



Royal Commission into Institutional Responses to Child Sexual Abuse

Uniting Church in Australia's response to Issues Paper 6 – Redress Schemes

2 June 2014

Introduction

The Uniting Church in Australia is the third largest Christian denomination in Australia and the first church to be created in and of Australia. Uniting Church congregations throughout the country strive to be caring communities to which all people can belong. There are around 2,500 congregations with 243,000 members and adherents; around 1.3 million Australians claim an association with the church. The Uniting Church is governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation both to the Church and the world.

The UnitingCare Network, operated by Uniting Church agencies, is one of the largest providers of community services in Australia. Over 1,600 sites provide services and support to more than 2 million Australians each year. The network employs 39,000 staff and 28,500 volunteers. It provides services to older Australians, children, young people and families, Indigenous Australians, people with disabilities, the poor and disadvantaged, people from culturally diverse backgrounds and older Australians in urban, rural and remote communities.

The Uniting Church is a significant provider of education in the independent schools sector. Across Australia there are 45 schools and colleges of the Uniting Church, with a total student enrolment of 50,000. At least half of these schools (particularly those in regional areas) provide boarding facilities. In addition, the Uniting Church jointly auspices 10 schools in





association with other Christian denominations. Further, in all States except Tasmania there is at least one residential University College auspiced by the Uniting Church.

Support for survivors, and for redress

The Uniting Church in Australia is sorry for its role in the abuse experienced by children while in the care or supervision of any part of its organisation. The Church demands of itself the highest standards of love and care for others, and has been trusted by generations of children, adults, families and communities. There are instances where it has failed to hold itself to those standards, and has betrayed the trust placed in it. That those who have been hurt are often among the most vulnerable in our society deepens the Church's grief and shame.

In March 2013 the Uniting Church in Australia's Assembly Standing Committee issued a statement that included:

We will say "sorry" to anyone who was sexually abused when in our care and, in consultation with those so affected, actively seek for ways to make amends for what happened in the past and identify how we can best offer support into the future...[W]e must be willing to examine our own motives and behaviour and be open to accept the close scrutiny of others.

The Uniting Church believes that redress must be available to survivors of past abuse, including in a culturally sensitive manner for survivors from Indigenous, immigrant or culturally and linguistically diverse communities. We have been operating redress and support schemes in a range of our own institutional settings for over a decade.

The Uniting Church considers that it would be appropriate to offer redress, including financial support, through a scheme that is:

National – access to redress should not depend on where in Australia a person lived, and the process for seeking redress should be the same everywhere.

Independent – the organisations that run institutions where abuse occurred – whether these are governments, churches or other charities – should not investigate themselves and risk accusations of conflict of interest.

Universal – all institutions where abuse occurred, and all parties responsible, should fall within the scope of operation of the scheme.

Engaged with survivors – survivors have the right to be heard, including in the design of the scheme.

The Uniting Church supports an **independent** redress scheme for several reasons. The Church should acknowledge its role in events. Participation in an independent scheme represents





one plank in a platform of ensuring that we fully accept our responsibilities. Some of the Church's institutions have existing internal procedures to support people who have survived abuse, and many survivors have expressed satisfaction with the hearing and support they received. However the Church believes that an external process, with transparent procedures and independent scrutiny, will ensure that our Church is held fully to account in a manner that gives the whole community confidence. The Church believes that an independent scheme properly removes the responsibility from our Church to investigate itself and from having to meet all the challenges involved in providing effective administration of a quasi-judicial process.

The Uniting Church supports a scheme that is **uniform** and **national** in scope, because this will be more transparent to all parties, and have the potential to be more equitable in its treatment of survivors than multiple internal schemes. Multiple redress schemes create greater complexity for survivors, a greater chance that gaps will emerge in the coverage provided by the schemes, and lead to inconsistency between procedures applied in hearing and supporting survivors.

