



The Uniting Church in Australia
QUEENSLAND SYNOD

Interim Redress Principles

POL-SOG-03

These Principles are prepared under the National Framework for Interim Redress Measures adopted by the Assembly of the Uniting Church in Australia and endorsed by the Queensland Synod Standing Committee.

This document should be read in conjunction with the Uniting Church in Australia, Queensland Synod Interim Redress Procedure (“our Interim Redress Procedure”).

Eligibility for redress

Our Interim Redress Procedure sets out the manner by which the Church offers redress where the Church exercised responsibility for the setting in which the abuse occurred. We accept that the Church must take responsibility to make children as safe as possible in these settings. However, there must be a relevant connection between the Applicant and the Church before redress is appropriate.

To be eligible for redress an Applicant must be living at the time the Application is made and must satisfy the Redress Panel that there is a reasonable likelihood that the following conditions are met:

- a. the Applicant has suffered Sexual Abuse as a Child in an Institutional Context while in the care of the Church;
- b. the alleged abuser was an adult;
- c. the Sexual Abuse or the first incidence of Sexual Abuse occurred before the Cut-Off Date in the State of Queensland or outside Queensland in circumstances where the Church was responsible for the care of the child.

Definitions

Child means anyone under 18 years of age.

Church means the Uniting Church in Australia, Queensland Synod, its agencies and its other entities.

Cut-off date means the date on which:

- a. the Queensland Standing Committee of the Uniting Church in Australia (informed by the Uniting Church in Australia Assembly Standing Committee's Redress Framework) determines to finalise their Redress Procedures; or
 - b. a government-run redress scheme commences,
- whichever is the earlier.

Redress Panel means a panel of individuals which includes at least one member independent of the Church, and a Church representative who has operational experience and understanding of the Church and its Entities. Together, the panel will possess a mix of legal skills (including victims' compensation), and psychosocial skills (including issues relating to institutional child sexual abuse and Indigenous and special needs).

The Redress Panel's role is to determine:

- a. Whether there is a reasonable likelihood that an Applicant has suffered Sexual Abuse as a Child in an Institutional Context while in the care of the Church, the alleged abuser was an adult, and the Sexual Abuse or the first incidence of Sexual Abuse occurred before the Cut-Off Date in the State of Queensland or outside Queensland in circumstances where the Church was responsible for the care of the child;
- b. Whether an offer of redress in the form of a monetary payment—being tangible recognition of the seriousness of the hurt and injury suffered by a survivor—should be made to an Applicant; and
- c. If an offer of a monetary payment is to be made, what that payment should be.

It is not the Redress Panel's role to make findings that any alleged abuser was involved in any abuse.

Redress Panel in Review means a Redress Panel considering an application for a review of (a) an offer of a monetary payment made under our Interim Redress Procedure, or (b) notification of a determination by a Redress Panel that no offer of redress in the form of a monetary payment should be made. A Redress Panel in Review will not include any person who was a member of the Redress Panel that made the determination being reviewed.

Sexual Abuse as a Child means any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with a child.

Sexual Abuse as a Child in an Institutional Context means sexual abuse that has occurred in the following circumstances:

- a. it happens:
 - on premises of an institution (except where the institution merely makes premises available through leasing or licensing arrangements or similar arrangements), or
 - where activities of an institution take place, or
 - in connection with the activities of an institution, or
 - in circumstances where the institution is, or should be treated as being, responsible for the contact between the abuser and the applicant that resulted in the abuse being committed.
- b. is engaged in by an adult abuser in circumstances (including circumstances that involve settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of abuse or the circumstances or conditions giving rise to that risk; or
- c. it happens in circumstances where the institution is, or should be treated as being, responsible for the adult abuser having contact with the applicant.

In this definition **institution** means an institution established by or on behalf of the Church, an institution in which the Church participates, a congregation of the Church and/or any other council agency or service of the Church.

Types of redress

Redress measures that may be offered by the Church to an Applicant under our Interim Redress Procedure may comprise:

- a. A direct personal response to an Applicant from the relevant part of the Church
- b. Guaranteed funding, when needed, for counselling and psychological care, and/or
- c. A monetary sum which is a tangible recognition of the seriousness of the hurt and injury suffered by a survivor.

