1. **Preface**

The Presbyterian & Methodist Schools Association (PMSA) is the governing body of Brisbane Boys' College, Clayfield College and Somerville House schools in Brisbane and Sunshine Coast Grammar School on the Sunshine Coast.

The PMSA acknowledges that allegations of Abuse are very serious matters and must be dealt with seriously, sensitively and confidentially, in accordance with the law.

PMSA believes that Schools must be places where positive Christian values and commitment to the safety and well-being of members of the School community are evident. This should arise from the understanding that all people, being made in God's image, are entitled to a fundamental respect for their person. Each Former Student who approaches the PMSA in relation to their previous experiences while receiving education, accommodation or care within a PMSA School must and will be welcomed, supported and treated with respect and consideration, in alignment with PMSA's core values.

Children are particularly vulnerable to harm. God's people must be particularly mindful of the interests of children and strive to protect them from harm. A compassionate response to Former Students will be first priority in respect of all information received, whatever the legal rights of the Former Students may be.

The PMSA participates in the National Redress Scheme.

2. **Purpose**

The purpose of this Policy is to outline PMSA's processes for dealing with allegations of Abuse relating to individuals who, as children, received education and/or accommodation or care within a PMSA School but who are not students of the School at the time the allegations are made. Such individuals will be described within this Policy as Former Students.

This Policy has been prepared to provide a basis on which PMSA can take action to respond to any allegations by Former Students that Abuse has occurred.

3. **Scope**

PMSA will deal with all allegations of Abuse relating to Former Students (whether a child or adult at the time of making the complaint) as set out in this Policy. This Policy does not address allegations involving current students as these are covered by the PMSA Child Protection Policy.

Nor does this Policy address allegations of Abuse involving only adults (at the time of the alleged incident), as such matters will be handled under the relevant PMSA policies, including the PMSA Preventing and Responding to Workplace Bullying Policy.

4. **Principles**

This Policy is based on the following principles:

4.1 The PMSA acknowledges and accepts that a high level of trust is placed in the organisation by students, their families, and the wider community. Accordingly, the PMSA will not tolerate any acts of Abuse towards children and will actively seek to prevent their occurrence.

   (1) The care and protection of the children in PMSA Schools is of paramount importance.

WARNING: Printed copies of this document may not be current. Please refer to the electronic copy on the PMSA website for the latest version.
(2) The PMSA strives to make PMSA Schools places of safety from Abuse for children. Children should feel safe from any threat of Abuse, both while on School property and while in the care of School personnel outside the School campus.

(3) PMSA Schools should be places where Abuse can be disclosed and dealt with effectively.

(4) Where an incident of Abuse by an adult of a Child is reported, the PMSA will notify the police, no matter when the incident occurred.

(5) The PMSA commits to ensuring that all actions are upright and that those who work in PMSA Schools agree with and adhere to PMSA policies.

(6) The PMSA treats allegations of Abuse seriously, sensitively and confidentially subject only to such disclosure as is necessary to deal with the matter under this Policy and as required by law.

(7) The PMSA strives to ensure that proper standards of conduct are maintained in Schools at all times and will take corrective action where necessary. The PMSA staff should behave in a manner which makes it clear to the children and others that the staff are responsible adults. There should be demonstrated a clear delineation of boundaries between the role of authority and personal needs.

(8) The PMSA requires students, parents and others to report any abusive behaviour of which they become aware.

(9) The PMSA is committed to setting an example by the organisation’s own behaviour.

(10) The PMSA publishes policies and strives to ensure that all staff are aware of the standard of conduct expected of them.

(11) The PMSA will treat everybody involved in an allegation of Abuse, including the alleged perpetrator, with dignity and respect. The PMSA will observe the principles of natural justice.

(12) The PMSA understands that people who are subjected to Abuse are harmed by it.

(13) Sexual behaviour by staff with a Child in the care of the PMSA is always Sexual Abuse.

5. Procedures

The order in which these procedures are carried out will depend on the individual situation.

5.1 Application

(1) These PMSA procedures apply only to allegations relating to victims who are not students of the School at the time the allegations are made and involve a past employee/volunteer, unless this policy expressly provides otherwise.

(2) If the matter or allegation involves an existing student or employee/volunteer the matter must be dealt with under the PMSA Child Protection Policy and through the school disciplinary process.

5.2 Procedures for receiving and dealing with allegations

Allegations may be received either orally or in writing.

(1) A PMSA employee or volunteer who receives an oral notification about alleged Abuse must immediately advise the relevant School Council Chairman via the School Principal. For an early learning centre they must advise the School Principal through the centre’s Nominated Supervisor. The School Principal will then advise the PMSA Board.
(2) If the allegation involves the School Principal, the School Council Chairman will be advised directly of the allegation. If the matter involves the School Council Chairman the School Principal will advise the PMSA Chairman. If the allegation involves the Nominated Supervisor of an early learning centre, the PMSA employee or volunteer must advise the PMSA CEO.

