

ANGLICAN DIOCESE OF BUNBURY BISHOP-IN-COUNCIL

POLICY: REDRESS AND PASTORAL CARE POLICY FOR APPLICANTS OF REDRESS FOR CHILD SEXUAL ABUSE AND SEXUAL MISCONDUCT

Approved By: Bishop-in-Council

POLICY STATEMENT

The Diocese will, at all times, respond to allegations of child sexual abuse or sexual misconduct with compassion, sensitivity and empathy.

We recognise the harm and impact that child sexual abuse or sexual misconduct has had on a person's life and recognise the courage it has taken to make their disclosure. It is our aim to ensure that the best possible care focus initiatives are extended to those who make a disclosure of child sexual abuse and misconduct from their first initial point of contact.

PURPOSE

The Diocese has adopted this Policy to detail how it will respond to and provide pastoral care initiatives to any applicant who discloses that they were the subject of child sexual abuse or sexual misconduct.

SCOPE

This Policy applies to all those who have made an allegation of child sexual abuse and sexual misconduct.

DIOCESAN COMMITMENT

The Diocese is committed to survivor focussed initiatives in our response to those who make an allegation of child sexual abuse and sexual misconduct. We will assist and support all applicants in their journeys of healing by offering the following means of redress.

1. Pastoral Care
2. Counselling
3. Acknowledgement and Apology from the Bishop or Administrator (direct personal response)
4. Monetary Payment (a voluntary alternative to litigation and pursuing a claim out of a court environment)

When an allegation of child sexual abuse or sexual misconduct has been made, the Director will act in accordance with the Statute and the associated Policy for responding to allegations (Policy 40.2).

As soon as practicable after receiving an allegation, the Professional Standards Director will:

1. Provide the Applicant with the options available to them in applying for Redress which include:
 - a) The National Redress Scheme
 - b) The Anglican Diocese of Bunbury Pastoral Care and Redress Process
 - c) Options available under Common Law
2. Acknowledge the allegation and express care and concern on behalf of the Diocese
3. Acknowledge that all child abuse or sexual misconduct is reprehensible and should not have occurred
4. Advise the Applicant what the Diocese can offer as a means of Redress
5. Refer the matter to the PSC who will consider each claim individually and make the appropriate recommendations based on the balance of probabilities that the child sexual abuse or misconduct occurred.

RESPONDING TO ALLEGATIONS

When an allegation of child sexual abuse or sexual misconduct has been made, it will not usually be possible to immediately confirm the facts or extent of the claim. This could be due to:

- Inability to identify the alleged perpetrator
- The death of the alleged perpetrator;
- Incomplete or lack of records;

EXCLUSIONS IN THIS POLICY

- 1 Applicants of physical, emotional, spiritual abuse and neglect can request counselling and an apology but will not be offered a monetary payment
- 2 A monetary payment is not available for families (secondary victims) of those who have been abused. We do, however, recognise that families of the applicant and the perpetrator are impacted by abuse and reasonable counselling will be offered.
- 3 Claims for sexual abuse by another resident in a Care Facility will be based on an individual basis. Residents do not constitute Clergy or Church Worker and are not within the jurisdiction of this policy.

If the child abuse or misconduct was perpetrated in a Church School or Church Agency of the Diocese, the Director will refer to the individual protocol of the Church School or Church Agency to determine the action to be taken.

If the Applicant is a child (i.e. under 18 years of age), the Director will liaise with the Parent or legal Guardian.

PASTORAL CARE

Any Applicant who indicates they would benefit from Pastoral care and support for the duration of their claim will have a suitable member of Clergy appointed for that purpose.

COUNSELLING

Counselling is made available to any person who has suffered child abuse or sexual misconduct by a Church Worker. The Diocese will pay up to an amount of \$5000.00 per applicant.

The options for counselling are:

- 1 The Applicant's existing Psychologist or treating practitioner
- 2 Sexual Assault Referral Centre (SARC) – located near King Edward Memorial Hospital, Subiaco
- 3 An independent practitioner or an approved counsellor selected by the Director of Professional Standards.

To ensure the privacy and confidentiality of each applicant is maintained, the treatment provider is provided with a case reference number which is used for the purposes of accounting when invoices are received at the Bishop in office.

Where significant psychological harm has occurred, the Director may seek a progress report to determine the ongoing requirements for therapy.

Counselling, while recommended, is optional. Any Applicant who does not attend counselling or, who refuses to be reviewed by a Psychologist for the purpose of a report to be obtained, may be disadvantaged in the assessment process. Psychological harm is a component of the Panel's assessment and the absence of a report may prevent a fair and accurate determination being made.