A **universal** scheme must address the needs of all survivors, and be the responsibility of all institutions. For this reason it must include institutions of all kinds: state-run, not-for-profit (both mission-based and others) and for-profit. No person should apply to the scheme only to be told that the organisation where they experienced abuse is not covered by the scheme. A scheme in which state and federal governments are not participants will not be effective. It is important that all entities who have played a role in the welfare of children in their care and who have held legal responsibility for those children are engaged in the funding and implementation of the scheme

Design of the scheme must be **survivor-led**. The Uniting Church in this submission offers insights based on its depth of historical engagement with the Australian community, its role as a provider of services to children and families who have experienced abuse, and as the administrator of schemes to support survivors who have experienced abuse in its own organisations. However, the voices of survivors must be heard in describing what an effective redress scheme should look like.

Other considerations

In the Uniting Church's experience, incidents of sexual abuse often occur in an environment where the victim is subject to other forms of abuse or neglect. An effective redress scheme should properly address the nature of abuse, and ensure that survivors are not re-traumatised because they find parts of their experience being ignored because of the parameters of the scheme. The Uniting Church notes that its own organisations' redress schemes, previous state schemes, and those in other countries, particularly Canada and





Ireland, have not been confined to sexual abuse, but have addressed the full context of abuse and neglect. We recognise that, while the scope of the Royal Commission's work concerns sexual abuse, governments should consider the context in which that abuse occurs when implementing a national redress scheme.

The Uniting Church believes it is critical that the scheme be sustainable. Survivors and institutions in which abuse took place should be engaged throughout the establishment process, to ensure institutions and governments are able to meet their responsibilities to survivors.

It is a decade since the Senate Community Affairs Committee presented its *Forgotten Australians* report. Among the Committee's recommendations was this:

That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:

- the scheme be funded by contributions from the Commonwealth and State Governments and the churches and agencies proportionately;
- the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;
- a board be established to administer the scheme, consider claims and award monetary compensation;
- the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;
- the board should have regard to whether legal redress has been pursued;
- the processes established in assessing claims be non-adversarial and informal; and
- compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.

In the Uniting Church's view, this recommendation remains sound and addresses most of the key issues that should be considered when designing a redress scheme. The Church believes that justice delayed is justice denied. The Senate Committee recommendation is ten years old. How many survivors of abuse have died waiting for it to be implemented? The Royal Commission in March 2014 reported that 70 percent of those speaking to it are aged over 50. The Church urges the Commission, Commonwealth and institutions to move swiftly to





initiate the discussions that will be necessary to design and implement a national redress scheme and looks forward to being engaged closely in that process.

Discussion paper questions

The Uniting Church has responded below to the Commission's specific questions in its Issues Paper.

1. What are the advantages and disadvantages of redress schemes as a means of providing redress or compensation to those who suffer child sexual abuse in institutional contexts, particularly in comparison to claims for damages made in civil litigation systems?

The Uniting Church believes that the published evidence on redress, and the Church's own experience in supporting survivors of abuse, show that redress schemes can be very effective for survivors. They are generally non-adversarial and able to address a wider range of survivors' needs such as apologies, counselling, and financial advice,.

It is acknowledged that at present the amount that is awarded through redress schemes may be lower than that awarded by courts in successful claims for damages made in civil litigation. However, litigation can be difficult and costly and may not be successful.

In some cases, litigation may offer survivors acknowledgement of harm, or an experience of vindication, that a redress scheme may not provide. Every survivor's needs are different, but for most of those with whom Uniting Church agencies have engaged, apologies, offers of redress, and undertakings that organisational change has occurred, have been the main forms of acknowledgement that they have sought.

Survivors have indicated that they value personal engagement, and want to know what the institution is doing to address the issues associated with their abuse. This may be more effectively addressed outside the confines of a litigation process.

Issues that will need to be addressed in the creation of a single redress scheme include:

- securing Commonwealth agreement to establish the scheme, and determining the Constitutional and legislative capacity of the Commonwealth to give it effect
- securing the cooperation, and possibly the legislative assistance, of states and territories, to create the scheme
- negotiating a funding mechanism with all parties
- determining any parameters or caps on the calculation of awards, and





- determining how the scheme, and access to it, will relate to existing victim compensation schemes, past redress schemes that existed in some states, and redress schemes, both past and current, that are operated by some institutions.

The Uniting Church recognises the challenges that will be involved, but believes they should not deter the Commission and the Commonwealth from acting.

2. What features are important for making redress schemes effective for claimants and institutions? What features make redress schemes less effective or more difficult for claimants and institutions?

