

Archbishops' Council
Interim Support Scheme
Terms of Reference

Introduction

The Archbishops' Council ("the Council") has established an Interim Support Scheme ("the Scheme") to improve the Church's response to current and non-current survivors of Church-related abuse. This Scheme is part of the Church's recognition that harm has been caused by both that abuse itself, and the Church's responses to survivors.

This Scheme is not intended to provide compensation or restitution to survivors, nor is it a redress scheme. The Scheme is intended to give immediate help and support to survivors whose life circumstances are significantly affected by the abuse suffered, and the response to it. The Scheme is designed to address immediate and urgent needs that help in the short-term to put the survivor's life back on track.

Policy

The Scheme

1. The Council has established an Interim Support Scheme ("**the Scheme**") which shall be administered in accordance with this policy. The Scheme has been operating on a pilot basis since October 2020. This policy shall come into effect from 28 September 2021.
2. The Scheme is intended to provide short-term assistance to survivors of Church-related abuse in order to support immediate and urgent needs. Its focus is urgent distress, and it is not intended to provide redress to those who may have been harmed by the Church of England. Any payment under the Scheme may, however, be taken into consideration for the purposes of any redress scheme or in connection with any future legal claim.
3. Any support provided by the Scheme shall be provided on a purely voluntary basis and without admission of liability by any person or body.
4. The Council shall administer the Scheme, with decisions taken through decision-making panels (see below). A reference to "we" in this document means the Council acting through those panels.
5. The Scheme is not intended to provide a substitute for assistance or help which should be provided by statutory authorities or via Universal Credit or from any other form of state benefit or support. However, the Scheme may be used to help a survivor to access such statutory support or benefits.

Eligibility

6. A survivor shall be eligible to apply under the Scheme if they meet the Eligibility Criteria.
7. The **Eligibility Criteria** are:

7.1 We believe that the survivor has experienced Church-related abuse based on the available information; and

7.2 We believe that the survivor needs immediate support to avoid either a substantial risk to their mental or physical health or a substantial risk that they will be unable to carry out normal day-to-day activities; and

7.3 We believe that this need arises from the Church-related abuse.

8. **Church-related abuse** means:

8.1 Abuse in any form (including but not limited to sexual, emotional, spiritual, and financial abuse);

8.2 Which has been perpetrated in connection with the activities of the institutions of the Church of England; and

8.3 Which has been perpetrated by any person, ordained or lay, paid or voluntary, who holds or has held a role in the Church of England.

9. **Substantial risk** means a risk that cannot sensibly be ignored having regard to the nature and gravity of the feared harm in the particular case.

Decision-Making Panel

10. A decision-making panel ("**the Panel**") shall assess every request for support under the Scheme, other than those where further support is sought (see below). The Panel shall have at least three members in the following categories:

10.1 Independent chair (recruited following an open recruitment process);

10.2 A Church of England representative (nominated by the Lead Safeguarding Bishops); and

10.3 A survivor representative (recruited through an open recruitment process)

11. The Council may make or terminate any appointment to the Panel under paragraph 10 at any time.

12. The Council may maintain a pool of appropriately qualified Panel members (people with a trauma-informed understanding of abuse including supporting people with complex, multiple problems) in each relevant category of membership.

13. Independent Panel members and survivor representatives will be reasonably remunerated for their time at rates agreed by the Council.

Archbishops' Council Panel

14. For the purposes of the Scheme, the Archbishops' Council Panel ("**the AC Panel**") shall have at least two members nominated by the Council.

15. As set out below, the AC Panel shall:

15.1 Consider whether the Further Support Conditions are met under this Scheme; and

15.2 Consider any appeals in relation to decisions of the Decision-Making Panel

16. The Panel and the AC Panel shall be supported by an advisor (“**the Panel Secretary**”).

Advocate

17. A survivor who is eligible for support may request the assistance of an advocate. Following such a request, the Council shall ensure that an eligible survivor is offered access to a suitably qualified advocate (in the reasonable assessment of the Panel) to support them in the application process and to assist in the preparation of an assessment of the survivor’s needs (“**the Needs Assessment**”) as specified below. This support must be offered before the survivor’s case is presented to the Panel.

