

# Anglican Diocese of Newcastle

## Claim Resolution Protocol

### Without Prejudice

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1. The Anglican Diocese of Newcastle (**the Diocese**) is committed to the fair, just and reasonable resolution of claims involving allegations of sexual abuse. It also seeks resolve such claims efficiently with a view to organising a mediation or similar process once all relevant information is available.
2. This protocol is designed to be offered to claimants whether or not court proceedings are on foot. Even if court proceedings are on foot, the Diocese offers this protocol as a means to bring about a less technical and more efficient pathway to an appropriate resolution of the claim.
3. The claimant is to submit the following information/documents as soon as practicable:
  - (a) name and address of claimant;
  - (b) date of birth of claimant;
  - (c) times, dates, places and circumstances of contact with alleged offender;
  - (d) details of the misconduct alleged;
  - (e) details of whether the alleged misconduct was reported to anyone in authority at the Diocese and, if so, who and when;
  - (f) provide a copy of a Police statement if one exists;
  - (g) provide details of the claimant's personal history;
  - (h) provide details of the claimant's schooling, including results;
  - (i) provide details of claimant's work history;
  - (j) provide details of any counselling or medical treatment obtained since the event took place;
  - (k) provide details of the name and address of the counsellors/therapists/medical practitioners/consultants since the event took place;
  - (l) provide a medical report if one already exists;
  - (m) provide details of any Victims Compensation Application including medical reports supplied to the Tribunal; a copy of the Determination of the Application and the amount of any pay-back;

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- (n) provide details of any Disability Support Pension or other social security obtained through Centrelink.
4. Where a medical report does not already exist, or if one does exist but does not contain sufficient information to enable the Diocese to properly assess the claim, the Diocese will pay for the cost of the claimant to attend a psychiatrist for the purposes of obtaining a report to enable a proper assessment of the claim. Prior to such assessment taking place, the claimant is to provide medical records from their general practitioner and/or specialist since the date of the alleged incident so that such records may be provided to the psychiatrist performing the assessment referred to in the preceding paragraph. The Diocese will reimburse the claimant for the costs of obtaining such medical records within 28 days of receiving a tax invoice from that medical practitioner. Please note that these medical records need to be supplied to the Diocese before the Diocese can agree on the appropriate psychiatrist to undertake the assessment referred to in the preceding paragraph.
  5. Wherever possible, the parties are to agree as to the appropriate psychiatrist to whom the claimant is to be referred. In the absence of agreement, each party may obtain their own medico-legal report. In such case, each party is to pay their own costs of such medico-legal report.
  6. The claimant acknowledges that he/she will make a full disclosure to the Diocese and to the psychiatrist referred to in paragraph 5 above of all other stressors in the claimant's life, before or after the alleged misconduct, to enable a proper analysis to be made of the extent to which the claimant's present symptoms are related (or not related as the case may be) to the alleged abuse.
  7. The Diocese reserves the right to obtain further medical evidence, if appropriate, in order to assess the claim.
  8. Once the factual material referred to in paragraph 3 above has been provided by the claimant to the Diocese, and the Diocese has obtained the medical assessment referred to in paragraph 5 above, a mediation, informal settlement conference or other alternative dispute resolution process can be organised. The Diocese undertakes to organise such process as quickly as possible once the relevant information referred to earlier is available. The Diocese will pay for the costs of the mediator and room hire. Where a mediation is arranged, the Diocese is committed to using a high quality, experienced and independent mediator/facilitator.
  9. In order to allow settlement discussions to occur, the Diocese is prepared not to raise any limitation issue from the date it received notification of the claim until the date of the mediation or alternative dispute resolution process.
  10. Subject to the wishes of the claimant, the Bishop or Assistant Bishop is available to attend the mediation or informal settlement conference and offer an apology.