The Uniting Church believes that what will make a scheme most effective are universal coverage, easy access, trusted processes, and access to a range of redress options.

More specifically, some features that make redress schemes effective for claimants and institutions include:

- An active role of survivors in designing the redress scheme
- Having people on the decision making body that understand the trauma experienced by survivors of abuse; this may include survivors
- Simple application forms to support access to the scheme
- A non-adversarial approach to handling claims
- Fair and equitable means for assessing harm and calculating payments of awards
- Appropriate engagement of institutions in which abuse occurred.

The scheme should provide justice to survivors of abuse and do so in a timely manner without imposing significant cost on those seeking redress. The scheme should ensure an appropriate financial burden is carried by those responsible for abuse.

An effective redress scheme would use a restorative justice process that is not just about financial redress, but allows the complainant to tell their story to the institution where abuse took place, and that allows the institution to tailor its redress to meet the needs identified by a complainant. These might include a formal personal apology from the institution or other outcomes such as memorials or access to services, and they might also take into account the impact the abuse has had on other family members.

The Senate Community Affairs Committee recommended that the process be non-adversarial and informal. The Uniting Church agrees, but notes that the experience of its own processes, and of the Royal Commission, is that a degree of formality in proceedings demonstrates to survivors the seriousness and respect given to their allegations. This kind of formality should be preserved.





An effective scheme will meet the needs of different survivor groups. This is likely to require engagement strategies that will ensure that culturally and linguistically diverse communities, Indigenous people, and people in rural and remote areas, have effective access to the scheme.

A scheme will become less effective if difficulties in identifying the exact legal identity of those responsible for the administration of institutions where abuse took place are allowed to impede timely implementation of the scheme.

3. What forms of redress should be offered through redress schemes? Should there be group benefits available to, say, all former residents of a residential institution where abuse was widespread? What should be the balance between individual and group redress?

A redress scheme should have the capacity to respond to the individual experience of survivors. For this reason it should offer both a range of individual redress options such as apologies, counselling, payments or other supports, and should have available to it the capacity to deliver group benefits as well. The appointment to the scheme of appropriate experts, together with leadership by survivors, should ensure that the kinds of benefits, and the mechanisms for offering them, are the right ones.

The Royal Commission has indicated that a very large number of institutions have figured in accounts of abuse. It appears that, while there are a few places where there have been multiple cases, in most institutions the numbers are small, and the individuals were not part of a group who had a shared experience of maltreatment. Accordingly, it appears likely that the balance should lie with individual redress, but that there should be a mechanism to respond to a group where appropriate.

4. What are the advantages and disadvantages of establishing a national redress scheme covering all institutions in relation to child sexual abuse claims? If there was such a scheme, should government institutions (including state and territory institutions) be part of that scheme? How and by whom should such a scheme be funded?

A national scheme avoids being divisive of both institutions and survivors. Failure to create a national scheme will increase the risk of conflict between institutions and between survivors over the scope and rules of more fragmented arrangements.

Australian redress regimes that operated at the state level have been a bitter experience for survivors, as access to them has depended on where they happened to experience abuse. Multiple redress schemes create many problems, including greater legal complexity for





survivors, a greater chance that gaps will emerge in the coverage provided by the schemes, and create scope for inconsistency between procedures applied in hearing and supporting survivors.

Government institutions, including state and territory institutions, must be part of the scheme. The Commission has reported that over a fifth of accounts that it had analysed up to March 2014 involved abuse in government-run institutions. Based on the Uniting Church's experience, there will be a further group who were under government guardianship when in non-government institutions. In addition, many of the non-government institutions involved have operated under government regulation or oversight. For all these reasons, governments must be participants in the scheme.