18. If the survivor has not identified a suitably qualified person to act as their advocate, the Council shall do its best to identify a suitable person to assist.

19. Any two members of the Panel may agree a personal budget payment subject to a limit of £2,000 to be paid to the survivor in connection with the costs of instructing an advocate. This payment may be subject to such limits and conditions as the Panel member considers appropriate including compliance with any guidance which the Council may give under this policy. The Panel may exceptionally approve additional costs above this limit subject to a total limit of £4,000 if it considers that there is a good reason to do so.

20. The Council may from time to time give guidance as to the qualifications which a relevant advocate should possess and as to the terms on which an advocate may be appointed (including but not limited to the rate of payment, the term of appointment, and the circumstances in which it may be appropriate to provide for a personal budget in excess of £2,000).

21. The advocate shall put in place a written agreement with the survivor which must at a minimum stipulate the services which the advocate has been asked to perform, the time frame for performance of those services, and the rate of payment. The advocate shall not be contracted to or paid directly by the Council. Payment to the survivor for advocate support will be strictly against proof of cost, for example the advocate’s invoice to the survivor.

22. A reference in this policy to the survivor includes a reference to an advocate who supports a survivor.

Application procedure

23. An eligible survivor shall make their application for support to the Panel such application form as the Council may require, taking into account such directions as the Panel may give from time to time. Any such application must be made in writing and must, at a minimum, include the following:

23.1 A Needs Assessment;

23.2 Details of any compensation or payment already received on account of the Church-related abuse from any source including the date(s), amount(s), source(s), and basis of any payment(s); and

23.3 Any further information which the Panel may require.

24. A reference in this policy to a requirement to provide material in writing includes by email.

Confidentiality

25. The Archbishops' Council is committed to protecting all personal data shared within the terms of the Scheme, in compliance with the Data Protection Act 2018 and UK GDPR. Further details can be found in the Scheme's Privacy Notice.

26. The Scheme's panel members are likewise required to maintain confidentiality and act at all times in compliance with current data protection legislation.

Needs Assessment

27. The Needs Assessment shall:

27.1 Give an assessment, supported by evidence, of what support within the scope of the Scheme may assist the survivor, to include financial, therapeutic, or other support. Any recommendation of support shall be specific, achievable, realistic, and timely for the survivor's needs;

27.2 Where financial support is requested, provide details of the survivor's means supported by evidence, including likely sources of additional income (including income which the survivor is reasonably likely to receive in the six months following the request) and financial support which may be available to the survivor from any other source;

27.3 Specify the potential sources of any possible support;

27.4 Specify the likely cost of helping the survivor to access possible support. Where the likely cost of support is hard to estimate the assessment should provide the best realistic assessment of costs over a specified initial period; and

27.5 In circumstances where a survivor has already received support under the Scheme and makes a further application, (a) identifies the impact of the support already received, and (b) identifies any change in the survivor's circumstances since any previous Needs Assessment.

Consideration of applications

28. The Panel shall ensure that it follows a fair procedure which gives adequate notice of its decisions.

29. Except where specific provision is made in this policy, the Panel shall not take any decision unless all members of the Panel are present. In determining whether Panel members are present at a Panel meeting it is irrelevant where any Panel member is

or how they communicate with each other. A decision in writing or electronic form agreed by the Panel members shall be as valid as if taken at a meeting of the Panel.

