



Anglican Church of Australia

Royal Commission Working Group

CONSULTATION PAPER – BEST PRACTICE PRINCIPLES IN RESPONDING TO COMPLAINTS OF CHILD SEXUAL ABUSE IN INSTITUTIONAL CONTEXTS SUBMISSION

PREFACE

This submission is made by the Royal Commission Working Group (**RCWG**) appointed by the Standing Committee of the General Synod of the Anglican Church of Australia (**ACA** or **Anglican Church**) to coordinate a response on its behalf of to the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**). The submission responds to questions in the *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts* issued by the Royal Commission in March 2016 (**Consultation Paper**).

The ACA operates under a decentralised structure and its core units of organisation are the 23 dioceses. There are also mission agencies, social welfare agencies, Anglican schools and parachurch organisations with varying degrees of autonomy.

The ACA is committed to responding to complaints from those who have been abused and encouraging those who have information to come forward and supporting them through the process and providing appropriate redress. There has been a common approach to developing consistent procedures for the ACA's complaints and investigation processes.

It should be noted that each diocese has responsibility for the development and implementation of processes for receiving, investigating and responding to information and complaints within their jurisdiction. The different processes in the dioceses incorporate substantially similar principles.

Each autonomous Anglican agency, school and organisation has a responsibility to have a complaints handling system in place. In some cases the complaints response processes operating in these organisations have been developed to reflect best practice principles promoted by another entity outside the Anglican church – eg schools may have adopted principles and procedures promoted by a peak independent school organization and the welfare agencies may be obliged to implement government policies and procedures relevant to the specific community services they provide – eg foster care services.

RESPONSE

The Consultation Paper asks for comment on three areas:

1. **Best Practice Principles** - the principles, the matters that should be canvassed in the complaint handling policy, and how those matters might be addressed.
2. **Reportable Conduct Schemes** - the value and features of an independent oversight scheme.
3. **Advice and Support for Institutions** – how smaller institutions may access advice and support to ensure a quality response to complainants.

1. BEST PRACTICE PRINCIPLES FOR COMPLAINT HANDLING

1.1. The context of the Anglican Church of Australia

The consultation paper acknowledges that complaint handling processes in institutions will vary to accommodate particular contexts and circumstances.

The dioceses of the ACA have developed their own complaint handling guidelines to address abuse in a church context. Anglican schools and welfare agencies may apply guidelines which have been developed by entities external to the church and include statutory responsibilities requiring mandatory reporting to police and child protection agencies.

The design of the disciplinary aspect of the complaints handling processes in the dioceses of the ACA has a focus on the protection of children and vulnerable people. These processes involve investigation and disciplinary outcomes which include mechanisms to restrict or prohibit perpetrators from working and volunteering in areas where they may cause harm.

An essential component of complaint handling processes is pastoral care and support for the person who makes a complaint and others who have been affected by the alleged conduct and the alleged perpetrator.

Support and access to counselling is built into the process for responding to complaints. More extensive support and financial assistance is often provided when the complaint leads to an application for redress.

1.2. Support for the Consultation Paper's Best Practice Principles

The RCWG supports the six best practice principles identified by the Royal Commission. These principles will be best achieved through an overarching commitment to justice. Participation in a just, fair and equitable process is a right of both the complainant and the accused.

A number of the six best practice principles are designed to support complaints by children. Given that complaints are often received from adult survivors of child sexual abuse it is important that processes are designed to support participation by both children and adults. Processes should be designed to accommodate the specific needs of children and their guardians dealing with current abuse and at the same time respond to the needs of adult survivors of abuse.

The provision of a prompt response to complaints is essential. All complaints should be acknowledged very quickly. However it should be communicated to a complainant that an investigation may be complex and take some time to resolve.

The ability to respond promptly to a complaint is impacted by the circumstances of each complaint. Factors including whether the accused denies the allegation, if the accused is deceased, gaining access to historical records to confirm the probability of the abuse taking place and the involvement of the police, may prohibit a prompt resolution.

1.3. What should be included in a complaints handling policy

Section 3.2 of the consultation paper outlines 20 areas which should be addressed in a complaints handling policy.

The RCWG agrees that guidance on each of these areas should be provided in a complaints handling policy.

We have commented only where additional consideration is recommended.

Support to all Parties

The consultation paper recommends that support be provided to those affected including the child or children involved and the person who made the complaint.