The Uniting Church recognises that funding the scheme will be complex and will require extensive discussions. Issues that will require consideration in that process include:

- The funding model. The Irish scheme was established by what was intended to be one-off deal assigning a fixed sum of money to operate the scheme; this proved inadequate and was followed up with a second agreement for a larger sum of money. Should the Commonwealth pursue a similar single agreement for a fixed sum from all parties? Or should an alternative arrangement be reached, with, say, annual charges to participating organisations, according to the scheme's costs?
- The role of the states. State governments have operated many institutions in which abuse has occurred. However, they have also played an important role in the oversight of children who have been in the care of non-government run institutions. How will responsibility and financial liability be fairly apportioned between those governments and non-government entities? How will allowance be made for previous state contributions to redress schemes, while securing the participation of all states in both the funding and activities of the new scheme?
- The funding of overheads. The scheme itself will have administrative costs that are likely to run to millions of dollars. Who will contribute to these costs?
- The determination of proportional contributions. How will responsibility be apportioned, and by whom? According to numbers of complaints? And if so, to whom or what? Would it be based on numbers of complaints heard by the Commission? What about complaints heard elsewhere, and those not yet made? How would proportional contributions by existing institutions cover the costs that arise from claims against institutions that have no legal successors? How will the scheme deal with instances where abuse of a person has occurred in several institutions?





- The limits of proportionality. What will be done if an institution's contribution to the scheme sends it bankrupt, meaning it will be unable to make any future contributions? What will happen to services operated by institutions, where those services have to be terminated in order to meet the costs of the institution's contributions to the redress scheme?
- The role of insurance. What place will insurance and institutions' insurers have in any scheme? Will insurers, or insurance benefits, fund any of the scheme?

The Uniting Church reiterates its support for a scheme, and that it wishes to be closely engaged in discussions with the Royal Commission and other institutions aimed at resolving answers to the questions outlined in this paper, so that national redress arrangements are put in place.

5. If institutions have established internal redress schemes, should all or any part of the decision-making of the scheme be independent of the institution? Should the schemes be subject to any external oversight? If so, what?

This issue requires further work and reflection. As stated previously, the Uniting Church supports the creation of an independent national scheme, and this will to some degree obviate the problem of oversight.

The primary concern should be the preferences of the survivor. Choice for survivors should be retained, so individual institutional schemes should not be prohibited from operating in parallel with the national scheme. We expect that, in the presence of a national scheme, these institutional arrangements would focus on the non-financial dimensions of providing redress, such as information provision and counselling.

Where an existing scheme continues, there should be some external or statutory oversight, for example by an ombudsman; this would assist the institutions operating the schemes. Oversight arrangements might include:

- A framework to ensure effective alignment with the national scheme, including pathways for survivors to move between them as needed
- Regular reporting
- Moderating information across schemes
- Publicising information about schemes, so that survivors and the public are aware of what is being done.

We note that interaction with existing schemes should take into account that they are not generally sexual abuse-specific, but cover all forms of abuse or mistreatment. As previously stated, the Church believes a new national scheme should be similarly broad in scope.





6. Should establishing or participating in redress schemes be optional or mandatory for institutions?

The Uniting Church is of the view that participation should be universal: the Board should never have to say to a survivor, “We’re sorry, but the institution in which you say you were abused is not covered by our scheme”. This should be a fundamental and non-negotiable feature of any arrangement.

However, it is not clear what would be meant by “mandatory” participation. Would “mandatory” mean that the scheme’s operator would have the power to hear a complaint and made a determination in relation to any institution? The Church believes that all institutions should engage with survivors, whether or not there is a national scheme, if called upon to do so by the survivors. It is clear that failure to engage with survivors causes them distress. As such, we would support “mandatory” inclusion of institutions within the scope of the scheme’s operation.

The meaning of “mandatory” will present the greatest challenges in relation to the scheme operator’s powers. Two powers that will need to be considered are:

- Should the scheme include the power to compel an institution to appear before it in the context of a complaints process? If so, what should be the regulated features that define this power (for example, should it only be exercised with the consent of a complainant?) And if it does not have the power, are there risks that some institutions will not engage with survivors, leaving them dissatisfied with the process?
- Should the scheme include the power to require an institution to make a financial contribution? And if so, what would be the regulated features that defined this power (for example, would the power only be exercised in the event of a complaint?) Would national legislation for such a power be Constitutionally valid?

Because such issues present significant legal and practical challenges, the emphasis should be on engaging institutions in the redress and healing process, with a view to ensuring every institution engages voluntarily in the process, based on an understanding that this is important to survivors, and to the credibility of community institutions that provide care and services for children.

