



ANGLICAN DIOCESE OF
CANBERRA & GOULBURN

TOWARDS
RESTORATION
REDRESS PROTOCOL

February 2022

TOWARDS RESTORATION - REDRESS PROTOCOL

A. SCOPE:

This protocol is to be used to provide appropriate redress for all who have been subject to serious abuse by Diocesan Church workers, where the Diocese is responsible for that worker's' conduct.

The protocol is applied irrespective of the outcome of the Diocesan Professional Standards Ordinance or criminal justice processes.

In this protocol the term 'applicant' will be used to refer the person seeking redress, in line with the terminology of the National Redress Scheme.

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:

This protocol is:

1. **Optional** – is one option available to those who have suffered abuse and does not preclude an applicant from seeking redress through other avenues, such as the National Redress Scheme or civil litigation.
2. **Applicant centred** - is focused on the needs and care of the applicant who has experienced the abuse.
3. The process aims to minimise the significant re-traumatisation applicants have experienced in re-visiting their past abuse by making the process simple to navigate and by keeping the needs of individual applicants at the centre.
4. **Supported** – applicants are able to access support at all times through the process, including having access to process support from the Diocese and independent counseling or therapy.
5. **Transforming** – the objective of the process is to assist applicants to move forward in their lives in a positive way.

E. PROCESS

1. The applicant will be invited to submit their story and a victim impact statement in writing, with assistance from a process support person (from the Safe Ministry Unit).
2. Where the Professional Standards Ordinance process, any equivalent process in another Diocese or church body, or the criminal justice process has been activated, the Diocese is committed to reasonably addressing the needs of the applicant through counseling and meeting reasonable immediate care and assistance needs. Once the abovementioned processes are complete, an applicant's redress application will then be assessed by the Professional Standards Director or appointee (Case manager) and an appropriate offer of redress will be made.
3. Where an applicant is **not** seeking a financial redress, the applicant will be offered:
 - An apology from the Bishop or 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,
 - Where possible, that, 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 ongoing psychological counselling.
 - Other supports as reasonably requested as available.

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. **Assessment of the financial redress application:**

Where the applicant is seeking a financial redress, they will indicate this to the Diocese and the application will be assessed. The Diocese will assess the facts of the case as to its plausibility (*unless the facts have otherwise been established by a statutory body or the Professional Standards Committee or Board*), this may include reviewing evidence, including documentation.

Where the facts are established the following provisions will apply. Financial redress is assessed based on the recommendations of the *Royal Commission into Institutional Responses to Child Sexual* (Royal Commission) abuse:

- a) the effect of the abuse on the survivor (0-40% of the total amount offered),
- b) the extent, nature, and circumstances of the abuse (0-40% of the total amount offered), and

- c) 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).

Further, the offer will take into consideration amendments to civil liability legislation (NSW & ACT) after the Royal Commission including the reversal of the burden of proof and the presence of possible vicarious liability.

Applicants seeking financial redress can also access the non-financial redress types as outlined in Step 3 (above).

In instances where the facts cannot be established as plausible, the Diocese may provide appropriate non-financial redress types (as outlined in step 3 above).

5. Offer of financial redress

The applicant will be provided with an initial financial redress amount in writing with accompanying paperwork (including a *Deed of Release*) and will be strongly encouraged to take the offer and paperwork to an independent lawyer for advice.

If the initial offer is not accepted, the Diocese will negotiate an acceptable offer with the applicant and, where requested, the applicant's legal representative.

In cases where a financial redress offer of over \$300,000 is being negotiated, the Diocese will engage the services of an external legal practitioner to manage negotiations.

The final financial redress will be arrived at in consultation between the Director of Professional Standards (or appointee) and the Diocesan Registrar, after receiving advice from an external legal practitioner.

F. DOCUMENTATION:

Where the applicant is seeking financial redress, the Diocese 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 applicant will not be required to give an undertaking of silence as part of the *Deed of Release*.

The Diocese will meet reasonable costs incurred throughout the process, including any negotiated redress amount for independent legal and/or financial advice. In matters not requiring an extended negotiated financial redress amount, these costs are expected to be in the order of \$2,000-\$4,000.

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G. REVIEW OF PROTOCOL

This protocol was endorsed by Bishop-in-Council on 11 February 2022 and is to be reviewed and adjusted as required periodically by the PSRG.