Providing support to the complainant is a fundamental principle of the professional standards processes in the ACA. Processes should allow for immediate counselling support.

At the conclusion of the complaint processes there should be the provision for the organisation to provide an apology to the complainant in appropriate circumstances.

A complaints handling policy should also address the provision of support to an accused person and secondary victims. In the church context secondary victims may extend to congregations where a leader or member is the subject of an allegation and support is required to respond to the impact on that community.

In addition the ACA has recognised the importance of providing support, sometimes in the form of professional supervision, to those who are involved in the process of receiving, investigating and making decisions related to complaints of child sexual abuse.

Reporting to the Police

The consultation paper addresses the requirement to report matters to the police and acknowledges that an internal investigation may be curtailed at the request of the police in order for the police investigation to proceed.

To ensure the safety of children remains a priority, the policy should address what preventative action should be implemented when an institution is advised that the accused is not to be made aware that he or she is under investigation by the police.

Communications and Confidentiality

The consultation paper addresses communication with stakeholders during the complaint process but does not specifically address the need to establish policies on confidentiality.

The complaints handling policy should provide guidelines for the management of information about both the complainant and the accused including how widely the information is shared within the institution.

The complainant may request that the matter be conducted in confidence in order to protect their identity, and the accused may be entitled to confidentiality during an investigation period, particularly where the allegation of abuse has been disputed.

Appeal processes

The consultation paper lists appeal processes as a necessary inclusion in any complaints handling policy.

The policy should clarify the areas open to appeal.

In the context of the ACA a complaint handling process may require the complainant to provide information to support the disciplinary processes against a churchworker. A complainant should not be able to appeal against the findings of an institution's internal disciplinary process if they are not satisfied with the outcome.

However, the same complainant may be seeking redress from the institution. In this instance the redress scheme policy should clearly outline the appeal processes available to the complainant following the determination of any financial or other form of settlement.

1.4. Issues for the development and implementation of a Complaints Handling Policy

A complaints handling system will only be successful in an institutional culture where protecting the vulnerable including children is taken seriously.

The institution will need to actively develop a culture that demonstrates its commitment to a quality complaints handling process through the actions of its leadership, the development of its policies and how they are put into effect.

The elements of a complaint handling system need to be recorded in clear, accessible and comprehensive policies which are widely promoted within the institution and to the community.

Consultation with stakeholders on policy development is encouraged, not only to promote engagement with the policy, but to identify any operational barriers to its successful implementation.

Successful implementation is dependent on awareness, training and resourcing.

The institution must ensure that its people have an understanding of broad issues relating to child sexual abuse, not just the processes for dealing with complaints.

The effectiveness of the system will depend on the quality of the people responsible for its delivery. Training must be provided to people required to fulfil the roles identified in the policy. Consideration should be given to the qualifications and expertise of persons engaged in the complaints handling process and the extent to which they are able to act objectively and impartially.

Resources must be allocated to ensure that quality delivery targets can be achieved, eg responding, as far as practicable, within specific timeframes.

Any system must be subject to audit and review processes and its management team held accountable for its outcomes.

2. REPORTABLE CONDUCT SCHEMES

The consultation paper seeks comment on the value of independent oversight schemes which monitor the way in which complaints are managed by designated institutions.

Currently only some activities of the dioceses in NSW are subject to the reportable conduct scheme under the provision of the Ombudsman Act 1974.

The RCWG supports the introduction of similar schemes which would provide independent oversight and appropriate intervention to ensure effective implementation of complaint handling processes in each jurisdiction.

It would be valuable if a reportable conduct scheme was designed to allow for the appropriate exchange of information between institutions and jurisdictions.

3. ADVICE AND SUPPORT FOR INSTITUTIONS

The consultation paper seeks comment on how to improve institutions' access to advice and support when responding to complaints of child sexual abuse, especially for smaller institutions.

The implementation of a quality complaints handling system requires an organisation to have access to high level policy development skills, expertise in complaints management and resources for education and training within the organisation.

Smaller organisations may look to peak bodies to develop and distribute best practice guidelines specific to their area of operation. Some peak bodies may be prepared to offer a complaints management service on behalf of its membership, on a fee for service basis.

If there is no appropriate peak body willing to take on this responsibility, smaller organisations can choose to collaborate to establish shared schemes for the handling of complaints with the objective of providing quality services and consistent outcomes.

**Royal Commission Working Group
General Synod of the Anglican Church of Australia**

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