7. Should seeking redress or compensation through a redress scheme be optional for claimants? Should claimants retain the ability to pursue civil litigation if they wish?

The Uniting Church supports the rights of survivors to retain control of how they deal with the harms they experience. As such, it believes their participation in the national redress scheme should be optional. If survivors wish to pursue other avenues, whether litigation or alternative schemes, that should be their choice. However, in order to maintain the efficiency





of the court and redress systems, the effective targeting of funding, and the avoidance of 'forum shopping', the Uniting Church believes that a survivor should access one or the other system, rather than both. Nevertheless, an unsuccessful civil claim made prior to the development and implementation of any redress scheme should not prevent access to the redress scheme. It is standard for redress schemes in this area to require survivors to waive the right to pursue civil action. It is also the Church's experience that civil litigation is often lengthy, costly, can be distressing to the survivor, and has highly uncertain outcomes. Redress is intended to contribute to healing and, where appropriate, reconciliation: litigation is not.

The Uniting Church notes that there are issues that will need to be resolved regarding how a redress scheme will affect insurance cover held by institutions. If an institution is insured against liabilities incurred in cases where an employee abuses someone in the institution's care, but the insurer indicates that a determination by the redress scheme's operator will not trigger policy indemnity and thus payment by the insurer, then this may create problems. It may discourage institutions from participating in the scheme. It is also important that institutions should not be encouraged to deny claims made against them, or decline to offer apologies, merely because failure to do so would risk invalidating their policy indemnity. The Church's preliminary view is that findings under the redress scheme should trigger insurance cover indemnity as constituting a legal liability to pay.

8. How should fairness be determined in redress schemes when some institutions have more assets than others? How should fairness and consistency between survivors be achieved in these circumstances? What should be the position if the institution has ceased to operate and has no clear successor institution?

The Uniting Church believes that a single national scheme will avoid the issues raised in this questions from coming to bear on survivors. Rules governing redress payments should be based on the harm experienced, as has been the case in many schemes, including that in Ireland. Payments should not depend on what institution is involved. Whether there is a clear successor institution should not be relevant to payments.

9. What are the advantages and disadvantages of offering compensation through a redress scheme which is calculated on the same basis that damages are awarded by courts in civil litigation systems? Should affordability for institutions be taken into account? If so, how?

Compensation or damages awarded under civil litigation, and awards made under a redress scheme, are two different approaches. They have different objectives and offer survivors different outcomes and support. They are not directly comparable, so it would not be appropriate to use the same approach to calculating payments.





Where survivors have had similar experiences, there should be a level of parity in financial awards made. The Church believes that affordability is not a consideration in determining the value of payments to individual applicants to the scheme.

It may be appropriate to explore with state governments issues which might arise around the relationship between national redress arrangements and existing victim compensation schemes. Will some people be eligible for payments from both sources This may raise equality issues between survivors.

10. Given that the sexual abuse of children mostly occurs where there are no witnesses, what level of verification or proof should be required under a redress scheme to establish that a claimant has been sexually abused? How should institutions be involved in verifying or contesting claims for compensation?

The Uniting Church endorses an approach aimed at truth-telling, reconciliation and healing. It should not be adversarial. Consistent with the recommendation of the Senate Community Affairs Committee, we believe that the administrator of the scheme, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred, recognising that this is lower than the civil standard. We emphasise that any burden of proof should not be such as to re-traumatise the survivor. The process should be oriented toward healing.

The Uniting Church believes that institutions should always be involved in the redress process. There are four reasons:

- Taking responsibility. Institutions must take responsibility for their actions and operations. They should always be called to account when a survivor names them, and they should bear witness to their own pasts. There should be no forgetting.
- Verification and assistance. If the body overseeing the scheme is to undertake basic verification of claims made by survivors, the assistance of institutions in most cases will be essential in retrieving records and clarifying the nature of institutional arrangements, particularly where survivors may have unclear memories of when and where events occurred. Our experience is that survivors, particularly those who were young when abused, are sometimes confused about where and by whom they were abused. We also find there are cases where one person's experience of abuse has occurred across several different institutional settings. The engagement of institutions can help them resolve doubts and clarify those recollections.
- Procedural fairness. It is fair that an institution and its staff have the opportunity to be aware of a claim against them and to provide a response. The Church emphasises, however, that this should not take the form of an adversarial procedure and should absolutely not involve any cross-examination of the survivor.