30. The Panel may meet as often as its members consider necessary and may regulate its own procedure subject to the requirements of this policy. The Panel shall take decisions by majority vote of those present at the meeting, and the independent chair shall have a casting vote if required.
31. Panel members shall avoid conflicts of interest and loyalty and the appearance of any bias. No Panel member shall take any decision in connection with any application in which they have a conflict of interest or loyalty or where they may reasonably be perceived to have such a conflict.
32. The Panel shall assess each application in accordance with the support principles which are set out at Schedule 1 (“**the Support Principles**”), which the Council shall keep under review during the Scheme and may amend from time to time.
33. In connection with each application, the Panel shall consider:
 - 33.1 Whether the applicant is eligible;
 - 33.2 Whether it requires more information before it can reach a decision;
 - 33.3 Whether the support requested is consistent with the Support Principles;
 - 33.4 Whether the applicant has already received compensation in any form which was intended to make provision for the support now requested;
 - 33.5 Whether to approve any support;
 - 33.6 The nature of support, and
 - 33.7 Where such support is financial, the amount of any support, and whether to pay over such support by instalments.
34. In its consideration of each application the Panel shall take into account the requirements specified in the Support Principles.
35. The Panel may approve some, all, or none of the support requested, and may make any support subject to conditions. The Panel may amend or vary any such approval. There shall be a presumption that the Panel will not approve financial support where specific compensation has already been made, for example where a survivor has already received compensation for loss of earnings or for the provision of a particular course of therapy.
36. Where, in addition to the additional input required in the Support Principles, the Panel thinks it important to do so, the Panel may require input from an appropriate independent source before it makes any decision. The Panel shall consult with the survivor before obtaining any such view.
37. The Panel does not decide legal claims. The Panel’s decision to provide financial support shall not give rise to any commitment or expectation that the Panel or the Council will provide any further financial support to a survivor.
38. Subject to paragraph 42, the Panel shall not approve any support:

- 38.1 For a period of time which exceeds six months; and
 - 38.2 Which exceeds £25,000 (taking into account any Emergency Payment paid to the survivor)
39. An application for additional support will be considered by the AC Panel which will consider whether the Further Support Conditions are met. It is anticipated that the Further Support conditions will only be met exceptionally.
40. Where the Further Support Conditions are met, the AC Panel may approve further support and may amend or vary any such approval:
- 40.1 For an additional period of not more than six months; and
 - 40.2 Which does not exceed the further total sum of £25,000
41. The **Further Support Conditions** are:
- 41.1 A survivor has already received support under the Scheme;
 - 41.2 A survivor requests further support in writing for an additional period subject to the approval limits set out in paragraph 40;
 - 41.3 The survivor provides an up to date Needs Assessment taking account of the impact of any previous support under the Scheme;
 - 41.4 The decision panel believes that the survivor continues to need immediate support to avoid either a substantial risk to their mental or physical health or a substantial risk that they will be unable to carry out normal day-to-day activities; and
 - 41.5 The survivor or panel has obtained appropriate input from an independent source which endorses the specific provision of the further support requested.
42. Where the Further Support Conditions are met, the Panel may approve therapeutic support for a period which exceeds the period specified in paragraph 40 on the condition that the provision of any such extended therapy is supported by the recommendation of a suitably qualified clinical adviser skilled in the provision of therapeutic support. In the event that the Panel approves additional therapeutic support under this paragraph they shall stipulate the duration of any further approved support at the time of approval (subject to any amendment or variation which they may make).
43. The Council shall meet the reasonable costs of any appropriate independent input which the Panel or AC Panel may require.
44. The Panel (or the AC Panel as the case may be) shall do its best to take decisions on paper, based on the Needs Assessment and shall consider all of the information which the survivor provides. However, the Panel (or AC Panel as the case may be) may request further information from the survivor at any time if it considers that it requires it. Exceptionally, the Panel or AC Panel may request that a survivor make representations in person. If the survivor is unable to do so, the panel will do its best to make a decision under the circumstances. Both the survivor and their advocate

may request an opportunity to make representations in person to the Panel or AC Panel either jointly or separately which the Panel or AC Panel may hear if it considers that it is necessary to do so.

