



DIOCESE OF MAITLAND-NEWCASTLE

CHANCERY OFFICE

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ABN: 91 605 046 457

Final Report

Person subject of allegation: James Patrick Fletcher
Address: 81 Crebert Street, Mayfield 2305
Phone: 49674216
Date of Birth: 20th November 1941
Parish : St Brigid's Parish, Greta/Branxton
Young Persons involved:

AM
 UR76
 Peter Gogarty,
 AB

Reported to CCER:

AM	25/3/03
AB	20/8/04
UR76	24/9/04
Peter Gogarty,	21/9/04

Investigation Finalised: 6/12/04

Allegation of reportable conduct: Father Fletcher was charged with eight charges of homosexual intercourse with a boy aged between ten and eighteen and one count of an act of indecency with the same boy aged thirteen years. These charges relate to AM. Information provided by Det. Peter Fox, Cessnock Police, indicates there were fifty or seventy allegation in relation to this matter. Detective Fox indicated that there were allegations of a similar nature made against Father Fletcher by AB but he had decided not to lay any charges at this time. The information provided by AB was used by the police as evidence in the AM matter. Mr Gogarty had made one allegation and charges of Indecent Assault have been laid. This matter is yet to come before the courts. In relation to UR76 Detective Fox reports that there is no suggestion that anything inappropriate had occurred. A member of the community had expressed concerns about the relationship that existed between UR76 and Father Fletcher. The nature of this relationship had been examined by the Police and Department of Community Services. Detective Fox said that UR76's parents had no concerns about the relationship.

Investigation Process:

The Chancery has not conducted any formal investigation into this matter. Mrs Anne Gleeson took over the case as Case Manager on 22/9/04 at the request of Bishop Malone. Since Mrs Gleeson has taken role as Case Manager she has kept in contact with Detective Fox regarding progress of the case.

Final determination:

The allegations made against Father Fletcher in relation to *AM* are sustained. This finding is based on the outcome of the court process. Father Fletcher was found guilty of eight charges of homosexual intercourse with a boy aged between ten and eighteen and one count of an act of indecency with the same boy aged thirteen years.

Detective Fox reports

- Mr *AB* may yet proceeded with charges.
- The Department of Public Prosecutions will approach Father Fletcher's legal team to ask that the Gogarty matter be taken into account in sentencing. If this is not agreed to the matter will be heard in April 2005
- A fourth victim has come forward and made a statement to the police but no formal charges have been laid. The identity of this victim is unknown to the chancery at this time.
- Father Fletcher's legal team plans to launch an appeal. This will occur after sentencing.

CCYP determination Notified to CCYP as Category One on 7/2/05

Action Plan: Meetings have been held in the Greta/Branxton parish prior to and following the announcement of the verdict in the court process. Counselling and financial support have been organised for Mr. *AM* Mr *AB* has been attending counselling provided by an external person and funded by the Chancery. It was planned that a letter be sent to *UR76's family* offering support to the family and counselling, if required. However no record can be found by the Chancery of this letter being sent. Attempts will be made to reconcile this situation in the near future. Mr Gogarty has had contact with the Helpline set-up by the Diocese and is aware of counselling and other support options available.

The diocese established a toll free Helpline to assist persons who have been affected by the events related to this and other matters. No statistical information is available at the time of preparation of this report to comment on the effectiveness or otherwise of this service. Anecdotally many parishioners from Greta/Branxton parish and the wider Catholic community, victims of abuse and others have availed themselves of this service.

Issues: There was some initial difficulty with the manner in which this matter was handled. These difficulties were investigated by the Ombudsman's Office as part of the investigation carried out into Catholic Commission for Employment Relations. In response to the concern raised in this inquiry the Diocese is looking to establish a Child Protection

Unit. In the interim a group of four diocesan employees are managing all matters on behalf of the Bishop. This current situation has impacted on best practice initiatives however it is envisaged that the difficulties encountered by this group will be addressed with the establishment of the Diocesan Unit.

AH's father is employed by the diocese as . This has created actual and perceived conflict of interest for some of those involved. The role of the person providing counselling/support to AH and members of his family is complicated by this person's involvement in case management decision making as a member of the interim group established by the Bishop. Particular attention will be given to this issue in the formulation of responses in the future.

Final Risk Assessment: It is considered that Father Fletcher presents a high degree of Risk to children and young people. There is no Action Plan in place at this stage as Father Fletcher has been remanded in custody till March 11th when he will be formally sentenced in Gosford court. If Father Fletcher situation alters the diocese will reopen the matter.



