

Dear Fellow ODs

I am pleased to announce that the mediation process directed by Justice Kate O'Regan has been successful.

As important as the result is, the process by which it was achieved was as important. I am pleased to report that both parties acted in the best interests of Bishops. Both adhered to the mandate given to us at the SGM in pursuing reconciliation above recrimination. Both acted in a discreet and honourable manner protecting the reputation, and where necessary, the anonymity of those involved. Both acted to protect, and where possible, promote the reputation of Bishops.

In doing so we wished to send a clear message that the "fagging" system and other archaic senior/junior relationships no longer exist at Bishops. Furthermore we wished to highlight the fact that Bishops has established excellent policies and procedures to deal with acts of discrimination, intimidation, bullying and sexual abuse. This set of policies and procedures includes elements that protect current boys and assist ODs who may have suffered abuse. I am comfortable that we achieved all of the above in the Joint Agreement.

As this is a public matter, a further important aspect was that we establish a precedent for how disputes within the OD Union and the Bishops community be resolved; through discretion, mutual respect, mediation, dialogue, forgiveness and reconciliation. This is reflected in the statement we asked Justice Kate O'Regan to draft.

We wish to thank you for your support, your patience and your love for Bishops during this time.

Yours faithfully

Brian Robertson

To the Bishops community

The parties to the mediation have asked me to write a short note to acknowledge that, despite the depth of feeling that had arisen as a result of the dispute between them, the mediation was undertaken with a commitment by all to find a resolution to the long-standing dispute that would be in the interests of the Bishops community as a whole. When a dispute has lasted a long period of time, and has involved a wide range of people, it is often particularly hard to call a halt to it. A solution requires a spirit of compromise and an ability to forgive. This mediation was characterised by this spirit of compromise and forgiveness, demonstrating a recognition on both sides that the most important principle was that the interests of Bishops were of central importance in solving the dispute. I hope that this spirit of compromise, forgiveness and goodwill serve as a firm foundation for healing within the Bishops community now and serve as an example in years to come.

Kate O'Regan  
Cape Town  
1 October 2014

## RECONCILIATION AGREEMENT

1. After a mediation between the OD Union, represented by Mr B Robertson and Mr J Steytler, and Mr and Mrs Hamilton-Smith, represented by Mr G Marinus and Mr S Galloway, an agreement was reached. In this agreement a reference to the "parties" is a reference to the OD Union and to Mr and Mrs Hamilton-Smith.

2. The parties record the following -

2.1 In November 2011, an old boy ("the OD") of the Diocesan College ("the School") contacted the then principal, Mr G Nupen, to allege that when he was a new boy he had been the victim of sexual abuse by another schoolboy who had been in matric, and who was his "fagmaster".

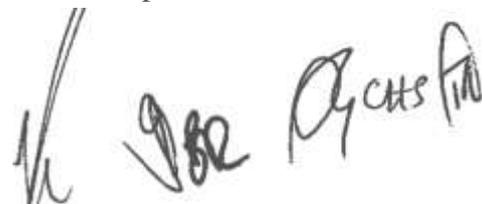
2.2 The "fagging" system, in which junior boys, "fags", are at the beck and call of senior boys, "fagmasters", is a system which existed at many boys' schools. It no longer exists at the School.

2.3 The OD told Mr Nupen that he had asked his housemaster, Mr Tim Hamilton-Smith, to have a new "fagmaster" appointed, although he did not tell Mr Hamilton-Smith why he requested this move. Mr Hamilton-Smith does not recall this request and had no knowledge of the alleged incidents of sexual abuse at the time.