(3) The School Council Chairman (and in the case of an early learning centre, the PMSA CEO) will contact the Former Student as soon as practicable to:

   (a) acknowledge receipt of the complaint;
   (b) record the Former Student’s contact details;
   (c) indicate to the Former Student that the details will be passed on to a designated Support Officer (as defined in this Policy);
   (d) indicate to the Former Student that the designated Support Officer will contact them directly; and
   (e) the designated Support Officer will email contact details and any other information provided by the Former Student to the PMSA CEO and the Support Officer, on the date of receipt of the information.

(4) The PMSA CEO will record the details of the complaint in a complaints database. The PMSA CEO will also notify the PMSA Abuse Reference Panel (as defined in this Policy) that a complaint has been received.

(5) On receipt of information about a complaint the Support Officer will contact the Former Student and:

   (a) explain their role in the process;
   (b) confirm the Former Student’s contact details;
   (c) ascertain the Former Student’s preferred method of contact; and
   (d) inform the Former Student of the alternative courses of action available, namely:
       (i) apply for redress under the National Redress Scheme;
       (ii) commence civil litigation;
       (iii) apply informally to the PMSA for redress;
       (iv) report the incident and take the matter no further.

(6) If the Former Student wishes to apply under the National Redress Scheme or commence civil litigation, the PMSA should not take the matter further until the chosen course of action is completed. If the Former Student wishes to apply informally to the PMSA or does not wish to take the matter further, the following provisions will apply:

   (a) ascertain what redress is being sought from the PMSA;
   (b) outline the steps under this procedure;
   (c) invite the Former Student to meet to discuss the complaint and assist with the drafting of a statement outlining the details of the complaint;
   (d) advise the Former Student that a statutory declaration sworn by them may be required to support their application;
   (e) talk to the Former Student about developing a care plan;
   (f) explain what immediate counselling/psychological care might be available to the Former Student, and what limits there are on such support;
(g) ask the Former Student if they have contacted the police or any other government agency about the alleged abuse they have experienced. If not, ask the Former Student if they would like assistance in making such contact;

(h) explain that the PMSA must report to police any information about Sexual Abuse of a child by an adult;

(i) agree on timing of next contact with the Former Student;

(j) assess whether the Former Student is likely to require additional assistance to make an application for redress;

(k) explain that once the formal complaint has been received it will be considered by the PMSA Abuse Reference Panel.

(7) If a Former Student says that they do not wish to record their complaint, or any other form of writing, the Support Officer will:

(a) advise the Former Student that they will obtain as much detail about the experiences of the Former Student as they are willing to share, make a note of this conversation and provide a copy of the note to the Former Student for comment before submitting it to the PMSA Abuse Reference Panel, and

(b) make such a note for submission to the PMSA Abuse Reference Panel.

5.3 Verifying Information from Former Student

(1) on receipt of an application for redress, the PMSA CEO will:

(a) review the application and the notes of the Support Officer;

(b) in conjunction with the relevant Principal identify any further enquiries to be made and records to be obtained, in order to verify that the Abuse alleged in the application occurred (the PMSA CEO does this in consultation with the Support Officer if needed);

(2) make those inquiries, the nature of which will vary with each application, but will typically include a request to the Principal to:

(a) verify that the Former Student was a student at the School at the relevant time;

(b) verify that the alleged perpetrator was connected with the School at the relevant time;

(c) identify the nature of the connection between the Former Student and the alleged perpetrator at the relevant time;

(d) identify whether the School itself has any record of a prior Application by the Former Student;

(3) make inquiries of the PMSA’s lawyers to ascertain whether the Former Student has come to notice during the Royal Commission; and

(4) make inquiries to ascertain whether there have been previous criminal proceedings, or a previous or current report to police, or a police investigation, and if so, the outcome of that report or investigation.

(5) The PMSA CEO will assess whether the application alleges conduct which may be a criminal offence or some other situation that triggers the PMSA’s reporting obligations.

(6) If appropriate, the PMSA CEO will request from the relevant School any further information and records required to verify the application, by a nominated date.
(7) When the PMSA CEO completes their own inquiries and has received responses to all inquiries (which will include the response that no relevant records have been located, or that relevant inquiries were made but only limited material was located) they will:
(a) assess all information received; and
(b) with the Support Officer about whether it is necessary to seek further information from the Former Student.

If it is, the Support Officer will contact the Former Student.

