

Royal Commission Synod Task Group

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<i>General Secretary</i>	Rev David de Kock
<i>Secretary of Presbytery</i>	Rev Dr Ian Tozer
<i>Assembly</i>	Rev John Cox (Teleconference)
<i>Members elected by Synod</i>	Amanda Hunt
	Rev Sealin Garlett
	Rev Nalin Perera
	Donald Nicholas
	Dr Alec O'Connell
	John Talbert
	Rev Gary van Heerden
	Kim Brooklyn
	Andrew Davidson
	Rev Daniel Viljoen
<i>Staff</i>	Cindy Gorton
	Maggie Johns
	Maree Kemp

While the genesis of this Task Group was born out of the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse, it also has very much embraced the need to ensure that the Uniting Church is a safe church for children and other vulnerable people.

I. NATIONAL TASK GROUP

This group has met regularly, usually every two months, over the past year to address the issues raised by the Royal Commission and seeking to establish a unified response across our Synods. This has also included a Redress Implementation Sub Committee.

I.1 Current State of Operations

The NTG is currently in a transitional phase and moving from being responsive to requests from the Royal Commission into being a proactive group.

The NTG is in the process of establishing project plans and will continue with its own work after the life of the Royal Commission. This will involve primarily these main areas:

- Policy
- Compliance

- Education and Training
- Governance
- Professional Standards

I.2 Royal Commission Hearing – Case Study 56

The Uniting Church was called before the Royal Commission into Institutional Responses to Child Sexual Abuse earlier this year. The hearing examined actions taken by the Uniting Church, since the commencement of the Royal Commission in 2013, to enhance the safety of children within their care, to improve the effectiveness of their responses to reports of child sexual abuse, and alleviate the impact of past and future child sexual abuse within those institutions.

The Royal Commission requested a written response addressing a very broad range of matters. This information set the basis for the hearing. The matters fell into six main areas and are very detailed.

They were as follows:

- Governance and structure;
- Policies and procedures;

- Reforms undertaken since the commencement of the Royal Commission;
- Creating and maintaining records;
- Redress and civil litigation; and
- Details of any internal inquiries, or inquiries appointed or commissioned by the Uniting Church, into instances and allegations of child sexual abuse in the Church broadly or any presbyteries specifically.

The statistical data reported in the newspapers was very raw data and the Royal Commission knew that was the case. It is unfortunate that some parts of the press did not acknowledge this and continue to use it inappropriately. The Uniting Church analysed the data but this does not seem to have had public exposure.

1.3 Commonwealth Redress Proposal

The Federal Government is establishing a Commonwealth (not to be confused with a national) redress scheme for those who have been harmed while in its care. It is hoping other entities will opt in. Negotiations are proceeding with states regarding them “opting in” or at the very least the referral of powers in this area to the Commonwealth. This is a very vexed area politically and legally.

The churches and other groups like Scouts Australia have been asked to “opt in”. This has raised a huge number of questions for the Uniting Church. We have met with Minister Porter but unfortunately to this times his responses were unsatisfying and did not give enough information.

Representatives of the Uniting Church met together in Sydney on 10 July 2017, to discern a way forward. There were four representatives from Western Australia – Rev David de Kock, Rev Steve Francis, Ms Cindy Gorton and Mr Robert Watson.

This is still a work in progress, and due to the sensitivities involved, a final outcome can not be reported at this time. Negotiations with the Commonwealth will recommence in September/October. We are also hoping to speak with Senator Hinch, who is to head the

body that will oversee the Commonwealth Redress Scheme.

1.4 Ecumenical Co-operation

The NTG is about to launch a project that will involve reviewing what other operational entities are undertaking in relation to child safe and safe church procedures. Work will be carried out in conjunction with Synods, Presbyteries, Congregations, agencies and schools.

