

Table
BIC
19 Sept 2008



Pastoral Care and Assistance

**For victims of child abuse or
sexual misconduct by a church worker.**

**Professional Standards Unit
Anglican Church Diocese of Sydney**



Anglican Church Diocese Of Sydney

PASTORAL CARE AND ASSISTANCE SCHEME

For victims of child abuse or sexual misconduct by a church worker

1. BACKGROUND

The Anglican Church Diocese of Sydney ("the Diocese") and Sydney Anglican Home Mission Society Council ("ANGLICARE") have developed this scheme to detail how we will respond and provide pastoral care and assistance to persons (referred to as the "claimant" or "victim") who contact us with allegations that a member of the clergy or other church or ANGLICARE employee, volunteer or office holder (referred to as "church worker") has, during his or her time as a church worker, engaged in child abuse or sexual misconduct. ("church worker" "child abuse" and "sexual misconduct" are defined in the Church Discipline Ordinance 2002).

As Christian bodies, 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.

This scheme is intended to provide victims with a voluntary alternative to litigation. Due to the passage of time and loss of evidence it will often not be possible for victims of child abuse or sexual misconduct to establish the validity of their allegations in court. In addition, court litigation can be costly and stressful. This scheme gives victims a choice to pursue a claim outside the court process.

2. OUR COMMITMENT

As Christian bodies, we are committed to the mission of living out and extending the love, care and compassion of Jesus Christ to everyone.

Victims of child abuse or sexual misconduct at the hands of a church worker have been violated and had their trust betrayed.

When an individual makes a claim or allegation of child abuse or sexual misconduct, by a church worker, we are committed to responding promptly with empathy, support and respect. We will seek to be

compassionate to victims, to provide assistance to help them with their needs and to help them rebuild their lives.

3. RESPONDING TO CONTACT AND COMPLAINTS

When an allegation of child abuse or sexual misconduct has been made, it will not usually be possible immediately to confirm the facts or extent of the claim. We recognise and acknowledge that child abuse or sexual misconduct has a tragic impact on a person's life. In addition, making an allegation is in itself additionally traumatic and takes great courage. As far as possible we want to ensure that the person is properly cared for from the initial point of contact, even as we provide procedural fairness to the church worker against whom allegations are made. Our response will incorporate the following elements:

Pastoral care

The alleged victim has probably been involved in and may continue to be involved in the life of the church. As such, dealing with child abuse or sexual misconduct is likely to involve issues of spiritual concern as well as emotional, psychological and personal distress. We recognise that appropriate support needs to be available for the person to deal with all the issues which arise. As a first response the claimant will be contacted by the Diocesan Chaplain for victims, who has been given responsibility for ensuring that victims of child abuse or sexual misconduct receive ongoing pastoral care and support.

Counselling

Counselling will be offered so that the claimant can work through the personal issues and needs which arise for them and so that a clinical assessment of the needs of the victim can be made and how those needs can best be met. The counselling will be arranged with an independent practitioner either from an agreed panel of providers or from an approved counsellor, with appropriate qualifications and experience, selected by the claimant. A progress report may be sought from the counselor with the consent of the claimant.

Acknowledgement and apology

We recognise that an apology is the appropriate Christian response to a person who has had child abuse or sexual misconduct perpetrated against them and that it can aid in the healing process of the victim. An apology in relation to the child abuse or sexual misconduct will be made to a victim as follows:

- (i) Before the substance of an allegation has been established, a general acknowledgement will be given that all child abuse or sexual

misconduct is grossly wrong and should never occur. This will include an empathetic expression of care and concern; and

- (ii) If the substance of an allegation has been established, a specific apology will be given to the victim which will not include qualifications which may exacerbate the trauma experienced by the victim. The form and wording of the apology and the context in which is given must be acceptable to the victim. It will normally be given by a senior Church office-holder in a pastoral context where the victim has first been given the opportunity to tell their story and has been listened to. Often the complexity of issues in a person's life may be the result of many contributing factors, and it will not always be possible to attribute them all to one set of events. However, the tragic impact of child abuse or sexual misconduct on a person's life is acknowledged and recognised.

Dealing with the perpetrator

An integral part of the response to the claimant is dealing appropriately and justly with the perpetrator. The Diocese will deal with an alleged perpetrator in accordance with the *Church Discipline Ordinance 2002*, the *Tribunal Ordinance 1962* and the *Offences Ordinance 1962*. ANGLICARE will deal with an alleged perpetrator in accordance with its employee protocol. In many cases these disciplinary processes 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 Diocese or ANGLICARE.

Other care and assistance

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

Financial assistance

Where a claim for financial assistance is made by a victim, there will be a proper assessment of the claimant's allegations and their current needs and requirements arising from the child abuse or sexual misconduct, regardless of whether the financial claim would be likely to succeed if legal action were commenced.