- Contribute to healing. Our experience to date indicates that survivors are usually assisted in healing, recovery or reconciliation, by having a senior representative of an institution hear their account, and deliver an apology both in person and in writing. The Commission has said that this is frequently assisted by this occurring in a formal setting.

Examples of existing Uniting Church processes, which relate to the issue raised in this question, are attached.

The Uniting Church recognises that, while institutions should always be engaged in the redress process, there will be some cases where this will raise some difficult questions. Who takes responsibility for notifying an individual who may be subject to allegations, particularly if that person is no longer associated with the institution where abuse took place, or if the institution no longer exists? What process should occur when a survivor indicates that they do not want a perpetrator notified? The Church believes that survivors should be respected and protected in such circumstances, but we are aware that this has implications for the procedural fairness of the process. What would this mean for the capacity of institutions to understand their past failures or to contribute responsibly to the scheme?

11. What sort of support should be available for claimants when participating in a redress scheme? Should counselling and legal advice be provided by any redress scheme? If so, should there be any limits on such services?

The Uniting Church believes that a national redress scheme should provide assistance to survivors accessing the scheme. In the Uniting Church's experience, most survivors appear to benefit from a range of support services which include legal support as well as counselling from trained professionals. There are often different phases in each survivor's journey and they may require support in any or all of the phases, particularly in relation to counselling or other forms of emotional support. Provision of these services through the national scheme would help ensure that they were specialised services that would understand the needs of survivors and the survivors would not be limited by their personal financial circumstances in seeking the support they require.

While support should be provided for survivors engaging with the redress scheme, it should not extend to those pursuing civil litigation. Survivors making inquiries to the redress scheme operator should be given accurate information about the advantages, limitations, risks and benefits of litigation, and be provided with access to information about the experience of litigation made available by survivor organisations. The Senate Committee, in its *Forgotten Australians* report, noted how unsatisfactory litigation often was for survivors.

The Uniting Church recognises that there are different models of how legal advice or support may be provided. In the Irish case, most applicants to the scheme obtained their own legal





advice and the scheme reimbursed their costs. The Church suggests that the Commission liaise with experts and participants in the Irish scheme about the effectiveness, and particularly the cost effectiveness, of this system. It may be more appropriate for the scheme itself to provide general advice and assistance to survivors who approach it, rather than to have individualised legal representation for every applicant.

The support provided to survivors should be sufficient to ensure survivors can complete engagement with the process.

12. If a claimant has already received some financial compensation for the abuse through one or more existing schemes or other processes, should the financial compensation already received be taken into account in any new scheme?

The Uniting Church recognises that the question of whether previous payments received should be taken into account is a difficult one. Not all payments may be made with the same purpose, and it may be administratively more complex for a scheme to take account of past awards. Despite these issues, on balance the Church believes previous payments should be taken into account. It does so for several reasons.

- Equity. Failure to take into account previous payments will reproduce the inequities already experienced by care leavers according to what state in which they were institutionalised. The Church understands that these inequities have been a source of disappointment to care leavers and their organisations, as was noted in chapter two of the Senate Community Affairs Committee's 2009 report, *Lost Innocents and Forgotten Australians Revisited*. A national scheme should not entrench these inequities.
- Cost effectiveness of the scheme. The national scheme's money will go further if payments are reduced by the amounts expended through previous schemes.
- Political considerations. It may be difficult to guarantee the participation of States that have already run schemes, if their previous commitments are not going to be factored into their costs when being asked to contribute to this new scheme. The Church believes it is absolutely fundamental to the scheme that all States are participants.

We recognise that taking account of past awards will require the scheme's operator to make decisions about whether to verify past payments, and to develop a system for calculating their effect. Simple subtraction of values will produce inequitable results, particularly for payments made many years ago, the present value of which will be different to that of an





apparently equivalent contemporary payment. The Church is confident that a mechanism can be devised to overcome this kind of problem.

Concluding comments

The Uniting Church is committed to a national redress scheme and to engaging in the discussions with the Commission, other institutions and with governments that will be necessary to make it a reality.

