

# Pastoral Care and Assistance Scheme

A practical guide to making a claim

Professional Standards Unit



Anglican Church Diocese of Sydney

# Pastoral Care and Assistance Scheme

The Sydney Diocese of the Anglican Church offers pastoral care and assistance to those who have experienced child abuse or sexual misconduct by a church worker. The Diocese recognises that child abuse and sexual misconduct have a tragic impact on a person's life. As a Diocese, we are committed to responding to those who have been abused with compassion and empathy, and to providing practical assistance to help them rebuild their lives.

The Pastoral Care and Assistance Scheme (the "PCAS") provides an alternative to going to court. Taking a case to court is costly and stressful. Furthermore, survivors of abuse may find it difficult to establish their claim's validity in court if too much time has passed or evidence has been lost.

## What we can offer you

### 1. Pastoral care

We will provide a chaplain to support you while you receive help from the PCAS. We recognise that reporting abuse or sexual misconduct can be traumatic and takes great courage. As far as possible, we want to make sure that you are properly supported while you are receiving help from us.

### 2. Professional counselling

We will pay for you to see a professional counsellor with appropriate qualifications and experience. You can choose the counsellor yourself or the chaplain can recommend someone. The counsellor will not be a church worker. We may ask for your counsellor to give us a progress report, but we will ask your permission first.

### 3. Dealing with the offender

We will seek justice by dealing with the alleged offender according to the disciplinary procedures in the *Discipline Ordinance 2006*. If you are alleging a criminal offence, we are also required by law to report it to the relevant authorities.

### 4. Financial assistance

We will invite you to make a claim for financial assistance to help you recover from the harm done to you. We recognise that money cannot undo the harm or distress. However, money can be a practical way of making sure you can afford the resources you need to seek healing. We will assess your claim for financial assistance before making an offer of payment. The maximum amount payable is \$100,000.

Any disciplinary procedure must ordinarily be resolved before you can make a claim for financial assistance *unless* it is impossible for the alleged offender to be disciplined (for example, if the alleged offender has since died or disappeared).

### 5. An apology

We will provide you with an apology for what happened to you. A church representative will offer to meet with you to acknowledge and apologise for what you experienced. He or she will acknowledge that child abuse and sexual misconduct is always wrong and should never occur.

## Claiming financial assistance: how the process works

### Step 1: You complete a form for PCAS financial assistance.

The chaplain can assist you with filling out the form. You may be asked to provide an expert report by a psychiatrist or psychologist. We will pay for this expert report.

### Step 2: Your claim will be assessed and we will make you an offer.

In assessing your claim, we will consider the nature and extent of the child abuse or sexual misconduct and the circumstances surrounding it. This will include details like your age at the time, the relationship of the church worker to you, and any disability or vulnerability that affected you. We will also consider the effects of the child abuse or sexual misconduct on you.

An offer will be made based on where your claim fits in the following Schedule of Financial Assistance –

Event constituting child abuse or sexual misconduct	\$
<b>Category 1:</b> Child abuse or sexual misconduct	Up to 20,000
<b>Category 2:</b> Unlawful sexual intercourse or infliction of serious bodily injury in the course of attempted unlawful sexual intercourse.	Up to 45,000
<b>Category 3:</b> A pattern of child abuse or sexual misconduct over an extended period, or sexual abuse in which – <ul style="list-style-type: none"><li>- serious bodily injury was caused,</li><li>- 2 or more offenders were involved, or</li><li>- the offender used a weapon.</li></ul>	Up to 100,000

## Effects arising from child abuse or sexual misconduct

\$

### Category A:

Chronic psychological or psychiatric disorder that is moderately disabling (i.e., affects lifestyle and relationships).

Up to 30,000

### Category B:

Chronic psychological or psychiatric disorder that is severely disabling (i.e., on its own prevents employment).

Up to 100,000

The maximum possible total amount that can be offered is \$100,000, even if the total of the figures assessed under the Event category and the Effects category add up to more than \$100,000.

### Step 3: If you do not accept the offer

If you do not accept the offer, your claim will be assessed by an independent external panel.