(8) When the PMSA CEO has pursued inquiries, as far as practical, the PMSA CEO will review all the then available information and make an initial assessment as to whether:
(a) there is sufficient information to enable the PMSA Abuse Reference Panel to decide whether there is a reasonable likelihood that:
   (i) the Former Student suffered Abuse;
   (ii) the Former Student suffered harm as a result of the Abuse; and/or
   (iii) the perpetrator was connected to the school at the time of the incident;
   (iv) whether there are any distinctive institutional factors to be taken into account; or
(b) The PMSA needs to seek legal advice regarding the engagement of an independent investigator to conduct inquiries to verify the application, bearing in mind the information required by the PMSA Abuse Reference Panel to assess the redress to be offered to the Former Student.

(9) If the PMSA’s lawyers consider that engagement of an independent investigation firm is required, the PMSA CEO will prepare a briefing note to the PMSA Board recommending that course, setting out the basis of the recommendation and attaching all relevant material.

(10) The PMSA Board will determine whether an investigation firm will be engaged or whether the PMSA’s lawyers should make further inquiries.

(11) If the PMSA Board determines that an investigation should take place, the PMSA Board will instruct the lawyers to engage an independent investigator, by means of a formal letter of instructions setting timeframes.

(12) The PMSA CEO will inform the Support Officer of the approach to be actioned, so that the Support Officer can inform the Former Student of the current status of the application.

(13) The independent investigation firm will carry out the investigation, and submit an investigation report to the PMSA’s lawyers.

6. Report and resolution
6.1 The PMSA Abuse Reference Panel as duly appointed by the PMSA Board will meet on an as needs basis to:
(1) receive a verbal briefing from the Support Officer of applications due for consideration by the Panel;
(2) consider applications and briefing papers prepared by the PMSA CEO;
(3) consider the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and relevant State and Federal legislation;
(4) determine the redress (if any) to be offered to the Former Student; and
(5) record the decision.

6.2 If the PMSA Abuse Reference Panel determines that the material given is insufficient to
determine a redress offer, the Abuse Reference Panel will formally identify the further
material required and send this to the PMSA CEO for action.

6.3 If the PMSA Abuse Reference Panel makes a determination as to redress to be offered, the
Panel will provide the determination to the PMSA Board. Once approved by the PMSA
Board the PMSA CEO will inform the Support Officer of the redress offered.

6.4 The PMSA CEO will prepare a letter to the Former Student which:

(1) confirms the outcome of the PMSA Abuse Reference Panel meeting;
(2) sets out the details of any offer of redress;
(3) if the Former Student is to be offered a monetary payment, attaches a Deed of
Release, which will not contain a confidentiality clause;
(4) informs the Former Student that the PMSA will meet the Former Student's legal
expenses of obtaining independent legal advice in relation to the Deed of Release; and
(5) advises that the offer of redress is open for a period of 3 months.

6.5 The PMSA CEO, in collaboration with the Support Officer, will implement the other redress
items approved by the PMSA Abuse Reference Panel. This could include (but may not be
limited to):

(1) drafting a written apology;
(2) arranging ongoing support and counselling and
(3) any other form of redress agreed.

6.6 If a Former Student rejects the offer of redress and requests reconsideration/review of the
offer by the PMSA Abuse Reference Panel, the Support Officer and the PMSA CEO must:

(1) clarify with the Former Student the basis upon which reconsideration is sought
(i.e. what is the new information that the Former Student seeks to adduce for the
consideration of the Abuse Reference Panel); and
(2) upon receipt of clarification, draft a further briefing note for the PMSA Abuse
Reference Panel.

6.7 Media

The Principal of the relevant School will deal with media issues as spokesperson for the
relevant School. Before making any public statement, the Principal will consult with the
School Council Chairman. For an early learning centre, the Principal will consult with the
relevant School Council Chairman.

The PMSA CEO will deal with media issues as spokesperson for the PMSA.

6.8 Report to Queensland College of Teachers (QCT)

Where the alleged perpetrator was a registered teacher at the time of the alleged Abuse,
the Principal of the School where the Abuse allegedly occurred must comply with the
reporting obligations under the Education (Queensland College of Teachers) Act 2005 (Qld).
These obligations may require the Principal to first notify QCT as soon as practicable after
the investigation of the allegation starts.
7. **Insurer**

7.1 The PMSA CEO, in consultation with both the relevant Principal and the Chairman of the PMSA Board, will inform the insurer of any claim or likely claim against the PMSA as soon as he or she is informed of it. The relevant insurer will usually be the insurer who has issued a policy for the period when the Abuse is alleged to have occurred. Details of any claims should be given to prospective insurers when current insurance is to be effected.