We emphasise that the published evidence and our own experience shows that the financial element is only one part of effective redress, and for many people not the most important. The scheme will need effective systems for hearing complaints, recognising and acknowledging them, facilitating meaningful apologies, and ensuring access to relevant support services if it is to succeed for survivors.

The means for survivors to recount their experiences and be heard lies at the centre of redress, and there may be a role for the Commission's evidence in facilitating this. We note that by the end of its operation, it is likely that the Commission will have heard from around 5000 survivors, most of them in private sessions. The Commission may wish to consider whether a formal mechanism should be established to allow Commission evidence, including confidential evidence, to be supplied to the redress scheme in those cases where survivors endorse such action. The reason is that some survivors may prefer not to have to recount their experiences again, but still wish to be assisted in redress, whether that be through an apology, access to counselling, or a payment. This will only be possible if there is a legal mechanism allowing evidence to pass from one body to the other.

The Uniting Church understands that discussion of redress schemes focusses on providing redress for past cases of abuse. Redress must operate alongside reforms aimed at preventing abuse now and in future. In this regard the Uniting Church emphasises that when the national redress scheme is introduced, it must be in parallel with other reforms. These will lie in legislative changes, regulatory reform and changes to institutional cultures and practices. The Church notes that a number of these areas for change have been the subject of past Royal Commission issues papers, and that there will also be further work by the Commission. The Uniting Church stands ready to work with survivors, the Commission, governments and other institutions, to take the steps necessary to prevent child sexual abuse.



Rev Terence Corkin
Assembly General Secretary





Uniting Church in Australia

Attachments

Examples of redress scheme features from Uniting Church agencies.





Attachment A

Features of the policies governing complaints of abuse and/or mistreatment for UnitingCare and the Schools Commission in Queensland

Having the policy and procedures document widely accessible

Engagement with survivors at their request

Encouragement for survivors to access support through the process

Request for written details and the impact of abuse but complaints can be made orally and assistance can be provided to document in writing.

Check for any known facts about situation

Survivors are not required to provide proof of claims

Arrangements made for meeting - costs paid where applicable

Meeting with CEO Uniting Care or Executive Officer Schools Commission

Also present is a person with counselling experience

Survivor's story listened to with empathy and acceptance

Survivor offered sincere apology on behalf of the Church and the particular institution

Survivor offered assistance in line with expressed need, current circumstances, length and severity of abuse. Any financial award is within a small range of preset parameters.

Survivors receive any monetary assistance promptly

Survivors sign deed of release

Follow up letter of apology sent.





Attachment B

Redress Scheme of the Synod of Victoria and Tasmania

The Synod addresses child abuse at a number of different levels – preventative, contemporary and historical.

In addition to our public apology, the Synod seeks to address experiences of child abuse through compassion, active listening, mediation (where appropriate), personal apology, provision of support and financial redress where sought. In dealing with child abuse, we aim to minimise secondary trauma to victims.

The use of bureaucratic and adversarial legal processes are minimised and avoided wherever possible in dealing with situations of abuse. These approaches are recognised as having potential to re-abuse the victim.

Most significantly, personal experiences of abuse are heard and accepted. Forensic proof by victims of their allegation of abuse is not required as a precondition to the Church meeting with victims to resolve their claims. The victim's veracity in this process is accepted by the Church. The Synod seeks to obtain records to both establish that the victim was a care leaver from one of our institutions and otherwise provide the context of the abuse. Medical material may also be considered (often supplied by victims) or sought by the Church to enable assessment of the impact of the abuse on the person.

The person who experienced abuse is guaranteed that they will be heard and that an apology will be given if sought. A senior person from the Synod always attends mediation and settlement with the Synod's solicitor and an apology is offered in person for the abuse that occurred by the Church.

The system of redress within the Synod does allow for monetary or other forms of redress. In the case of past abuse of people who were in the care of a Uniting Church agency, most of the cases are resolved through the provision of supports and financial settlement. Victims of past abuse have been offered the facilities of the Church, such as the Bethel Pastoral Centre or staff support offered by our agencies. The Church has also has offered to underwrite psychological services for victims to access over a period of time.