The panel consists of two members: one senior psychiatrist or clinical psychologist and one senior lawyer or barrister. All panel members possess relevant experience. The panel members are not affiliated with the church. The panel will assess your claim and recommend an amount.

We will take the panel's recommendation into consideration and make a further offer. You must choose to accept or reject this further offer. This further offer is final.

### Step 3: If you accept the offer

If you accept the offer, we will ask you to sign a Deed of Release.

The Deed of Release affects your legal rights. You are required to get independent legal advice before signing the Deed of Release. We will pay for this independent legal advice.

We will arrange for payment to be made to you.

## Frequently asked questions

### When can someone use the PCAS?

Someone who has experienced child abuse or sexual misconduct that -

- was perpetrated by a church worker
- was related to the church worker's role or position
- happened in the Sydney Diocese of the Anglican Church
- can be reasonably substantiated
- caused harm to the person wishing to use the PCAS

All of the above must apply.

### Who is a church worker?

A church worker is –

- a member of the clergy (ordained as a bishop, priest, or deacon) in the Anglican Church Diocese of Sydney, or
- any other person (paid or voluntary) in a position or holding an office in the Anglican Church Diocese of Sydney.

### What is child abuse?

Child abuse is sexualised or abusive behaviour by a church worker towards a person under 18 years of age.

Some examples of child abuse include (but are not limited to):

- A church worker inappropriately touching a child or young person
- A church worker engaging in any kind of sexual activity with a child or young person

## **What is sexual misconduct?**

Sexual misconduct is inappropriate sexual behaviour towards an adult by a church worker where that behaviour would constitute a criminal offence or abuse of a pastoral relationship.

An example of sexual misconduct is a church worker engaging in any kind of sexual activity with someone he or she is in a pastoral relationship with (where that person is not their spouse).

## **How do I make a claim for financial assistance?**

Phone (02) 9265 1500 or email [pcas@sydney.anglican.asn.au](mailto:pcas@sydney.anglican.asn.au) to obtain a claim form or speak to someone about making a claim.

## **Can a child make a claim for financial assistance?**

Yes, it is possible for a claim to be made by a child or on a child's behalf.

## **Will my privacy be protected?**

We will treat your information with complete confidentiality as far as is possible, except when we are legally obligated to provide it to a court or law enforcement authority.

## **If I am offered financial assistance, will the offender be the one who pays the money?**

If the offender is able to, we may ask him or her to make a financial contribution. You are not involved in this process.

## **Will participating in the PCAS prevent me from being able to sue the Anglican Church?**

No, *unless* you accept an offer of financial assistance under the PCAS. If you accept an offer of financial assistance you will be asked to sign a Deed of Release which means the matter is finalised between you and the Church.

## **If I accept financial assistance, can I still talk about what happened to me?**

Yes. There is no confidentiality clause in the Deed of Release that we ask you to sign.

## **How much money will I get?**

It depends on the abuse or sexual misconduct and its effects on you. The Schedule of Financial Assistance sets out how the amounts are assessed. The maximum amount available is \$100,000.

## **Will the payment I receive affect my Centrelink benefits?**

No. We have an agreement in place with Centrelink confirming that Centrelink considers a payment under the PCAS to be an 'exempt payment' for their purposes.

## **Do I pay tax on the payment?**

No. At the time this document was written, payment under the PCAS does not form part of your taxable income.

## **Will any deductions be made from the payment?**

Yes, \$175 will be deducted to pay Medicare.

## **Can I get a lawyer to help me?**

Yes, you are free to seek legal advice at any point in the process. But it is not necessary for you to have a lawyer representing you in order to make a claim for financial assistance through the PCAS. This changes if an offer is made to you. Once an offer is made to you, you are required to get independent legal advice before signing the Deed of Release. We will pay for this independent legal advice.

## **Where can I get more information?**

For more information please phone the Professional Standards Unit at (02) 9265 1500 or email us at [pcas@sydney.anglican.asn.au](mailto:pcas@sydney.anglican.asn.au)