

This case study examined the response of the Anglican Diocese of Grafton to claims of child sexual abuse at the North Coast Children's Home in Lismore. The Royal Commission considered this a useful case study for the following reasons:

- The case highlights concerns about how the Diocese handled claims that staff, clergy and residents had abused children in their care between 1940 and 1985.
- It also highlights structural barriers to the Anglican Church handling of complaints.
- The Church took a legalistic approach at the expense of pastoral care
- It changed its policy and denied financial compensation to some victims
- It failed to comply with its own policies and procedures and
- Dealt with victims insensitively
- There was a concluded criminal investigation against Reverend Kitchingman
- The former Bishop of Grafton had already publicly acknowledged his mishandling of the claims and had apologised and resigned.
- A victim was willing to give evidence.

The Report identified 28 findings and a summary of each is listed below.

The North Coast Children's Home was set up in 1919 to house wards of the state and orphans, children who had been abandoned and others who had been placed there by their parents.

- ▶ **Finding 1:** The physical, psychological and sexual abuse suffered by the former residents of the North Coast Children's Home who gave evidence to the Royal Commission had profound, long-lasting impacts on their lives and mental health.

The Anglican Church (also known as the Church of England) is divided into 23 independent dioceses. An executive or Board managed the Home and the Rector of St Andrew's Church was the Board's Chair and the Chaplain of the Home. The Home's constitution required two thirds of the members to be members of the Church of England.

- ▶ **Finding 2:** At all relevant times, the North Coast Children's Home was:
 - strongly associated with the Anglican Church and its predecessor, the Church of England
 - controlled by the Board of Management, including the Rector of St Andrew's Church Lismore in the Diocese of Grafton.

At the relevant time, the Anglican Church had a suite of general disciplinary canons for dealing with alleged and convicted perpetrators and professional standards ordinances for disciplining alleged and convicted perpetrators and responding to victims. In 2004 the General Synod of the Church adopted a Professional Standards Ordinance but the Diocese adopted its own version along with a Protocol for Dealing with Complaints of csa. In 2005 the Diocese also adopted a Pastoral Care and Assistance

Scheme to guide its response to sexual abuse claims. This scheme says that claimants should be offered counselling, an apology and a payment in line with specified amounts.

At the 2004 and 2009 General Synods it was also recommended that church organisations adopt 'Guidelines for parish safety' to screen clergy and laity and manage ongoing risks posed by offenders. A national register of allegations against church workers was also established.

In 2005 one victim of the Home, Tommy Campion, approached the diocese of Sydney and Grafton about his and his sister's abuse and he was offered counselling and sent a copy of the Pastoral Scheme.

- ▶ **Finding 3:** The Diocese of Grafton initially dealt with Tommy Campion's complaint by providing a copy of the Pastoral Care and Assistance Scheme adopted by the Diocese in 2005. When faced with the group claim, the Diocese changed its response to Tommy Campion's claim by stating that the Diocese and its Corporate Trustees had no legal liability for sexual or physical abuse of a child by clergy, staff or other people associated with the North Coast Children's Home.

The following year he and 40 other ex-residents began a group claim against the Diocese.

The Diocesan Bishop-in-Council adopted a defensive legal position to the group claim and proposed two different settlement options, both depending on claimants entering into a deed of release.

- ▶ **Finding 4:** The Diocese of Grafton required group claimants to sign a deed of release before counselling, acknowledgement, apology or financial settlement would be provided, except for Tommy Campion, who was already receiving some counselling. This was inconsistent with the Sydney Pastoral Care and Assistance Scheme that the Diocese of Grafton adopted in 2005.

The Diocesan lawyer did not believe there was any obligation to follow the Ordinance because he believed the Diocese had no liability. Settlement negotiations were hostile.

- ▶ **Finding 5:** By 10 October 2006, the Diocese of Grafton was not following its own policies in its handling of the group claim as set out in the:
 - Professional Standards Ordinance and Protocol for Dealing with Complaints of Sexual Abuse, both adopted in 2004
 - Pastoral Care and Assistance Scheme, adopted in 2005.
- ▶ **Finding 6:** Bishop Keith Slater, then Bishop of Grafton, and the Diocese of Grafton should have managed the process under the 2004 Protocol for Dealing with Complaints of Sexual Abuse when the group claim was being handled between the Diocesan and claimants' solicitors.
- ▶ **Finding 7:** The settlement negotiations on 19 and 20 December 2006 were conducted in a hostile manner, contrary to the spirit of the 2005 Pastoral Care and Assistance Scheme and the 2004 Protocol for Dealing with Complaints of Sexual Abuse.

By March 2007 an agreement categorised claimants in three bands of compensation according to the severity of their abuse ranging from \$16,658.54 to \$20,658.54 and then to \$22,658,54 however once Medicare deductions and legal fees were paid claimants might receive around half these amounts. Tommy Campion for example would have received only \$10,326.64. Despite the Protocols and

Scheme policies to treat people with empathy, support and respect, many former residents felt hurt and distress by the Church's denial of responsibility for the Home.