7.2 The PMSA CEO will keep the insurer informed of the progress of the response to the allegation.

8. **Natural justice and procedural fairness**

8.1 As the consequences of a decision for any individual become more severe, so the importance of demonstrably acting fairly increases. The 2 fundamental principles of natural justice are:

1. that those making a decision must be free from bias as well as the appearance of bias; and
2. nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard. This includes providing reasonable notice and time to prepare sufficient information (about the matter to be decided) to enable the person to present their case.

**Confidentiality**

Confidentiality is not secrecy but is an assurance that written and spoken information is protected from being shared with unauthorised persons, or used for a purpose other than that for which it was collected.

Confidentiality is of the utmost importance in dealing with an allegation of Sexual Abuse. It is not to keep the incident secret but is to ensure that only those people “who need to know” know. Confidentiality protects the rights and interests of ALL parties. Due consideration needs to be given by all staff managers to matters of confidentiality in both service delivery and in responding to an allegation.

**Legislation**

In responding to an allegation of Abuse, the PMSA should strive to ensure that the organisation does not interfere with due legal process. This includes ensuring that any investigation does not interfere with criminal investigations or civil claims. Similarly, the PMSA has a right to ensure that the organisation is able to investigate fully matters which affect staff or those individuals within the Schools’ care.

It is therefore important to take into consideration the Criminal Codes, State care and protection legislation and anti-discrimination legislation in dealing with an allegation of Abuse. Advice on such requirements can be sought from statutory bodies, police or legal advisers.

**Legal representation**

This Policy does not prescribe a formal legal process, because the PMSA prefers instead that a successful resolution of the matter be achieved directly between the PMSA and the Former Student. The Former Student may however elect to be legally represented.

**Records**

The PMSA will keep full documentation about each allegation in a confidential file.
On completion of the process, the PMSA CEO is responsible for ensuring that all information pertaining to the allegation is securely maintained.

**Care strategy**

8.2 Upon a School receiving an allegation of Abuse, the School Principal will establish a Care Strategy. The purpose of the Care Strategy is to plan for the care, confidentiality and management of the process for investigating and resolving the allegation and minimising the impact upon the School/community.

8.3 A Care Strategy will not be established in cases where so much time has elapsed since the alleged Abuse that a Care Strategy would have no relevance.

8.4 A Care Strategy should be developed by the PMSA CEO, in consultation with the Principal, within 2 weeks of receipt of the allegation. The Care Strategy will address, but is not limited to:

1. issues of confidentiality;
2. which members of the School community are told and when;
3. issues of safety for the Former Student, respondent, other staff and members of the School community;
4. education required relating to the matter within the School, e.g. boundaries, protective behaviours etc.;
5. strategy for care, healing, and counselling within the School;
6. strategy for care of the individuals affected, i.e. Former Student, respondent, their family members and friends;
7. critical incident response if a number of people are involved;
8. legal advice;
9. consultation required with the PMSA;
10. management of staff during the investigation;
11. overall management strategy;
12. appropriate records to be kept.

**Definitions**

8.5 "Abuse" means sexual abuse and related abuse which causes significant harm to a person's wellbeing.

8.6 "Abuse", in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:

1. the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
2. the relevant person has less power than the other person;
3. there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

8.7 "Abuse Reference Panel" means the panel appointed from time to time by the PMSA Board to receive details of alleged abuse of Former Students and determine what redress is applicable (if any) in each matter. The terms of reference and the composition of the Abuse Reference Panel will be approved by the PMSA Board annually.

8.8 "Child" means a person under 18 years of age.
8.9 "Employee" includes current or former employees, contractors and volunteers.

8.10 "Former Student" means a person who, as a Child, received education and/or accommodation or care within a PMSA School but who is not a Student of the School or centre at the time the allegation is made.

8.11 "National Redress Scheme" is a redress scheme established under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cwth).

8.12 "PMSA" is the Presbyterian and Methodist Schools Association.

8.13 "Principal" includes, for early learning centres, the Nominated Supervisor.

8.14 "School" includes a school, early learning centre or child care centre operated by, or under the auspices of, the PMSA.

8.15 "Support Officer" is the independent person, persons or organisation appointed by the PMSA Board to act as the independent support advisor to the Former Student.

8.16 "Without prejudice" refers to the limited circumstances in which the content of documents, discussions and negotiations to be used in a Court of law are restricted. "Without Prejudice" discussions and negotiations allow the parties to speak with less reserve, and to work constructively towards resolution of any matter in dispute.

**Distribution**

This Policy is to be made available to students and parents of PMSA Schools via School newsletters, School notice boards, the student diary, parent manuals, the School website and the PMSA website. The attention of all staff should be drawn to this Policy on the first staff professional development day of each School year and to all new staff at the time of their appointment. It is to be set out in the staff handbook.

**Amendment register**

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