1. Direct personal response

To the extent Applicants wish to avail themselves of a direct personal response from the Church, one or more of the following will be made available:

- a. **Meeting with a Church Entity Senior Representative.** The opportunity to meet with a senior member of the relevant Church Entity who will ensure that any interactions/ processes followed with an Applicant are respectful and empathetic.
- b. In particular, the Church will acknowledge the seriousness of matters raised in an Application by ensuring that only senior representative/s meet with an Applicant and that the preferences and needs of an Applicant are taken into account (including a discussion with a Support Person or the Applicant) before any meeting is held. This will include identifying the most appropriate venue and location for the meeting, and whether the Church's senior representative should be in uniform, that is, in official clerical dress or civilian clothing.
- c. **Ongoing range of responses.** Where possible the Church will continue to provide a broad range of direct personal responses to Applicants, such as:
 - assistance with gaining access to records, and/or
 - family tracing and family reunions, and/or
 - assistance to locate any ex-resident support groups or the like, and/or



1. Direct personal response

- memory projects, and/or
 - collective forms of direct personal response such as memorials, reunions and commemorative events, and/or
 - culturally appropriate collective redress for Aboriginal and Torres Strait Islander Applicants, and/or
 - culturally appropriate redress for Applicants from culturally diverse backgrounds, and/or
 - ongoing pastoral care and support from a suitably skilled person,
 - an offer to connect the Applicant with relevant support services,
 - support to report a criminal act to the police,
 - referrals to particular parts of the Church or to external agencies in relation to particular assistance, and/or
 - referral to a support service, such as Lotus House, or another relevant support group, and/or
 - other creative and flexible support options that may further assist the needs of an individual Applicant.
- d. **Apologies.** An Applicant may seek a written apology, a written acknowledgement and/or a written assurance of steps the Church has taken, or will take, to protect against further abuse:
- if the Applicant attends a meeting with the Church and wishes to receive an apology, the senior representative may provide an oral apology at that meeting,
 - a written apology may be provided (if requested),
 - if an Applicant does not wish to engage in other forms of direct personal response, a written apology may still be made available where appropriate.
- e. **Ongoing Pastoral Care and Support.** The Church will offer Applicants the opportunity to receive pastoral care from a suitably skilled person. Should the Applicant wish to do so, the Church will assist the Applicant to re-engage in the life of the Church.

2. Counselling

Counselling for Applicants. Counselling and psychological care may be offered to the Applicant where their need is related to the alleged harm resulting from their time in the Church's care. Upon request by the Applicant for the Church to fund counselling or psychological care, the Applicant may be requested to sign an authority allowing the Church to obtain an assessment and review from the service provider to ensure that ongoing treatment is necessary and effective.

The costs of counselling and psychological care offered by the Church (via our Interim Redress Procedure) will be supported in accordance with the following principles:

- a. counselling and psychological care will be available throughout an Applicant's life;
- b. counselling and psychological care will be available on an episodic basis;
- c. Applicants will be allowed flexibility and choice in relation to counselling and psychological care, and will be encouraged to link with counsellors with expertise in the area of child sexual abuse; and
- d. there will be no fixed limits on the counselling and psychological care provided to an Applicant.



2. Counselling

Counselling for Family Members. Counselling and psychological care may be provided to immediate members of an Applicant's family members if necessary for the Applicant's treatment.

Review of Counselling. Treating practitioners may be requested by the Church to conduct ongoing assessment and review to ensure that treatment is necessary and effective. If the Church has concerns about services provided by a particular practitioner, it will negotiate a process of external review with that practitioner and the Applicant. Any process of assessment and review should be designed to ensure it causes no harm to the Applicant.

3. Monetary payments

Upon verification of an Application, including a connection between the Applicant and the Church, the following monetary payment principles will be applied by the Redress Panel:

- a. **Maximum and Average Payments.** Subject to paragraph (f) below the maximum offer of monetary payment will be \$200,000. This amount will only be offered in most severe cases of abuse. It is expected that the average payment will be \$65,000.
- b. **Calculation of Payments.** To assess the amount of monetary payment offered, an assessment matrix will be applied. That matrix will be of the kind recommended by the Royal Commission, which will take into account three over-arching factors:
 - severity of abuse (40%),
 - severity of impact of abuse (40%), and
 - additional elements (20%).