1.5 National Child Safe Framework: Implementation Audit

Previous audits have provided a series of snapshots of what has been undertaken in each Synod. The 2017 audit will provide base line information back to each Synod, from data received in the 2016 audit, and will explore some areas more fully. The audit will include additional new questions based on the work of the Royal Commission. This will enable the recognition of progress, identification of gaps, and will inform the ongoing monitoring and quality improvement processes of the church as a whole. Cindy Gorton will be responsible for carrying out the audit in Western Australia by the end of August.

2. SYNOD TASK GROUP

The Synod Task Group meets every two months, or more frequently when required. Work is also carried out external of the formal meetings by sub-groups and the great work of Cindy Gorton and Maree Kemp.

Work is also continuing in aligning our entities information and record sharing in this area.

2.1 National Framework for Interim Redress Measures

Due to the nature of our unique incorporation laws, the full implementation has taken longer than we anticipated. A meeting was held on 24 May 2017, with representatives of the main parties, the process was finalised. Flow charts have been completed and documentation nearing completion. It is likely we will borrow heavily from the Queensland Synod in this area.

Aspects of the Redress Assessment Panel and the Assessment Matrix are still to be finalised,

and a review of the Handling Past Complaints Policy needs to be carried out.

A second schools forum, which it is planned to take the form of a workshop, is being organised.

2.2 Mandatory Reporting Guidelines

The Policy for Responding to Complaints of Past Abuse was established by the WA Synod/Presbytery in December 2014, and is clearly a process to inform all Uniting Church entities of their responsibilities in this area.

It is important to note that while at present WA does not require mandatory reporting for historical cases, I would want to make the following points:

- Any complaint or allegation by a minor will be referred to police.
- Where the adult complaint involves allegations of a criminal offence, the Designated Person must urge the complainant to refer the matter to the Police.
- Where the complainant indicates that they do not wish to refer the matter to the Police, the Organisation must obtain advice as to whether it should report the matter of its own accord.
- Where a complainant indicates that they do not wish to report the matter to the police, the complainant must be warned that the Organisation itself may make a report of its own accord, depending on the severity of the offence and the public interest involved.
- Conversations with the Police and Child Protection speak about the importance of “joining the dots”

2.3 Litigation Processes

The Uniting Church in Australia has committed itself to a set of Model Litigant Principles.

The Model Litigant Principles are:

- Act to minimise further trauma
- Support the survivor
- Seek resolution without litigation
- Respect circumstances and needs of survivors
- Ensure equal treatment

- Officials to have appropriate skills
- Provide survivor with early information
- Facilitate access to records
- Not act adversarially

The Royal Commission has requested that this be used by all our schools and agencies and applied by our lawyers.

Professional Standards

While the Professional Standards Project continues at an Assembly level, the STG made a number of recommendations to the Synod Standing Committee, the General Secretary and the Presbytery in this area. This includes the priority of ethics and Safe Church training for all ministry agents.

2.4 Out of Home Care

For a range of reasons, many of which flowed from the Royal Commission, this area of service provision is under close scrutiny by UnitingCare West. With the change of government in Western Australia, and the ensuing merger of government departments from 41 to 25, most contracts have been renewed for a short period while everyone sorts themselves out. We are yet to see the new Labour government’s stance on out-of-home-care contracts and the inherent authority/responsibilities and risk exposure.

2.5 Engagement with groups

Being very aware of cultural sensitivities, the Task Group continues to seek tailored approaches to the:

- Agencies including Congregational Community Service Commission
- Congregations
- Congress
- The different cultural congregations
- Schools

It is clear that no group is exempt from this work and must find ways of addressing the issues raised. We wish to acknowledge the very positive response and initiatives from the multi-cultural congregations.

2.6 Closing comment

Consideration is commencing on what our Post 2017 structures, that is when the Royal Commission submits its final report to government, may look like for the Uniting

Church both nationally and in Western Australia. It is envisaged that the current structures will continue at least for another year.

Robert Watson
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