2.4 At time of the communication by the OD to Mr Nupen, Mr Hamilton-Smith had retired as a teacher, and was working as the Secretary of the OD Union, and his wife, Mrs Hamilton-Smith, was working as his assistant. A meeting of the OD Union Committee was held and attended by Mr Nupen, Mr Hamilton-Smith, and members of the OD Union Committee in June 2012. At that meeting, it was agreed that, given the attitude of the former OD who had complained of being a victim of sexual abuse, it would be in the best interests of the School if Mr Hamilton-Smith were to step down from his position as Secretary of the OD Union and Mr Hamilton-Smith tendered to do so. Thereafter, an agreement to this effect was signed by Mr Hamilton-Smith.

2.5 Mr Hamilton-Smith considers that pressure was brought to bear upon him to step down and this has led to a dispute between Mr and Mrs Hamilton-Smith and the OD Union. The OD Union recognises that he was under pressure. The OD Union acknowledges that the dispute has been a very difficult experience for both Mr and Mrs Hamilton-Smith and for everyone involved.

2.6 After the dispute arose, the OD Union went through a process of restructuring which affected both Mr Hamilton-Smith and Mrs Hamilton-Smith's employment at the OD Union which deepened this dispute.

The image shows three handwritten signatures in black ink. The first signature on the left is a stylized, cursive 'H'. The middle signature is a cursive 'G'. The signature on the right is a cursive 'S' followed by 'Galloway'.

3. The parties both acknowledge that the dispute between them and the attendant publicity has not always been accurate and has not been and is not in the best interests of the School. They have accordingly agreed to resolve their dispute in the best interests of School as follows:

3.1 In the spirit of reconciliation, the OD Union hereby records that it regrets what has happened and unconditionally apologises to Mr and Mrs Hamilton-Smith, in the first place, as well as the broader Bishops community including all ODs;

3.2 this agreement will be published;

3.3 the OD Union undertakes to take all steps that it can to ensure that Mr and Mrs Hamilton-Smith are welcomed back into the School, in acknowledgement of their years of exemplary service to the School and to the OD Union; and

3.4 the OD Union undertakes to compensate Mr and Mrs Hamilton-Smith in an amount equal to twelve months of their employment packages as a lump-sum ex gratia payment to be paid within one month of the date of the signature of this agreement (this is in addition to the remuneration payable to Mr Hamilton-Smith in terms of his employment contract until December 2014.)

4. The OD Union records that it considers it of great importance that the School has a system in place to prevent sexual abuse of boys at the School, and procedures for addressing allegations of such abuse once they arise. The OD Union is satisfied that the School has such systems and procedures in place.

5. Mr and Mrs Hamilton-Smith record their regret that the alleged incident of sexual abuse took place during Mr Hamilton-Smith's tenure as housemaster at Founders House.

6. Mr and Mrs Hamilton-Smith place on record that they did not contact Mr Martin Welz, the editor of *Noseweek*, at any time nor did they provide him or *Noseweek* with any information or documents regarding the dispute. In the spirit of reconciliation, the OD Union accepts this statement by Mr and Mrs Hamilton-Smith.

7. Mr and Mrs Hamilton-Smith and the OD Union both acknowledge the support and assistance of many ODs in seeking a resolution to their dispute.

8. The parties acknowledge that this agreement is in full and final settlement of all claims between the parties howsoever arising, without acknowledgement of any liability by any of the parties.

Signed at Cape Town on this 1st day of October 2014.

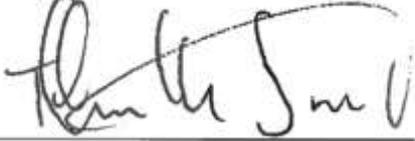


B. Robertson, on behalf of OD Union



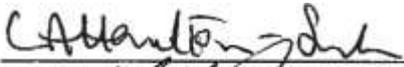
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J. Steytler



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T. Hamilton-Smith



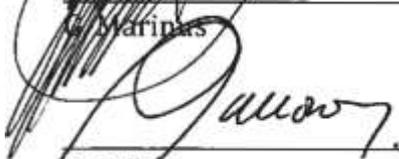
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C. Hamilton-Smith



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G. Marinas



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S. Galloway