



Pastoral Care and Assistance

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

Frequently asked questions.

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

August 2004



Anglican Church Diocese Of Sydney

PASTORAL CARE AND ASSISTANCE SCHEME

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

If you have been the victim of child abuse or sexual misconduct by a church worker you may be eligible for pastoral care and assistance (including payment for counselling and other financial assistance) from the church. The information provided below answers some frequently asked questions about accessing such pastoral care and assistance.

Please refer to the pamphlet *Pastoral Care and Assistance Scheme* for general information and to the pamphlet *Application for Pastoral Care and Assistance* to apply for financial assistance.

Will the church pay for my personal counselling?

Yes. If you were the victim of child abuse or sexual misconduct by a church worker the church will pay for an initial period of counselling and may negotiate, after an agreed period, for it to continue.

To arrange for counselling, contact the Chaplain to Victims, Professional Standards Unit on (02) **9265 1500**.

What can I claim financial care and assistance for?

You can claim financial assistance for:

- your needs arising from the event listed in the Schedule of Financial Assistance which will promote your healing;
- Reasonable medical and related expenses;
- Lost, destroyed or damaged personal items that were worn or carried at the time of the child abuse or sexual misconduct.

What is not covered by the Pastoral Care and Assistance Scheme?

You cannot claim financial assistance where:

- The child abuse or sexual misconduct was not perpetrated by a church worker;
- A claim of child abuse or sexual misconduct cannot reasonably be substantiated;

- The child abuse or sexual misconduct is unrelated to the church worker's role or position as a church worker;
- The child abuse or sexual misconduct did not cause any loss that may require financial assistance - except that a period of counselling may be paid for.

What is child abuse or sexual misconduct?

Child abuse is sexualized or abusive behaviour by a church worker towards a person under the age of 18 years. Sexual misconduct is inappropriate sexual behaviour towards an adult by a church worker where that behaviour would constitute a criminal offence or an abuse of a pastoral relationship.

Who is a church worker?

A church worker is a member of the clergy (ordained as bishop, priest or deacon) in the Anglican Church Diocese of Sydney and any other person, paid or voluntary, who has a position or holds an office in the Anglican Church Diocese of Sydney or ANGLICARE.

How do I make a claim?

Applications for financial assistance must be made on the form *Application for Pastoral Care and Support*. An application form can be obtained from the Professional Standards Unit (02) **92651604**. Once completed, you should send your application to the Claims Counsellor at the Professional Standards Unit who will be glad to assist you in completing the forms if you so require.

How can a child make a claim?

If the victim is a child, an application for care and assistance can be made by the child or on the child's behalf. It may not be possible to finalise the claim whilst the child remains under age.

Will my privacy be protected?

Generally and as far as practicable, the material provided by you in relation to a claim will not be released to persons not involved in assessing the claim. However, we may be required to produce documents to a court. We may also need to inform the church worker.

Although the church worker does not participate in the assessment process, if there are disciplinary proceedings, some information relating to the allegations will need to be made available to the church worker. If the church worker is asked to make a monetary contribution, they will become aware of any financial assistance provided to you.

Will the church worker have to pay?

If the church worker has a finding made against them in disciplinary proceedings and is in a position to contribute, we will ask them to make a monetary contribution. You do not have to be involved in this process.

Who will determine the level of assistance to be provided?

The claims counsellor will explore with you the financial assistance which will meet your needs arising from the child abuse or sexual misconduct. If agreement can be reached a payment will be offered to you.

If agreement cannot be reached an independent panel will assess your application. The panel will be independent of the church, the victim and the perpetrator and consist of a senior lawyer and a senior psychiatrist or clinical psychologist. The panel will assess what it considers to be appropriate financial assistance and the church may either accept or reject the assessment. If the Diocese or ANGLICARE accepts the assessment it will offer you that amount of financial assistance and you may either accept or decline the offer.

Will I be prevented from going to court?

Making an application and participating in the scheme does not prevent you from later going to court. However if you accept an offer of financial assistance you will be asked to sign a release which will finalise the matter between you and the Diocese or ANGLICARE.

Will I be required to not talk about the child abuse or sexual misconduct if I accept financial assistance?

Participating in the scheme or accepting financial assistance will not prevent you from telling your story. Any deed of release will make specific reference to your continuing right to tell your story.

What information or evidence will I need to provide?

You will need to provide evidence in support, such as personal statements, witness statements, receipts or accounts for expenses arising from the child abuse or sexual misconduct, hospital records, medical reports, psychological or psychiatric reports or any other proof of any past or continuing needs.

If you are claiming physical abuse, the physical injury may be minor, but must be more than transient or trifling.

If your claim is for a *Category B chronic psychological or psychiatric disorder that is severely disabling* you will need to see an approved report writer. Information can be obtained from the Professional Standards Unit (02) **9265 1604**.

Can my counsellor write a report for my claim for financial assistance?

Yes. You may ask your counsellor to write a personal impact report in support of your claim for financial assistance. If your counsellor is qualified to make a diagnosis of psychological or psychiatric disorder they may also provide a formal psychological impact statement.

How much will I get?

This will depend on the event and its effects on you, your needs arising from the event, and the scales outlined in the Schedule of Financial Assistance. The maximum amount able to be provided to you is \$75,000.

How will the assessment be made?

The assessment panel will determine, if it 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) whether there was child abuse or sexual misconduct

If it is determined that child abuse or sexual misconduct occurred, the panel will determine which event category (1, 2 or 3) in the Schedule of Financial Assistance your application falls into, based on the supporting evidence. It will then make an assessment of the severity of the event, including the need for counselling, up to the maximum amount for the particular category.

If you claim a chronic psychological or psychiatric disorder the panel will also make an assessment of your needs based on the psychiatric or psychological effects arising from the child abuse or sexual misconduct, up to the maximum amount for the particular effects category (A or B).

The two assessed figures, event and psychological or psychiatric effects of child abuse or sexual misconduct, will be added together for a recommended payment of financial assistance but together will not exceed \$75,000, which will include all the costs of counselling, other financial support provided and all other financial needs claimed.

Examples:

1. Category 1 event (\$15,000 max) + Category A effects (\$22,500 max.) = \$37,500 max;
2. Category 3 event (\$75,000 max) + Category B effects (\$22,500 max.) = \$75,000 max.

Can I state what category of event or effects I think should be assessed under?

Yes, you may indicate in your application which category you think is appropriate. You may also indicate what you think is an appropriate amount within the range of the category. You should explain your reasons clearly, and provide evidence in support. For example, you can explain the needs that arise for you from the child abuse or sexual misconduct, so that the assessment panel can have a full understanding of all your circumstances. The assessment panel will consider your submissions at the time that your claim is assessed. The Claims Counsellor will assist you in this if you so require.

How does the assessment panel decide how much assistance to recommend?

In considering what amount of financial assistance to recommend within the range of the relevant category, the assessment panel will take into account all relevant factors including:

- your needs which arise from the child abuse or sexual misconduct;
- your age;
- the facts, extent, nature and circumstances of the child abuse or sexual misconduct;
- the relationship, if any, between you and the church worker;
- your particular disability or vulnerability if any; and
- the effect of the child abuse or sexual misconduct upon you.

The assessment of your claim will depend on your needs arising from the circumstances of the child abuse or sexual misconduct and the evidence you have provided in support of your claim.

Where can I get more information?

You can contact:

The Claims Counsellor
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

Phone: (02) **9265 1604**
Facsimile: (02) **9261 1160**
cdn@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 harassment, 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>	