45. The decisions of the Panel (or the AC Panel as the case may be) shall be documented in writing (“**a Determination Notice**”) to be agreed by at least two members of the Panel (or AC Panel). In all cases, the Panel or the AC Panel shall give sufficient reasons to the survivor for their decision. Where a decision is based on a lack of evidence, the reasons shall indicate what evidence the Panel or the AC Panel considered was lacking.
46. The Panel or AC Panel shall not at any time decide to approve financial support unless funds are available from the budget allocated to the Scheme at that time.
47. The Panel or the AC Panel shall request the Council to make any approved payment to the survivor. The survivor shall provide details of the bank account into which the payment should be made. The Panel or the AC Panel shall provide such details as the Council requires including confirmation of the date on which the Panel approved the payment. The Panel (or the AC Panel as the case may be) shall not confirm any payment to a survivor until the Council has confirmed that it will make the payment.
48. When the Panel (or the AC Panel as the case may be) makes a request to the Council for payment it shall provide for audit purposes (subject to appropriate redaction) the minutes of all relevant Panel meetings along with the Determination Notice. The Panel (or the AC Panel as the case may be) shall provide a letter in such form as the Council may specify from time to time which summarises the support to be provided and any conditions.
49. The Panel’s role (or the AC Panel’s role as the case may be) is limited to a decision whether or not to provide the support which is requested; the Panel (or the AC Panel as the case may be) does not give any assurance that any support is in a survivor’s interests or will meet their needs, and neither the Panel members, AC Panel members, nor the Council assume any duty of care or risk to a survivor arising from any payment.

Emergency Payment

50. A survivor (or their advocate, or an appropriate third party authorised in writing to act on their behalf such as Safe Spaces or a survivor group) may request immediate financial support (an “**Emergency Payment**”) where:
 - 50.1 There is a substantial risk of harm if support is not given prior to the next meeting of the Panel;
 - 50.2 The survivor has no other available source of help; and
 - 50.3 The request for support meets the Support Principles.
51. Where a survivor wishes to request an Emergency Payment the following process shall apply:
 - 51.1 The Panel Secretary shall prepare documentation for the Panel which addresses in as much detail as possible the factors set out in paragraph 27 and Schedule 1 with evidence;
 - 51.2 At least two members of the Panel, at least one of whom must be independent

of the Church, shall as soon as practicable in the circumstances decide whether to approve an Emergency Payment and, if so, in what amount. The Panel members may not approve an Emergency Payment of more than £2,500 in connection with any application and shall report the payment to the next meeting of the Panel along with sufficient details of their reasoning;

51.3 Subject to this limit, the Panel members may decide whether to approve an Emergency Payment in the amount requested in full, in part, or whether to decline to approve a payment;

51.4 The Panel shall record its decision in an **Emergency Determination Notice**. This will give the survivor sufficient reasons for the decision. If the Panel declines the request, the Panel shall offer the survivor a reasonable opportunity to address the issues in the feedback; and

51.5 If the survivor provides further information, it shall be referred back to the same two Panel members for re-consideration.

52. If an Emergency Payment is approved, the Panel shall request the Council to make any approved payment to the survivor. The survivor shall provide details of the bank account into which the payment should be made. The Panel shall provide such details as the Council requires including confirmation of the date on which the Panel approved the payment. The Panel shall not confirm any payment to a survivor until the Council has confirmed that it will make the payment.

53. When the Panel makes a request to the Council for payment it shall provide for audit purposes (subject to appropriate redaction) the minutes of all relevant Panel meetings along with the Emergency Determination Notice. Any two members of the Panel may approve a letter to be sent to the survivor in such form as the Council may specify from time to time which summarises the support to be provided and any conditions.

Appeal Process

54. There may be cases where a survivor cannot be supported by the Scheme as fully as a survivor would like, or at all. In such cases, the Panel shall explain to the survivor that their decision within the Scheme does not prevent the survivor making an application under the redress scheme in due course.