Anne Gleeson
Child Protection Adviser
Catholic School Office
1/3/05

Notification form – Part B

(To be completed at the conclusion of the investigation)

7. Findings

If the investigation of the allegation is completed, please attach copies of supporting final documentation and complete the following:

7.1 Describe the allegation that was put to the employee (or attach copy of the relevant documents).

7.1.1 Allegation 1: category of reportable conduct

Physical assault

- Hitting/kicking
- Shaking/throwing
- Pushing/shoving/grabbing/pinching/poking
- Inappropriate restraint/excess force
- Indirect – use of object/substance/threat

Neglect

- Clothing/food
- Medical care
- Shelter
- Supervision
- Environment not supportive

Sexual misconduct

- Exploitation: non physical
- Deliberate exposure to sexual behaviour/sexual exhibitionism/exploitation/pornography
- Child pornography
- Obscene language/gestures
- Harassment (inappropriate words/gestures/correspondence)

Sexual offence

- Assault (indecent/touching/molestation)
- Penetration/intercourse

Psychological harm*

- Persistent hostility/rejection
- Exposure to violence (including domestic violence)
- Scapegoating
- Humiliation/belittling

* Note: There must be evidence of related harm to the child that was alleged to have been caused by the employee. See 3.5.7 in the Ombudsman guidelines for more information about this definition.

Note: For more information about definitions of reportable allegations see 3.5 of the guidelines.

Misconduct which may involve reportable conduct

- Unwarranted/inappropriate touching (not indecent)
- Inappropriate relationship with child (not sexual)
- Inappropriate comments/jokes of a sexual nature
- Other

Description of reportable allegation: *FATHER FLETCHER WAS CHARGED WITH EIGHT COUNTS OF HOMOSEXUAL INTERCOURSE WITH A CHILD BETWEEN TEN AND EIGHTEEN YEARS AND ONE COUNT OF INDECENCY WITH*
 Employee response: *THE SAME BOY AGED THIRTEEN YEARS.*

FATHER FLETCHER DENIED CHARGES AND ENTERED A PLEA OF NOT GUILTY.

Notification Form – Part B

7.1.2 Agency Finding on first reportable allegation:

- False
 Vexatious
 Misconceived
 Allegation sustained
 Not sustained – insufficient evidence
 Not reportable conduct

Note: If there was only one allegation, go to Part 7.2. Please attach additional pages if there were more than two allegations.

7.1.3 Allegation 2:

Physical assault

- Hitting/kicking
 Shaking/throwing
 Pushing/shoving/grabbing/pinching/poking
 Inappropriate restraint/excess force
 Indirect – use of object/substance/threat

Sexual misconduct

- Exploitation: non physical
 Deliberate exposure to sexual behaviour/sexual exhibitionism/exploitation/pornography
 Child pornography
 Obscene language/gestures
 Harassment (inappropriate words/gestures/correspondence)

Psychological harm*

- Persistent hostility/rejection
 Exposure to violence (including domestic violence)
 Scapegoating
 Humiliation/belittling

Neglect

- Clothing/food
 Medical care
 Shelter
 Supervision
 Environment not supportive

Sexual offence

- Assault (indecent/touching/molestation)
 Penetration/intercourse

***Note:** There must be a claim of related harm to the child that was alleged to have been caused by the employee. See 3.5.7 in the Ombudsman guidelines for more information about this definition.

Note: For more information about definitions of reportable allegations see 3.5 of the guidelines.

Misconduct which may involve reportable conduct

- Unwarranted/inappropriate touching (not indecent)
 Inappropriate relationship with child (not sexual)
 Inappropriate comments/jokes of a sexual nature
 Other

Description of reportable allegation:

Employee response:

Notification Form - Part B

7.1.4 Agency Finding on second reportable allegation:

- False
 Vexatious
 Misconceived
 Allegation sustained
 Not sustained - insufficient evidence
 Not reportable conduct

7.2 If no reportable allegations were put to the employee, please state why not (e.g. person left the agency and refused to be interviewed):

NO ALLEGATIONS WERE PUT TO FATHER FLETCHER HE WAS FOUND GUILTY ON ALL CHARGES AND REMANDED IN CUSTODY

7.3 State the reason(s) for your finding(s):

THE FINDINGS IN RELATION TO THE OMBUDSMAN'S LEGISLATION ARE BASED ON THE FINDINGS OF THE COURT

8. Final action taken at the end of the agency investigation

8.1 Describe the action taken by your agency at the conclusion of the investigation in respect to the person subject of the reportable allegation:

FATHER FLETCHER HAS BEEN REMANDED IN CUSTODY AND DID NOT RETURN TO PASTORAL DUTIES.

8.2 What other issues arose during the investigation which your agency considers relevant?

OMBUDSMAN OFFICE INVESTIGATED ISSUES RELATING TO THE DIOCESAN HANDLING OF THIS MATTER. AS A RESULT THE DIOCESE IS LOOKING TO ESTABLISH A UNIT TO ADDRESS THESE ISSUES IN THE FUTURE

Notification Form - Part B

8.3 What other action has been taken or is proposed by your agency as a result of the investigation? (e.g. general staff training, changes to policies)

POLICES + PROCEDURES will be implemented with the ESTABLISHMENT of DIOCESAN Child PROTECTION UNIT

8.4 Date investigation completed: *DECEMBER 2004*

8.5 Was the matter required to be notified to the Commission for Children and Young People (CCYP) as a completed relevant employment proceeding? Yes No

8.6 If yes, has the matter been sent to the CCYP? Yes* No

*Note: Please attach a copy of the CCYP Notification form

8.7 Date sent to CCYP: *7/2/05*

8.8 Name and signature of person completing notification to Ombudsman:

Name: *ANNE GLEESON.*

Signature: 

8.9 Date notification completed: *7/2/05.*