



ANGLICAN DIOCESE OF
CANBERRA & GOULBURN

**TOWARDS
RESTORATION
CARE & ASSISTANCE
SCHEME**

March 2016

TOWARDS RESTORATION - CARE & ASSISTANCE SCHEME

A. SCOPE:

This protocol applies to supporting all who have been subject to serious abuse by Diocesan Church workers, where the Diocese is responsible for that workers' conduct.

The protocol is applied irrespective of the outcome of the Diocesan Professional Standards Ordinance process or the equivalent Church Agency process and criminal process. This protocol is a pastoral response that strives to assist those impacted by abuse from church or church agency workers.

B. OUR COMMITMENT:

As a Diocese or Church Agency we are committed to:

- acknowledging the wrongs that have been done in the past; and
- accepting that abuse is a breach of trust; and
- valuing people by responding pastorally, justly and in a timely manner to the needs of those who have been abused

C. RESPONSIBILITIES OF CHURCH OR CHURCH AGENCY 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.

D. GUIDING PRINCIPLES OF THE PROCESS ASSOCIATED WITH THIS PROTOCOL:

The process used to provide appropriate support to survivors of abuse is to be:

1. **Optional** – the Towards Restoration Process is one option available to those who have suffered abuse and does not preclude an applicant from seeking redress through other avenues, such as a civil legal action against those responsible for the abuse.
2. **Supported** – applicants are able to access support at all times through the process, including having access to process support from the Diocese and independent counselling or therapy.
3. **Transforming** – the objective of the process is to assist applicants to move forward in their lives in a positive way.

E. STEPS IN THE PROCESS:

1. The applicant will be invited to submit their story in writing (with assistance of a case manager).
2. Where desired by the applicant, the Diocese or Church Agency 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 counseling 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:

- An apology from the Bishop or some other senior Church or Church Agency leader as is appropriate in the circumstances (*on behalf of the Diocese or Church Agency*)
- 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, counseling, 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.

4.b Where the applicant **is** seeking a financial assistance package they will be assisted in completing the Financial Assistance Application Form.

Once the written application form is completed, the Diocese will investigate 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.

c. The investigation and assessment includes:

- i. Reviewing evidence, including documentation and/or interviews; and examining the evidence of impact of abuse.
- ii. When deemed necessary, arranging for an independent medical/psychiatric or psychological assessment (*to be paid for by the Diocese or Church Agency*).
- iii. 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 5.a).
- iv. Where the claim for financial assistance is upheld the total maximum financial assistance package shall be \$150,000 (\$40 – 150, 000 are the current caps) in total – section F (below) and the schedule for financial assistance (Appendix A) provide more details on financial assistance.
- v. Assistance will be assessed on the following basis: the effect of the abuse (*resultant disability/vulnerability*) on the survivor, the needs of the survivor as a result of the abuse, the extent, nature and circumstances of the abuse, 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 (Appendix A)

F. OFFER OF A FINANCIAL ASSISTANCE PACKAGE:

The final financial assistance package will be arrived at in consultation between the Professional Standards Director or appointee (case manager), the Diocese's Chancellor and the Registrar.

G. APPEAL OF THE DECISION AS TO AMOUNT OF FINANCIAL ASSISTANCE:

The applicant may appeal the quantum of the financial assistance package. In such instances, the Diocese will refer the matter to the external independent assessment panel.

The panel, appointed by the Bishop-in-Council, will be 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.

The panel will make an assessment of the financial needs of the claimant arising from the child abuse or sexual misconduct. Reference will be made to the scale of categories listed in the Schedule of Financial Assistance.

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.

H. DOCUMENTATION:

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 is encouraged to 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 for the signing of the Deed of Release.