MONETARY SUPPORT AND ASSESSMENT PROCESS

A monetary payment alone cannot make amends for the harm caused by child sexual abuse or sexual misconduct. Rather, it is seen as a means by which the Diocese can acknowledge the harm caused by child sexual abuse or sexual misconduct.

Where a claim for a monetary payment is made, the Applicant will be required to complete the Pastoral Care Application to enable an assessment of their needs arising from the child sexual abuse or sexual misconduct to be made. If required, the Director will assist the Applicant to complete the documentation.

- 1 The Director will make arrangements for the application to be assessed by the Independent Assessment Panel (the Panel) which is an appointment made by Bishop in Council, The Director, the PSC, the Bishop and the Diocesan Secretary may not negotiate with the applicant about a monetary payment.
- 2 The Panel will make an assessment based on the information provided in the Applicants statement and Psychological report. Following assessment, the Panel will recommend an appropriate amount to be paid, in terms of guidelines determined by Bishop in Council from time to time.
- 3 The maximum payable under the Diocesan's Monetary Schedule is \$150,000.00.

- 4 When the recommendation is received, the Director will advise the Applicant of the amount subject to the approval by Bunbury Diocesan Trustees and Bishop in Council.
- 5 Following approval for the payment to be made, a Deed of Settlement and Release will be prepared releasing the Diocese, its employees, officers or agents (but excluding the respondent) from any claims, demands, or actions under statute or at common law, arising out of the complaint.
- 6 The deed of release will not prevent applicants from “telling their story” and any confidentiality provisions in the deed will refer to disclosure of the amount of a monetary payment only.
- 7 When the Diocesan Secretary advises the Director that approval has been given for the payment to be made, the Director will advise the Applicant who may accept or decline the offer. However, acceptance of an offer will affect the legal rights of the recipient and an applicant may be assisted by seeking independent legal advice before acceptance. The Diocese will pay for reasonable costs for this legal opinion to be obtained.
- 8 All support payments made are subject to an amount of \$175.00 being deducted from the final assessment and forwarded to the Commonwealth Government Recovery Scheme. This is to cover any claims that may have been made against Medicare as a direct result of the abuse or misconduct. Applicants will be required to provide their Medicare Number and Date of Birth.
- 9 Any payments that the Applicant has received from Redress WA, the Child Migrant’s Scheme, the Country High School’s Authority, a court awarded payment or a victim of crime payment will be deducted from the final payment.
- 10 Where child sexual abuse or sexual misconduct has been sustained, the Panel will assess and review all available documentation to determine the amount to be paid, in terms of guidelines determined by Bishop in Council from time to time.
- 11 The Diocese will take responsibility of legal costs incurred with the preparation of the Deed of Settlement and Release.
- 12 The Diocese will take responsibility for the legal costs incurred if an independent legal opinion is sought regarding the Deed of Settlement and Release.

FURTHER INFORMATION REGARDING THE PANEL

- 1 The Panel will be constituted by:
 - a A psychiatrist, clinical social worker, mediator or clinical psychologist having current or recent clinical experience with patients who have suffered child sexual abuse or sexual misconduct; and
 - b A legal practitioner who has experience in medico-legal processes, criminal Injury or risk management claims.

- 2 To ensure independence and transparency, members of this Panel will be non-Anglican where possible.
- 3 The Panel is not bound by the rules of evidence.
- 4 The applicant may address the Panel in person and can be accompanied by a support person.
- 5 If the Applicant is challenged geographically or unable to travel, arrangements will be made for a teleconference or skype call or other forms of communications as is available.
- 6 The recommendation of the Panel is final and there is no “appeal” from the assessment, however neither party is bound to accept the recommended assessment.

ACKNOWLEDGEMENT AND APOLOGY (DIRECT PERSONAL RESPONSE)

We recognise that an apology can assist the healing process of the applicant and can be provided by the following:

- 1 Before the substance of an allegation has been established, a general acknowledgement and an expression of care and concern will be given by the Director that all child sexual abuse or sexual misconduct is wrong and should never have occurred.
- 2 When the substance of an allegation has been established and, it has been requested by the Applicant, an apology will be given to the applicant by the Bishop or Administrator in a pastoral context where the applicant is given the opportunity to tell their story.
- 3 A written letter of apology from the Bishop or Administrator can also be requested by the Applicant.

OTHER CARE AND ASSISTANCE

Where an applicant does not wish to pursue a claim for a monetary payment, they will be offered appropriate pastoral care, an apology and counselling. These measures are intended to provide practical support to help applicants address issues that have arisen as a result of the child sexual abuse or sexual misconduct and assist in their healing.

CONTACT

Director of Professional Standards
Professional Standards Unit
Anglican Diocese of Bunbury
GPO Box W2067
Perth WA 6846

Phone: (08) 9425 7203 (direct)
Email: psu@perth.anglican.org