

CARE AND ASSISTANCE PROCESS

JUNE 2020

FOR PERSONS WHO HAVE SUFFERED CHILD ABUSE AND/OR
SEXUAL MISCONDUCT BY A CHURCH WORKER OF THE DIOCESE

A. SCOPE

The Anglican Church Diocese of Bathurst ("the Diocese") has developed this process as one option for redressing person/s (referred to as the "applicant") who have suffered child abuse or sexual misconduct perpetrated by a church worker/s of the Diocese (including clergy or other church employee, volunteer or office holder).

This process is intended to provide those who have suffered from abuse with a voluntary alternative to litigation (i.e. civil law-suit or out of court settlement process), or may choose not to apply for Redress via the National Redress Scheme.

It offers applicants one or more of the following redress options

1. Financial Redress (up to \$150,000)
2. Access to psychological care (of the applicant's choice)
3. Direct Personal Response from the Diocese (of the applicant's choice)..

B. OUR COMMITMENT

Persons who have suffered child abuse or sexual misconduct at the hands of a church worker have been violated and had their trust betrayed. When an individual makes an application under this Care and Assistance Process, we are committed to responding promptly with empathy, support and respect.

Our commitment is to a process that:

- acknowledges the wrongs that have been done in the past; and
- accepts that abuse is a breach of trust; and
- values people by responding justly and in a timely manner to the needs of those who have been abused

We are very conscious that there is a primary need for us to respond to allegations of child abuse or sexual misconduct with compassion and empathy, having regard to the situation of the person who has made contact with us. As such, this process aims to be focussed on restoration and healing for applicant.

Commitment to a supported approach - applicants are able to access support throughout the process, including having access to a process support person and independent counselling or therapy.

C. RESPONSIBILITIES OF CHURCH WORKERS

All church or church agency workers are to carry out their roles embodying integrity, trust, justice and compassion towards all. They must carry out their roles in an ethical and competent manner and be mindful of and not abuse the power differential that exists between them and others.

The Diocese will deal with an alleged perpetrator of child abuse and or sexual misconduct in accordance with the Professional Standards Ordinance 2007.

In many cases this disciplinary process will clarify issues as to the facts and extent of the alleged child abuse or sexual misconduct. When such disciplinary procedures are in process, they will generally need to be resolved before a claim for pastoral assistance can be determined.

For further information about the procedures to be followed in dealing with an alleged perpetrator, contact the Diocesan Professional Standards Director

D. STEPS IN THE PROCESS

1. The applicant will be invited to submit their story in writing (with assistance of a Process Support Person).
2. Where desired by the applicant, the Diocese will appoint a process support person, where one is not already in place. If appointed the support person's role is to provide support to the applicant throughout the process.
3. Where the Professional Standards Ordinance process has been activated, the Diocese will progress a resolution with an applicant once this process or the equivalent church agency process and criminal process are completed.

During any disciplinary or equivalent process, the Diocese is committed to reasonably addressing the needs of the applicant through counselling and meeting reasonable immediate care and assistance needs.

4. Once the disciplinary or equivalent process is complete, the applicant's care and assistance needs will then be assessed by the Professional Standards Director or appointee (Case manager) and an appropriate offer of care and assistance will be offered to the applicant.
 - 4a. Where an applicant is **not** seeking a financial assistance package, the Diocese will work with the applicant to provide appropriate care and assistance such as:
 - A Direct Person Approach including, apology from the Bishop or other senior Church or Church Agency leader as is appropriate in the circumstances; recognition of the impact of abuse on their life; a reasonable assurance that the abuse will not happen to another person, and that: where possible the offender has been appropriately dealt with; and safeguards are in place to minimise the likelihood of similar abuse occurring.

- Reimbursement of all reasonable medical expenses incurred as a result of the abuse (*medical, counselling, psychiatric/psychological*)
- Provision of a set amount of psychological counselling.

These measures are intended to provide practical support to help applicants address issues that have arisen as a result of the abuse and aid in their healing.

4b. Where the applicant is seeking a financial assistance package they will indicate this in writing. At this time The Diocese will assess the facts of the case as to its plausibility and assess the impact of the abuse (*if not otherwise established by a statutory body or the Professional Standards Board*).

Applicants seeking financial assistance will also be able to access all care and assistance outlined in Section 4a.

4c. The assessment includes:

- i. Reviewing evidence, including documentation and/or interviews; and examining the evidence of impact of abuse.
- ii. The determination will then be made either upholding the claim (*in full or part*) or declining the claim and providing appropriate pastoral responses (as outlined in 4.a).
- iii. Where the claim for financial assistance is upheld the total maximum financial assistance package shall be \$150,000 in total.
- iv. Financial assistance will be assessed based on the recommendations of the Royal Commission into Institutional Responses to Child Sexual abuse i.e.:
 - the effect of the abuse on the survivor (0-40% of the total amount offered),
 - the extent, nature and circumstances of the abuse (0-40% of the total amount offered),
 - and other factors (i.e. the power differential between the perpetrator and the survivor at the time of the abuse and the appropriateness of the response of the Diocese or Church Agency when the abuse was disclosed or concerns raised) (0-20% of the total amount offered).

E. OFFER OF FINANCIAL ASSISTANCE

The financial assistance offer will be arrived at in consultation between the Professional Standards Director or appointee (case manager) and the Diocesan Registrar, after receiving advice from an appropriate external legal practitioner.

The applicant may choose not to accept the initial quantum of the financial assistance package and enter into a negotiation as to the amount.

Where a negotiation is unsuccessful an appeal may be made to an external assessment panel, constituted by:

- a. A senior psychiatrist or clinical psychologist having current or recent clinical experience with patients who have been victims of child abuse or sexual misconduct; and

- b. A senior legal practitioner who has experience in arbitrations or other alternative dispute resolution procedures.

Following assessment, the panel will recommend an appropriate amount to be paid to meet the claimant's needs in response to a claim. They will be asked to make their recommendation within three months.

Where the applicant is seeking financial assistance, the Diocese or Church Agency will ask the applicant to release them from any further claims. This is called a Deed of Release.

The applicant must obtain independent legal advice on the Deed of Release, prior to signing such a release.

The Diocese will provide the applicant with a maximum of \$3000 for independent legal advice and/or financial advice.

The applicant will **not** be required to give an undertaking of silence as part of the Deed of Release.

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