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

CONTACT DETAILS:

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Acknowledgements:

Anglican Church Diocese of Sydney: Pastoral Care and Assistance Scheme 2014

APPENDIX A -ASSESSMENT FOR FINANCIAL ASSISTANCE

Financial assistance alone cannot make amends for the harm caused by child abuse or sexual misconduct. Rather, financial assistance is seen as a means by which the Diocese can acknowledge the harm caused by abuse and show compassion by providing some practical financial assistance for the applicant's present and future needs arising from the abuse. It is a reflection of the fact that the Diocese recognises the serious effects of abuse and their Christian responsibility to respond with practical care.

There are key factors that influence the quantum of a financial assistance package. These include:

1. The effect of the abuse on the applicant

The severity of the abuse does not necessarily indicate the level of impact the abuse will have on an applicant. A key factor in determining the quantum of financial assistance package is determined by the effect of the abuse. An applicant may have experienced abuse within the category of "Non-contact sexual violence" which falls within category 2 (See Table 1). However, an individual applicant may have been more significantly impacted, for example, in terms of being able to sustain relationships and/or employment than an applicant who had experienced "significant sexual violence (category 4). For this reason, we **may** ask applicants wishing to access a financial assistance package to undertake an independent psychological assessment to determine impact of the abuse. The level of impact/effect (resultant disability/vulnerability) assessed by the independent psychologist **may** influence the quantum of the financial assistance package.

2. The needs of the applicant as a result of the abuse

There are a variety of applicant needs and where possible the Restoration package is to be customised to meet the expressed needs of an individual. Customisation may include financial settlement components, counselling, educational sponsorship and other options to seek to redress lost life opportunities as a result of the abuse.

3. Extent, nature and circumstances of the abuse

The extent and nature of the abuse experienced by an applicant can vary significantly. The Towards Restoration protocol applies to all forms of abuse.

Table 1 below provides an outline of categories of child-related offences or sexual misconduct that may fall within the Protocol.

Category And maximum financial assistance	Description	Examples (<i>but not limited to</i>)
1 maximum \$40,000	Non-contact sexual behaviour and physical harm	<ul style="list-style-type: none"> • Sexualised conversations and unsolicited and/or inappropriate touching • Low to medium level physical abuse
2 maximum \$80,000	Physical and Psychological harm Non-contact sexual violence	<ul style="list-style-type: none"> • Medium level physical abuse • Exposure of adult genitals • Exposure of a child to adult masturbation • Exposing a child to pornography • Ongoing emotional abuse
3 maximum \$110,000	Physical harm and contact sexual violence	<ul style="list-style-type: none"> • High level physical abuse • Sexualised non-genital touching • Frottage • Touching a person's genitals, including or excluding exposure of offender's genitals
4 maximum \$150,000	Significant sexual violence	<ul style="list-style-type: none"> • Digital penetration • Rape – including forcing a person to have oral sex, vaginal or anal intercourse may be once or on multiple occasions • Using a child to produce child pornography

4. The power differential between the perpetrator and the applicant at the time of the abuse

The quantum of financial assistance package is also impacted by the power differential between the perpetrator and the applicant at the time of abuse. Those in ministry leadership in the Diocese enjoy a position of trust in pastoral relationship. They have been trusted by the diocese or the person appointing them in a ministry unit to be a conduit of Jesus' love for those they serve. Power coexists with this trust and that power and trust is abused when they exploit or abuse those under their care. As a consequence, the quantum of financial assistance package received by those who have been abused by those in a position of leadership will be assessed at a higher quantum.

5. The appropriateness of the response of the Diocese or Church Agency when the abuse was disclosed or concerns raised

The culpability of the Diocese will also influence the quantum of a financial assistance package.

Culpability in this context refers to how the Diocese responded when it became aware that alleged abuse had taken place. If the Diocese, on being made aware of alleged abuse against a specific alleged perpetrator, did not take action to remove or reduce risk of further abuse to the applicant or another vulnerable persons, and that alleged perpetrator allegedly offended again, then the Diocese's level of culpability would be higher. This would consequently attract a higher quantum in a financial assistance package.