

Purpose

To outline CMS-A's Pastoral Care and Assistance Scheme ("PCAS") to provide pastoral care, assistance and redress to survivors of child abuse and sexual misconduct by CMS-A employee, cross-cultural or volunteer ("CMS-A Participant") where CMS-A is responsible for that person's conduct. The objective of PCAS is to assist applicants to move on in their lives in a positive way.

This process is available for any person who discloses to the CMS-A Professional Standards Director ("PSD") that CMS-A Participant has, during his or her time with CMS-A, engaged in child abuse, sexual abuse or sexual misconduct.

As Christians, we are very conscious that there is a primary need for us to respond to disclosures of child abuse or sexual misconduct with compassion and empathy, having regard to the situation of the person who has made contact with us.

PCAS provides survivors of abuse with an alternative to going to court. We recognise that taking a case to court can be costly and stressful. Furthermore, survivors of abuse may find it difficult to establish the validity of their claims in court if too much time has passed or evidence has been lost. The PCAS gives survivors a choice to pursue a claim outside the court process.

Our Commitment

As Christians, we are committed to

- a) Acknowledging the wrongs that have been done in the past;
- b) Accepting that when a person is abused or subject to sexual misconduct, they are violated and their trust is betrayed;
- c) Responding promptly with empathy, support and respect to an individual who makes a disclosure of child abuse or sexual misconduct by a CMS-A Participant. We will seek to be compassionate to survivors, to provide assistance to help them with their needs and to help them rebuild their lives.

Steps in the Process

1. The applicant will be invited to contact the PSD, who will then invite them to submit their story in writing (with the assistance of a case manager provided in conjunction with the PSD).
2. Where desired by the applicant, PSD will appoint a process support person, where one is not already in place. If appointed, the support person's role is to provide personal support to the applicant throughout the process.

3. The applicant's care and assistance needs will be assessed by the PSD or his/her appointed case manager and an appropriate offer of care and assistance will be made to the applicant.
4. Whether or not an Applicant is seeking a financial assistance package, CMS-A will work with the applicant to provide appropriate care and assistance such as:
 - a) An apology from the International Director or Chairperson as is appropriate in the circumstances (on behalf of CMS-A).
 - b) Recognition of the impact of abuse on their life.
 - c) A reasonable assurance that the abuse will not happen to another person, and that: where possible the offender has been appropriately dealt with; and safeguards are in place to minimise the likelihood of similar abuse occurring.
 - d) Reimbursement of all reasonable medical expenses incurred as result of the abuse (medical, counselling, psychiatric/psychological) to be assessed on a case-by-case basis.
 - e) Provision of a set amount of psychological counselling to be assessed on a case-by-case basis (and the capacity of CMS-A to meet these needs).

These measures are intended to provide practical support to help applicants address issues that have arisen as a result of the abuse and aid in their healing.

5. Where the applicant **is** seeking a financial assistance package they will be assisted in completing the Financial Assistance Application Form (Appendix Item B). Once the written application form is completed, PSD will investigate the facts of the case as to its plausibility and assess the impact of the abuse (if not otherwise established by a statutory body).
6. The investigation and assessment includes:
 - a) Reviewing evidence, including documentation and/or interviews; and examining the evidence of impact of abuse
 - b) When deemed necessary arranging for an independent medical/psychiatric or psychological assessment (to be paid for by CMS-A).
 - c) The determination will then be made either upholding the claim (in full or part) or declining the claim and providing appropriate pastoral responses (as outlined in step 4).
 - d) Where the claim for financial assistance is upheld the total maximum financial assistance package shall be \$150,000 in total.
 - e) Assistance will be assessed on the following basis in accordance with Appendix A: Severity of abuse; the impact of the abuse on the survivor; and any additional elements adding to the suffering of the survivor.

Offer of a Financial Assistance Package

Following assessment of the application as outlined above, the PSD in conjunction with independent legal advice, will provide direction as to the final financial assistance package. The PSD in consultation with the International Director and Finance Director shall then make the directed offer to the applicant.

Appeal of the Decision as to Amount of Financial Assistance

The applicant may appeal the quantum of the financial assistance package. In such circumstances, CMS-A will refer the matter to the external independent assessment panel who will be appropriately screened.

The panel, appointed by CMS-A, will be made up of::

- a) A senior psychiatrist or clinical psychologist having current or recent clinical experience with patients who have been victims of abuse; 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 abuse in accordance with Step 6 above.