The claimant will be invited and assisted by the claims counsellor if necessary, to complete a claim form to enable an assessment of their needs arising from the child abuse or sexual misconduct.

The claims counsellor will then negotiate with the claimant to ascertain whether agreement can be reached as to what financial assistance will meet their needs as disclosed in the claim form.

If agreement cannot be reached the claim will be assessed by an external independent panel.

The panel, appointed by the Archbishop 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 had 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 two months.

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 and ANGLICARE can acknowledge the harm caused by child abuse or sexual misconduct and show compassion by providing some practical financial assistance for the claimant's present and future needs arising from the child abuse or sexual misconduct. It is a reflection of the fact that the Diocese and ANGLICARE recognise the serious effects of child abuse and sexual misconduct and their Christian responsibility to respond with practical care.

4. ASSESSMENT PROCESS

- (i) A claimant will be invited and offered assistance by the claims counsellor to complete an Application for Pastoral Care and Assistance with supporting documentation.

Applications for financial assistance will be received and dealt with confidentially by all parties. This means that the claimant and the

Church and ANGLICARE agree not to publicly reveal the discussions with the claims counsellor or the recommendations of the panel, subpoena the claims counsellor or members of the panel or seek to rely in any court proceedings on any communications had with the claims counsellor or for the purposes of the panel's deliberations. However, the claimant discussing the events that gave rise to the allegations and "telling their story" will be specifically excluded from any arrangement regarding confidentiality.

The Schedule of Pastoral Assistance indicates the various categories of event and effects for which a victim may receive financial assistance.

Claims that a victim has suffered moderate or severe psychological or psychiatric effects should demonstrate that the effects are due to the child abuse or sexual misconduct rather than any other factors in the claimant's history. If *Category A Chronic Psychological or Psychiatric Disorder* is claimed as an effect of the child abuse or sexual misconduct, the claimant must provide a formal psychological impact statement from a psychiatrist or registered psychologist. If *Category B Chronic Psychological or Psychiatric Disorder* is claimed as an effect of the child abuse or sexual misconduct, the claimant must provide a formal written report from an approved report writer. An approved report writer is a currently practicing senior psychologist or psychiatrist having clinical experience with patients who have been victims of child abuse or sexual misconduct, that has been approved by the panel.

Where a claimant does not allege that the child abuse or sexual misconduct has caused a moderate or severe psychological or psychiatric disorder, the claimant is invited to provide a statement from a counsellor or other appropriate professional to describe the personal impact of the child abuse or sexual misconduct on the victim and the needs that arise.

Claimants will be given assistance by the claims counsellor to make their applications and reimbursed an amount considered appropriate for any expert report obtained to support the application, provided the report has been provided by a practitioner approved by the panel.

- (ii) Where an act of child abuse or sexual misconduct has not already been substantiated (by disciplinary, civil or criminal proceedings or by an admission by the perpetrator which has been accepted as the truth by the Diocese or ANGLICARE), the panel will review all

available evidence to assess the facts as to whether there was child abuse or sexual misconduct by the church worker and whether it occurred in the context of their role as a church worker.

- (iii) Where child abuse or sexual misconduct has been substantiated, the panel will assess and review all available evidence to determine:

- (A) the category of event in the Schedule of Financial Assistance to which the claim applies (category 1, 2 or 3, see attached table), and the appropriate amount to be provided for financial assistance within the range of that category, having regard to the severity of the event and the consequent needs of the victim:
- (B) where applicable, the category of psychological or psychiatric effects in the Schedule of Financial Assistance to which the claim applies (A or B), and the appropriate amount to be provided for financial assistance within the range of that category, having regard to the severity of the event and the consequent needs of the victim
- (C) the amount assessed as appropriate for an award of financial assistance, being the sum of the amounts determined for each category to which the claim applies, but together not exceeding \$75,000.

In making an assessment, the Panel may inform itself as it sees fit.

Matters to be considered will include:

- the needs of the victim;
- the age of the victim;
- the facts, nature of, extent and circumstances surrounding the child abuse or sexual misconduct;
- the relationship, if any, between the church worker and the victim;
- any disability or vulnerability of the victim;
- the effect of the child abuse or sexual misconduct upon the victim;

- (iv) 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.

If the recommendation is accepted by the Diocese or ANGLICARE, an offer will be made to the claimant accordingly. As this scheme is an alternative to litigation the claimant will be asked to sign a deed to release the Diocese or ANGLICARE (including their employees but excluding the perpetrator) from being a party to any court proceedings arising out of the child abuse or sexual misconduct. The deed of release will not prevent victims from "telling their story" and

any confidentiality provisions in the deed will refer to disclosure of the amount of financial assistance only.