55. A survivor shall be entitled to appeal a decision of the Panel (or of the AC Panel as the case may be where the AC Panel has made a decision either that the Further Support Conditions are not met or where it has decided that those conditions are met but has not approved the further support requested). This shall be limited to a review of the decision.

56. If a survivor wishes to appeal, they shall provide a written notice to the Panel Secretary within 21 days of the date of the relevant decision which sets out why they say that the decision is wrong.

57. An appeal shall be considered by the AC Panel or, where the decision was made by the AC Panel, by a person nominated by the chair of the Council's audit committee. The AC Panel or the nominee will in either case be the Appeal Body.

58. The Appeal Body shall review all information provided by the survivor to the Panel or AC Panel and shall take a decision on paper.

59. The Appeal Body shall consider whether the decision was wrong. The Appeal Body may uphold the decision of the Panel or AC Panel or, if the Appeal Body allows the appeal, they shall make a decision in place of the Panel or AC Panel (which decision must be such a decision as the Panel or AC Panel were entitled to take under these Terms of Reference). Written feedback shall be given to the survivor giving sufficient reasons for the decision taken. The decision of the Appeal Body will be final.
60. A survivor shall not be entitled to appeal the decision of the AC Panel where the AC Panel acts as the Appeal Body.
61. Once this process is completed, the survivor shall be considered ineligible to make an application under the Scheme unless there is a significant material change in their personal circumstances in which case they shall make a fresh application under the Scheme.

Guidance

62. The Council may provide guidance on the application of the Scheme and may review, replace and amend such guidance from time to time.
63. When any person or body undertakes any activity in connection with the Scheme they shall apply any guidance which the Council may make unless there is a good reason, judged objectively, to depart from it.

Amended July 2022

Schedule 1: Support Principles

1. Support shall meet an immediate (time limited) and substantial risk of harm. The Panel will take account of all the circumstances of an application but:
 - 1.1. The Scheme will not ordinarily approve payments in connection with debt relief or debt repayment. The Panel may exceptionally approve such payments but not unless the survivor has first obtained appropriate input from an independent source which input is shared with the Panel. The scheme will not cover debts or fines owed to HMRC or other government agencies whether they are owed personally or arising from any business activity carried on by a company or partnership; and
 - 1.2. The Scheme may only support basic living expenses (to include food, clothing, and payments in connection with housing and accommodation) where there is clear evidence of a substantial risk of harm or arise from the survivor's circumstances and where other options for relief are not available, for example where there is a risk of homelessness, or where the survivor is without secure accommodation.
2. Support will be individually given and fair. Each survivor's request for support shall be considered on an individual basis taking into account a survivor's particular circumstances but so far as possible the support offered under the Scheme shall be fair and consistent between applicants.
3. Support shall be based on evidence of urgent need. The Panel shall only approve support where there is sufficient evidence of an immediate risk of harm.
4. Support may be facilitative. The Panel may approve support which is likely to assist a survivor in accessing appropriate welfare or other provision. Taking that into account:
 - 3.1. Before it approves support the Panel shall consider all the available options for support, including non-financial options such as advice and counselling, taking into account any appropriate independent opinion; and
 - 3.2. If the Panel has concerns about the suitability or capability of the survivor to manage any sums of money which the Scheme may make available, the Panel Secretary shall work with the survivor and their advocate to identify potential third-party management of the financial support.
5. Support shall ordinarily be locally provided. The Panel shall usually only approve support which is available locally to the survivor. Where, however, support is needed from a person or service provider who or which is not local to the survivor, the Panel may make provision for travel expenses to facilitate access to that support, so long as in the Panel's opinion there is sufficient evidence to justify the use of that specialist.
6. Support shall be consistent with the Church's values. The Panel shall not approve any support which is morally, ethically, or legally inconsistent with the values and beliefs of the Church of England. For example, the Church would not fund criminal fines, activity which may be unlawful, or the use of non-prescription classified drugs that are illegal. Nothing precludes support based on clinically recommended or tested therapies.