- ▶ **Finding 8:** The amounts offered to Tommy Campion, CA, CK, CL, CM and CN under the group claim were substantially lower than if the claim had been resolved under the 2005 Pastoral Care and Assistance Scheme that the Diocese of Grafton had adopted. The Diocese misled Tommy Campion and CA that the scheme would be followed.
- ▶ **Finding 9:** In handling the group claim, the Diocese of Grafton did not apply the 2004 Professional Standards Ordinance and Protocol for Dealing with Complaints of Sexual Abuse. As a consequence, it did not provide a sympathetic and proportionate pastoral response to the group claimants.
- ▶ **Finding 10:** By denying legal liability, on the basis that it did not control the North Coast Children's Home, and not providing a pastoral response, the Diocese of Grafton's response had a detrimental effect on abused former residents.

Tommy Campion initially rejected the offer made under the group claim and sought counselling and payment in line with the Pastoral Care and Assistance Scheme but the Bishop suggested that Mr Campion was betraying the group by renegotiating. In June 2010 Mr Campion did accept the group offer but was then offered more to cover the Medicare reimbursement and \$5000 for counselling.

- ▶ **Finding 11:** Bishop Keith Slater did not follow the Pastoral Care and Assistance Scheme in responding to Tommy Campion.

Mr Campion continued to press the Church about his settlement and sought documents such as the Home's Constitution to understand the issue of liability. The Bishop resisted giving Mr Campion those documents as he was concerned about the possibility of legal action against committee members, one of whom was elderly.

- ▶ **Finding 12:** In 2012, when considering the request from Tommy Campion for information, Bishop Keith Slater acted to protect the interests of the former members of the Home's committee, including an elderly former member.

Three new former residents came forward to the Diocese. Two were refused financial compensation but were offered a support person whilst the third received a payment but no pastoral support.

- ▶ **Finding 13:** The Diocese of Grafton received further individual claims from former residents of the North Coast Children's Home, but it did not deal with them in accordance with the Pastoral Care and Assistance Scheme or the settlement of the group claim.

These claims also differed from the way the Diocese handled claims of child sexual abuse that were not related to the Home.

Further, the Diocese did not follow its own policies related to reporting. The 2004 Ordinance requires any clergy or bishop who receives information on allegations of sexual assault to report it to the Professional Standards Committee.

- ▶ **Finding 14:** Bishop Keith Slater did not refer either CB's or CC's claims to the Professional Standards Committee, which was contrary to clause 24(1) of the Professional Standards Ordinance 2004.

It was not until 2013 that the new acting Registrar reported to the Primate her concerns about the Diocese of Grafton's handling of claims over the previous six years. She noted that professional standards files were not properly kept or processed and that matters had not been referred to the Professional Standards Director.

The Bishop resigned soon after in May 2013 and issued a media statement apologising for not giving abuse claimants access to the Professional Standards Director. In September 2013 the Diocese published an apology in several newspapers for the abuse at the Home and its handling of subsequent claims. In October 2013 a new Care and Assistance Scheme was passed but was still not as detailed as the Sydney Scheme. The Diocese reviewed all claims and has offered revised settlements.

RECOMMENDATION 1: That the Diocese of Grafton regularly review the operation of its professional standards processes to ensure the professional standards director and Professional Standards Committee are appraised of all outstanding claims of sexual abuse.

The Public Hearing also looked at how the Anglican Church's organisational structure might have constrained its responses to victims of abuse at the Home. The dioceses of the Anglican Church are autonomous and the Primate did not have the authority to command the bishop of a diocese to act in a certain way despite writing to the Bishop of Grafton several times and advising him of how to respond to the complainants and advising the Bishop to report the criminal allegations that came to his attention. The Primate himself did advise the Police of the allegations he knew of relating to the Home.

- ▶ **Finding 15:** Between 2006 and 2012, the Primate advised Bishop Keith Slater that:
 - the group claimants should have their complaints properly heard and be offered counselling and pastoral support
 - he should seek out further people who had been abused at the North Coast Children's Home
 - he should inform the police of all criminal allegations which came to his attention arising out of the North Coast Children's Home.

The Public Hearing then looked at the way that financial considerations impacted on the Diocese's responses to claims of abuse. It appeared there were concerns about the financial situation of the Diocese however it became clear that between 2005 and 2007 the Diocese had assets of between \$950,000 and \$1.5 million plus other monies held in Corporate Trust. Nevertheless other debts at the time were met by selling assets and by seeking assistance from other diocese.