The claimant may accept or decline an offer made by the Diocese or ANGLICARE. However, acceptance of an offer will affect the legal rights of the recipient and a claimant may be assisted by seeking independent legal advice before acceptance.

5. ADMINISTRATION OF THE PASTORAL CARE AND ASSISTANCE SCHEME

The pastoral care and assistance scheme will be made know to the public and will be administered in conjunction with church or ANGLICARE disciplinary procedures.

When an allegation of child abuse or sexual misconduct has been made, the Director of the Professional Standards Unit or the Chief Executive Officer of ANGLICARE (or other appropriate officer) will be informed as soon as possible so that action can be taken in accordance with the Church Discipline Ordinance 2002 or the protocols of ANGLICARE. As soon as practicable after receiving notice of an allegation, the Professional Standards Unit will:

- acknowledge the allegation and express care and concern on behalf of the Diocese or ANGLICARE;
- acknowledge that all child abuse or sexual misconduct is grossly wrong and should never occur;
- enquire what needs have arisen for the claimant as a result of the child abuse or sexual misconduct;
- enquire whether the Diocese or ANGLICARE can help in meeting those needs; and
- inform the claimant of the existence of the Pastoral Care and Assistance Scheme.

Where the claimant has needs which may be met by financial assistance, they will be invited and if necessary assisted by the claims counsellor to make an application for pastoral care and assistance.

If the allegation constitutes a criminal offence, the claimant will be advised that they may make a statement to the Police and that the Diocese or ANGLICARE will report the matter to the police in any event. If the allegation relates to reportable child abuse, the requirements of the law in relation to mandatory reporting will be complied with by the Diocese and ANGLICARE. Church office-holders who are not mandatory reporters will be advised to undertake voluntary reporting to the Department of

Community Services where there is a reasonable suspicion that a child is at risk of child abuse.

6. CONCLUSION

The Diocese and ANGLICARE are committed to addressing allegations of child abuse or sexual misconduct responsibly and proactively. Persons making allegations of child abuse or sexual misconduct are in need and any response must be compassionate and timely, to lessen the trauma that victims are experiencing. The scheme aims to allow victims to receive appropriate pastoral care and assistance without resorting to litigation.

7. CONTACTS

Professional Standards Unit
Anglican Church Diocese of Sydney
First Floor St Andrews House
Sydney Square Sydney NSW

PO Box Q412 QVB Post Office
Sydney NSW 1230
Facsimile: (02) 9261 1170

Claims Counsellor:

cdh@sydney.anglican.asn.au

Chaplain to Victims:
Jenni Woodhouse
Phone: (02) 9265 1500
jwh@sydney.anglican.asn.au

SCHEDULE OF FINANCIAL ASSISTANCE

Event constituting Child abuse or sexual misconduct	
<p>Category 1: Harassment constituting child abuse or sexual misconduct; Indecent act, assault or indecent assault; Assault with violence or assault in the course of attempted unlawful sexual intercourse; Sexual misconduct in a pastoral relationship; or Physical assault.</p>	
<p>Category 2: An unlawful act of sexual intercourse; or Infliction of serious bodily injury in the course of an attempted act of unlawful sexual intercourse.</p>	
<p>Category 3: A sustained pattern of child abuse or sexual misconduct involving category 1 or category 2 harrasment, assault, or sexual assault; Assault or unlawful sexual intercourse in which serious bodily injury is inflicted; Assault or unlawful sexual intercourse in which 2 or more offenders are involved; or Assault or unlawful sexual intercourse in which the offender uses an offensive weapon.</p>	
Effects arising from child abuse or sexual misconduct	
<p>Psychological or psychiatric disorder: Category A, chronic psychological or psychiatric disorder that is moderately disabling i.e. affects lifestyle and relationships.</p>	
<p>Psychological or psychiatric disorder: Category B, chronic psychological or psychiatric disorder that is severely disabling i.e. on its own prevents employment.</p>	

1. Determine (if not already determined or admitted) whether there was an act of child abuse or sexual misconduct which relates to or was committed in the context of the church workers role.
2. Determine which event category (1, 2 or 3) based on description of event.
3. Assess particular required needs of victim, including counselling, up to maximum for event category.
4. Determine which effects category (A or B) based on extent of psychiatric or psychological effects from Child Abuse or Sexual Misconduct.
5. Assess effects arising from child abuse or sexual misconduct up to maximum for category.
6. Combine the two assessed figures for recommended payment for financial assistance, but together not exceeding \$75,000.

7. The assessed figure will include all counselling and other financial assistance previously provided.
8. The maximum possible total assessment under the scheme is \$75,000.