abuse 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 with respect to an Abuse Complaint, or to seek assistance elsewhere, including their own legal advice.

Definitions

"The School" is the Launceston Church Grammar School.

"Employee" means an employee, contractor, officer, authorised 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 the subject of the Abuse Complaint.
"Complainant" means a former student of the School who is now an adult who makes an Abuse Complaint of sexual misconduct which occurred whilst the Complainant was attending School as a student.

"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.

"Relevant Time" means the time or times at which alleged sexual misconduct is alleged to have occurred.

"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.

Support

1. On receiving an Abuse Complaint from a Complainant either verbally or in writing, the Principal will appoint a support person to assist the
Complainant. The support person will encourage the Complainant to report
the subject matter of the Abuse Complaint to the Police.

2. The support person will provide assistance to the Complainant during this
process including assistance to lodge written particulars of the Abuse
Complaint to the School and providing an explanation of this process.

3. The Principal 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
Principal 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
within the Abuse Complaint.

4. The Director of Professional Standards of the Diocese will provide assistance to
the Principal or the Complainant in arranging such counselling.

**Complaint Process**

5. (a) On receipt of an Abuse Complaint alleging sexual misconduct,
the Principal will determine whether the Complaint concerns, at
the Relevant Time:

(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 Principal 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 Principal 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.

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 Principal 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 not binding on the Board of Management of the School, but the Board of Management of the School must consider whether or not to adopt the recommendation in good faith.

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.
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 Principal will on receipt of a written complaint alleging sexual misconduct appoint two investigators.

3. 3.1 The Principal 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 Principal and the provider of the counselling services and which may include the Principal obtaining occasional reports from the provider of the counselling service.

4. The Principal 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 Principal:
   (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 Principal 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 Principal 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 Principal 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.
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 $60,000.00.
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.

Effect 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.