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 three months.

Documentation

Where the applicant is seeking financial assistance, upon accepting the quantum the applicant shall sign a Deed of Release in favor of CMS-A in respect of any common law claims. The applicant shall be encouraged to obtain independent legal advice on the Deed of Release.

CMS-A will provide the applicant with a maximum of \$1,500 for independent legal advice for the signing of the deed of release. Until the Deed of Release is executed no payment will be released. The Deed the applicant will be required to sign shall not require the applicant's silence as part of any negotiated settlement reached. The Deed shall only require the applicant to give a release at common law.

Contact Details

Church Missionary Society - Australia Limited

c/o:

Peter Barnett

Professional Standards Director

Abuse Hotline: 1800 070 511

PO BOX 2102 Peakhurst NSW 2210

Approval

This is a CMS-A policy.
The Approval authority for this policy is the CMS-A BOARD
Approved by: BOARD RESOLUTION, 9 October 2020

Review

This scheme is due for revision in five years from the date of approval
Review Date: 9 October 2025

Appendix A – Assessment for Financial Assistance

Financial assistance alone cannot make amends for the harm caused by abuse. Rather, financial assistance is seen as a means by which CMS-A can acknowledge the harm caused by abuse and show compassion by providing some practical financial assistance for the applicant's present and future needs arising from the abuse. It is a reflection of the fact that CMS-A recognises the serious effects of abuse and their Christian responsibility to respond with practical care.

There are key factors that influence the quantum of a financial assistance package. Such factors are assessed as closely as possible in accordance with Recommendation 16 of the Royal Commission into Institutional Responses into Child Sexual Abuse *'Redress and Civil Litigation Report'*. These key factors include:

1. The Severity of abuse

A key factor in determining the quantum of financial assistance package is examining the characteristics of abuse experienced by an applicant. Such characteristics include the extent and nature of abuse, such as the intensity of abuse or use of force; the duration of abuse for example multiple occurrences over an extended period of time; number of perpetrators; age of survivor at the time(s) the abuse occurred; and the relationship or power differential between a survivor and a perpetrator at the time of abuse.

2. The Impact of the abuse on the applicant

The severity of the abuse alone does not necessarily indicate the level of impact the abuse will have on an applicant. In recognising that impact of abuse varies greatly between survivors, this element of assessment is intended to measure the relative severity of the disruptions the abuse has caused to a survivor's life.

In assessing the impact of abuse we may ask applicants to undertake an independent psychological assessment to determine impact of the abuse. The level of impact/effect (resultant disability/vulnerability) assessed by the independent psychologist may influence the quantum of the financial assistance package.

3. Additional Elements

Other factors for consideration pertain to the nature of the organization in which the abuse occurred eg. whether the applicant was in a 'closed' institution or without the support of family or friends at the time of the abuse; other forms of abuse sustained in conjunction with sexual abuse; and whether the applicant was particularly vulnerable to abuse due to disability.

Where an applicant has previously made a disclosure of abuse by a CMS-A Participant, the appropriateness of CMS-A's previous response will be considered as an additional element in the assessment.

Appendix B – Financial Assistance Package – Application Form

Church Missionary Society – Australia Limited

REQUEST FOR PASTORAL CARE AND ASSISTANCE

Applicant's Personal Details

I, _____ (please insert full name) of _____ (address) _____ (date of birth)

request financial assistance from CMS-A Pastoral Care & Assistance Scheme for survivors of abuse.

Circumstances of the Request

This request arises from my complaint made on the following date:

OR

I attach:

a Statutory Declaration dated

OR

other document setting out my disclosure.

Please list the documents (if any) provided in support of this request:

1. _____
2. _____
3. _____
4. _____
5. _____

Please Note:

You do not have to fill out all of this form to request financial assistance, apart from your personal details above and your signature on the last page. However, the more information we have, the easier it will be to assess your application. As per the PCAS, where desired by the applicant, CMS-A will appoint a process support person (usually the Professional Standards Director or Appointee) who can assist you in completing this form.

Please complete the following sections if these matters are not included in detail in your complaint or statutory declaration / other documents attached.

Effects of Abuse

(Please attach any supporting medical or psychological reports)

Psychological or psychiatric effects (please describe any psychological or psychiatric injuries and/or conditions sustained).

Physical injuries (please describe any physical injuries sustained).

Impact of the events (please describe what the impact of the abuse on you has been)

Future needs (please describe what needs you have which arise from the abuse).