The method of assessment will not impose on the Applicant a requirement to recall their experience at a level of detail that has the potential to re-traumatise them.

- c. **Prior Monetary Payments.** Where an Applicant has received money payment/s in the past—whether under other redress schemes, statutory victims-of-crime schemes, through civil litigation or otherwise—they remain eligible for consideration under this our Interim Redress Procedure. However prior monetary payment/s will be taken into consideration in any offer of monetary payment made by the Church (via our Interim Redress Procedure). In doing so, the amount of prior payment/s will be regarded as being at its/their current monetary value.
- d. **Cooperation between Entities.** Where an Applicant has been in the care of institution/s other than the Church as a child—for example, in a government or another faith-based organisation—the Applicant will be required to:
 - sign a written authority giving the Church permission to, confidentially and sensitively, approach the other institution/s to obtain details of their care in that institution and any financial payments made to the Applicant as a result of that care,
 - declare any payments made under any government schemes or tribunals.
- e. The purpose of gaining this information will be to reach agreement with the other institution/s as to a fair sharing of responsibility for any monetary payment offered to an Applicant via our Interim Redress Procedure. In reaching such agreement, the Church will use its best endeavours to work towards a mutually agreeable resolution.
- f. In the event that the Church is unable to obtain the cooperation of other institution/s about the sharing of responsibility for a monetary payment, the maximum payment that will be made under our Interim Redress Procedure will be \$100,000. Where appropriate, this amount may be reviewed upon the implementation of a government redress scheme in which all relevant institutions are involved in the final outcome.



4. Prior claims in relation to child sexual abuse

As referred to above, an Applicant is not disqualified from making an Application under our Interim Redress Procedure by reason of having, in the past:

- a. made a claim against the Church;
- b. received a monetary payment in relation to abuse experienced while in the care of the Church; and/or
- c. received a monetary payment under other redress schemes, statutory schemes, through civil litigation, or otherwise.

However, any offer of a monetary payment made under our Interim Redress Procedure will take into account any such previous payments received by an Applicant for the same or similar set of circumstances. This includes, but is not limited to payments made:

- a. pursuant to other redress schemes;
- b. under victims' compensation schemes;
- c. a determination of a Court or a civil litigation; or
- d. any such other payments in dollars and like in-kind (e.g. counselling).

To be clear, this applies to any previous payment, whether by the Church, or by any other organisation/institution or government instrumentality.

5. Present/concurrent claims in relation to child sexual abuse

An Applicant under our Interim Redress Procedure may decide to start/re-activate civil litigation against the Church in relation to abuse experienced while in the past care of the Church. If such litigation is commenced/re-activated, the Church may cease further consideration of that Application, whether it is for monetary payment or any other form of redress offered by the Church.

6. Reviews of offers/determinations made under our interim redress procedure

An Applicant may seek a review of either (a) an offer of a monetary payment made under our Interim Redress Procedure, or (b) notification of a determination by the Redress Panel that no offer of redress should be made.

To seek such a review, an Applicant must do so in writing, and within three months of the date the offer/notification was made.

7. Reviews of offers/determinations made under any other church process

An Applicant may seek a review of an offer of monetary payment made under any redress system previously provided by, or on behalf of, the Church. To seek such a review, an Applicant must do so in writing.

Where such a review is sought, the Applicant will be required to provide the Church with the following:

- a. information about any changes in their circumstances between the original request for redress and their current circumstances;
- b. a victim impact statement; and
- c. information about their desired outcome of the review.

The Church will consider whether to refer a request for review to a Redress Panel in Review on a case-by-case basis, taking into consideration the following matters:

- a. the monetary payment previously made to the Applicant;



7. Reviews of offers/determinations made under any other church process

- b. any new information provided by the Applicant, which may include any matters which were not previously known or shared by the Applicant;
- c. details of the current circumstances and needs of the Applicant; and
- d. any other relevant matters.

8. Assistance in applying for redress

An Applicant seeking redress under our Interim Redress Procedure is encouraged to seek support/assistance in preparing/processing their Application and attending any meetings with the Church. Some options are as follows.