- ▶ **Finding 16:** Despite its knowledge of potential claims by 2005, the Diocese of Grafton did not make provision for settling child sexual abuse claims in its annual budgets for 2006, and 2008 to 2012.
- ▶ **Finding 17:** Acknowledging that some assets might not be readily available, the Diocese of Grafton had enough assets either in its name, or in the Corporate Trustees of the Diocese of Grafton's name, to allow it to settle the claims of child sexual abuse made between 2005 and 2011 consistent with the Pastoral Care and Assistance Scheme it adopted in 2005.
- ▶ **Finding 18:** The Diocese of Grafton did not make any financial provision for professional standards matters. It prioritised the Clarence Valley Anglican School debt over its financial obligations under the Protocol for Dealing with Complaints of Sexual Abuse and the Pastoral Care and Assistance Scheme to pay abused former residents of the North Coast Children's Home between 2007 and 2012.

The Public Hearing examined how the Anglican Church applied disciplinary ordinances when it became aware of allegations and convictions made against clergy. Reverend Allan Kitchingman worked at the Home from 1969 until 1970 then moved between parishes in Grafton, Armidale and the Northern Territory until he retired in 2000. In 2002 he was convicted of five counts of indecent assault of a male in 1975 (when at the Home) and was sentenced to prison. Both the diocese of Grafton and Newcastle could have taken action, the latter because The Reverend had retired to live in Newcastle at that time.

Between 2002 and 2004 there were informal agreements about who would take responsibility for disciplinary action. Neither took any action about the Reverend. However the Professional Standards Director at Grafton did make reports to the police about two other priests who were mentioned in the group claim but took no further action when the Police asked him not to whilst they investigated further. The Professional Standards Director did not follow up on this further nor did it report one of the priests to the Professional Standards Committee of Newcastle. Other abusers named by the group were not followed up with Police but were handled directly by the Bishop.

- ▶ **Finding 19:** The dioceses of Grafton and Newcastle could both have taken action in response to the professional standards matters concerning Reverend Allan Kitchingman, including his discipline. There was no clear system in place to determine which diocese would assume responsibility.
- ▶ **Finding 20:** From 2003 to 2013, Bishop Keith Slater was aware that Reverend Allan Kitchingman had been convicted of sexual offences against a child, and had authority to discipline him. Bishop Slater did not start disciplinary proceedings against the reverend.
- ▶ **Finding 21:** From 2004, Reverend Patrick Comben was aware that Reverend Allan Kitchingman had been convicted of sexual offences against a child but did not start disciplinary proceedings against him.
- ▶ **Finding 22:** In 2002, Archbishop Roger Herft, then Bishop of Newcastle, became aware that Reverend Allan Kitchingman had been convicted of five counts of indecent assault of a child at an Anglican home in the Diocese of Grafton. Between August 2002 and February 2004, he did not start disciplinary proceedings against the reverend.

- ▶ **Finding 23:** From 2006 to 2007, Philip Gerber, as Professional Standards Director of Grafton and Newcastle, was aware that Reverend Allan Kitchingman had been convicted of sexual offences against a child but did not start disciplinary proceedings against him.
- ▶ **Finding 24:** The General Synod recommended guidelines for parish safety in 2009. The Diocese of Newcastle did not adopt guidelines for managing people of concern until around October 2013. As a result, there were no guidelines to manage any risk posed by Reverend Allan Kitchingman's involvement in Newcastle Cathedral until October 2013.
- ▶ **Finding 25:** From September 2005 until April 2013, no disciplinary action was taken against Reverend Campbell Brown by the Diocese of Grafton or the Diocese of Newcastle. During the same period, the Diocese of Grafton took no disciplinary action against Reverend Winston Morgan.
- ▶ **Recommendation 2:** That the Diocese of Grafton determine whether to initiate disciplinary proceedings against Reverend Brown.
- ▶ **Finding 26:** From 2011 to 2013, Bishop Keith Slater did not refer allegations of criminal conduct made by CB and CC to NSW Police. This was inconsistent with the 2004 Professional Standards Ordinance and Protocol for Dealing with Complaints of Sexual Abuse.

RECOMMENDATION 2 That the Diocese of Grafton determine whether to initiate disciplinary proceedings against Reverend Brown.

- ▶ **Finding 26:** From 2011 to 2013, Bishop Keith Slater did not refer allegations of criminal conduct made by CB and CC to NSW Police. This was inconsistent with the 2004 Professional Standards Ordinance and Protocol for Dealing with Complaints of Sexual Abuse.

The Royal Commission requested all information from the Anglican Church's National Register about five alleged and known offenders but the register had no information about any of them and the Commission was told that there were technical problems and a lack of confidence in the register.

- ▶ **Finding 27:** The establishment of the National Register of the Anglican Church is a positive initiative.
- ▶ **Finding 28:** At the time of the hearing, the National Register of the Anglican Church did not record the names of all people who might need to be registered because various dioceses have been unable to review all their files to determine whether an entry should be made.

The Royal Commission expects to follow this up further.