

# APPENDIX 2-Q Historic Abuse Claims Policy

## 1. Purpose

- 1.1 This policy has been specifically developed in response to the Royal Commission of Inquiry into cases of historic abuse in state and faith-based institutions.
- 1.2 This policy sets out the process that should be followed when a complaint regarding historic abuse is made against a volunteer, employee, or pastor within the Baptist movement. This also includes former volunteers, employees, or pastors who have previously served in or worked for a Baptist church.

## 2. Historic abuse—policy relates to historic abuse only

- 2.1 This policy is only relevant to matters relating to complaints alleging historic abuse.
- 2.2 A complaint regarding historic abuse means a complaint regarding behaviour towards an individual prior to 1 December 2020.

## 3. Roles and responsibilities

- 3.1 The Claims Administrator is responsible for initial contact with a potential claimant and providing them with information on the claims process.
- 3.2 The Claims Investigator is responsible for gathering information about the allegations of abuse from a claimant and verifying these allegations against the Baptist Union and other relevant records, if possible.
- 3.3 Following the investigation, a report from the Claims Investigator will be provided to a sub-committee of the Assembly Council (RCI Response Team).
- 3.4 The RCI Response Team will be responsible for:
  - a. ensuring appropriate pastoral support is provided to all people involved with the investigation;
  - b. reviewing the report provided by the Claims Investigator;
  - c. determining any outcomes that might be undertaken because of any findings arising from the investigation.

## 4. Personal information

- 4.1 Prior to and/or during the claims process, a potential claimant may request access to their personal information held by the Baptist Union or, if relevant, any Baptist church.
- 4.2 Any requests for personal information should be sent to the Claims Administrator. The Claims Administrator is responsible for assessing the claimant's request for personal information and:
  - a. ascertaining whether the personal information requested by the claimant exists; and either
  - b. disclosing this information either in a full or a redacted form; and/or
  - c. informing the claimant that some or all the information requested does not exist or cannot be found.
- 4.3 Information may need to be redacted before it is provided to a claimant if it contains the personal information of other identifiable individuals.
- 4.4 Personal information about a claimant should not be released to a third party (excluding the Royal Commission of Inquiry) unless that person is authorised to act on behalf of the claimant and has their written permission.

## **5. Information provided to the Royal Commission of Inquiry**

- 5.1 The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions was established in 2018.
- 5.2 The purpose of the inquiry is to identify, examine and report on the matters within the scope of the inquiry which include—broadly:
  - a. the experiences of children, young persons and vulnerable adults in care between 1 January 1950 and 31 December 1999.
  - b. the factors, including structural, systemic, or practical factors, that caused or contributed to the abuse of individuals in state care and in the care of faith-based institutions.
  - c. the impact of the abuse on individuals concerned.
  - d. the circumstances that led to an individual being placed into care.
  - e. the lessons learnt.
  - f. the redress process for individuals.
- 5.3 Any personal information received will be treated appropriately and in accordance with the principles of sensitivity, confidentiality, and informed consent.
- 5.4 As part of the Royal Commission of Inquiry, personal information regarding individuals involved in an investigation may have to be disclosed by the Baptist Union to the Royal Commission of Inquiry. However, before any personal information is disclosed the Baptist Union will use its best endeavours to advise and consult with the relevant individuals concerned.

## **6. Stage 1 – Initial contact from a claimant**

- 6.1 When a claimant initially makes contact the focus is on ensuring that they are informed of the process outlined in this policy.
- 6.2 All potential claimants should be referred to the Claims Administrator. The Claims Administrator should:
  - a. inform the claimant of the claims process.
  - b. ask how the claimant would like to provide information.
  - c. ensure that the claimant is aware that they have the right to seek legal advice and be legally represented through the process.
  - d. obtain the contact details of the claimant, so they can be contacted by the Claims Investigator.
- 6.3 A claimant may make contact either personally or through a representative. Stages 1 and 2 of the process may be modified as necessary for legally represented clients.

## **7. Stage 2 – Investigation**

- 7.1 This stage of the process is focused on gathering the information necessary to inform the resolution of a claim and is led by the Claims Investigator.
- 7.2 The Claims Investigator will gather evidence from the claimant via a face-to-face meeting unless the claimants would prefer to give information in an alternative manner.

- 7.3 The role of the Claims Investigator is to gather information on the allegations of the claimant, including but not limited to:
- a. any incidents of alleged harm. ‘Harm’ for the purposes of this policy may include physical abuse, emotional abuse, sexual abuse, or neglect;
  - b. who allegedly perpetrated any harm;
  - c. the nature of any resolution the claimant is seeking.
- 7.4 After gathering information from the claimant, the Claims Investigator will draft an investigation report to be provided to the RCI Response Team.

## **8. Stage 3—Assessment of the claim**

- 8.1 This stage of the process is focused on assessing the allegations made by the claimant.
- 8.2 The RCI Response Team will consider the investigation report provided by the Claims Investigator and consider:
- a. Whether to proceed with resolution of a claim.
  - b. The forms of resolution that may be offered to the claimant.

## **9. Stage 4—Potential resolution of a claim**

- 9.1 This stage of the process is focused on resolution of a claimant’s claim. Depending on the circumstances the RCI Response Team may propose:
- a. A facilitated mediation.
  - b. Settlement discussions either with the claimant directly or via their legal representative.
- 9.2 The RCI Response Team may also consider other options of resolution proposed by a particular claimant.

**AC December 2020**