- a. **Assistance by a Parent or Guardian.** A parent or guardian of an eligible Applicant may seek redress under our Interim Redress Procedure on behalf of an Applicant.
- b. **Assistance by a Support Person.** The Church will accept an Applicant's choice of intermediary, representative, or support person to engage with the Church, on behalf of the Applicant (or with the Applicant and a support person) in seeking or obtaining redress under our Interim Redress Procedure, and/or the provision of information on the application process, including online information, so that the Applicant does not need to approach the Church.
- c. **Assistance by a Support Agency.** Applicants may seek the assistance of a support agency such as Lotus House, which is a government-funded service that provides a support person and assists Applicants to put their written application together.
- d. **Assistance by a Support Person identified by the Church.** If desired by the Applicant, the Church will assist the Applicant to identify and access appropriately qualified support people.
- e. **Assistance by a Lawyer.** An Applicant may be legally represented in making an Application under our Interim Redress Procedure and, if they wish, may bring a lawyer to any meetings with the Church. Where an Applicant's lawyer attends a meeting, a lawyer from or appointed by the Church may also attend.
- f. **Access to Records.** Where possible the Church will provide assistance with Applicant's accessing records relating to their time in the care of the Church.

9. Expenses

Upon prior agreement between the Applicant and the Church, the Church will consider meeting the following reasonable expenses of the Applicant:

- a. **Attending Redress Meetings with the Church.** The Applicant's costs (including travel or other expenses if needed) in attending meetings with the Church in relation to their Application. In meeting such expenses, the Church will have appropriate regard to the needs of Applicants, particularly vulnerable Applicants.
- b. **Support Person's Expenses re Attending Redress Meetings with the Church.** The Applicant's support person's expenses (such as travel and accommodation), if deemed necessary due to distance, and as agreed prior to the meeting between the Church, the Applicant and the support person.
- c. **Applicant's Legal Expenses.** The Church will not meet any legal expenses of an Applicant, apart from reasonable legal expenses of seeking legal advice in relation to having to sign a Deed of Release.
- d. **Applicant's Financial Advice Expenses.** An Applicant may seek financial advice in relation to his/her Application under our Interim Redress Procedure. The Church will not meet any financial advice expenses of an Applicant, apart from expenses of having financial counselling in relation to a monetary payment offer covered by a Deed of Release.

10. Criminal and disciplinary proceedings

The Church will report to Police or statutory authorities any allegations which, if proven, may be a crime or may continue to place children at risk, whether required by law to mandatorily report or otherwise.

If the relevant Applicant does not consent to the allegations being reported in these circumstances, the Church will report the allegations to the police without disclosing the Applicant's identity, unless it is necessary to disclose the Applicant's identity to comply with any mandatory legal requirements. In these circumstances, the Applicant will be formally advised of the action taken.

The Church will take advice from the Police as to whether and when any aspect of our Interim Redress Procedure can continue without adversely impacting on any investigation the Police may be carrying out.

The Redress Panel may defer determining an Application under our Interim Redress Procedure if the Church advises that it is undertaking internal disciplinary processes in respect of the abuse which is the subject of the Application, or further consideration of the Application would interfere with an active Police investigation. In doing this, the Redress Panel will not make any findings that any alleged abuser was involved in any abuse. The Applicant must be advised of any such deferral.

Where an Application raises an allegation relating to any person currently involved in the life of the Church, a report will be made to the General Secretary to ensure the Church is able to activate applicable policies and procedures and consider whether disciplinary action should be taken.

The Church will undertake all available actions to ensure that any alleged perpetrator does not remain in a position to provide services to children whilst the allegations are being investigated.

The Redress Panel may consider the outcome of any Uniting Church disciplinary process in determining an Application under our Interim Redress Procedure.

11. Training of church/church entity staff involved in redress

The Church will ensure that anyone they engage to handle or determine redress applications, together with those who deliver direct personal redress elements, is (a) appropriately trained in understanding child sexual abuse and its impacts, and (b) provided with training in any relevant cultural awareness and sensitivities.

Document Review History

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1.0	General counsel Legal counsel Manager Insurance and Risk	General secretary	12/09/2016	Synod Standing Committee	07/07/2016	12/09/2017