

GENERAL SYNOD

NATIONAL REDRESS SCHEME

Summary

This paper is an update on the ongoing work to develop a National Redress Scheme to offer redress in a range of forms including apology, acknowledgement, therapeutic support and financial awards to survivors of abuse perpetrated by a person acting under the authority of the Church of England.

1. Overview of paper

This paper outlines:

- Progress and decisions made by the Project Board
- Progress towards funding of the Scheme and decisions yet to be made on this aspect of the Scheme
- Remaining points for decision and next steps

2. Principles and Purpose

2.1. Following the Church's IICSA hearings, the Church's General Synod committed in February 2020 to a more victim and survivor-centred approach. This included making arrangements to provide redress, which was recommended in the final IICSA (Inquiry into Child Sexual Abuse) report on safeguarding in the Church of England and Church in Wales, published in October 2020 (see Recommendation 7). Given the complexities of the Church's structure and our deep commitment to implementing such a Scheme, the Church decided to develop a Redress Scheme specifically for people who have experienced abuse in the Church of England.

2.2. Oversight of the development of the Scheme rests with a Project Board, the membership of which includes representatives of the key stakeholder groups, including two survivor representatives, dioceses, the House of Bishops, the Church Commissioners and Archbishops' Council.

2.3. Under the direction of the Project Board, which is chaired by the Bishop of Truro, the Church is developing national proposals for redress which aim to include financial payments, therapeutic, spiritual and emotional support, acknowledgment of wrongdoing on the part of the Church, and apology and support for rebuilding lives. A Victim and Survivor Working Group has been set up and operates at the heart of this process of developing the scheme. We are committed to pursuing an approach of genuine co-production, and we are learning to work through difficult questions and to learn from and listen to each other. We are committed to working closely with a range of survivors of varying experiences, backgrounds and opinions.

2.4. We have consistently been clear, including on the Redress Scheme section of the Church of England website (Redress Scheme | The Church of England) and in meetings and conversations, that Redress is not just about money. From the outset, the Project Board committed to developing a Redress Scheme which includes financial redress as well as other aspects of redress such as therapeutic, spiritual and emotional support, acknowledgment of wrongdoing on the part of the Church, and apology and

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support for rebuilding lives. While the focus of forthcoming draft legislation (see below) will of necessity have in view financial arrangements, there is more to Redress. The purpose of the Redress Scheme is to demonstrate in tangible and practical ways that the Church is truly sorry for its past failings relating to safeguarding. We ask General Synod to consider ways that the Church can best repent of the harm done, challenge church cultures which have enabled abuse, and commit to practices which promote recovery and repair.

- 2.5. The Scriptural concept of covenant is fundamental to the theological underpinning of our approach. The new Covenant promises us fulness of life in Jesus Christ, whilst abuse is fundamentally life-denying, antithetical to the gospel, and must not be tolerated in any form. Where the Church has broken its covenantal commitment to survivors and victims, there is therefore a clear moral obligation to provide redress wherever harm has occurred – and that is a moral obligation that cannot be outsourced elsewhere.
- 2.6. Furthermore, while there is a clear moral and covenantal obligation to provide redress wherever harm has occurred, we also have a covenantal commitment to one another within the Church, and this scheme is designed to help us express that commitment one to another in the way that we offer Redress.
- 2.7. In this spirit of shared covenantal commitment to survivors and to one another, the Project Board has broadly agreed that to be as meaningful as possible, at least some responsibility for offering redress should be taken as close as possible to where the abuse was perpetrated, or harm was done. The overall objectives of such a whole church approach are:
- i. Together, as one body, the Church of England must **collectively** show contrition for our failings, and for the pain and suffering that has occurred.
 - ii. Nationally, the Church of England will set up **a single point of access** to the Scheme, to offer a consistent service and to minimise as far as practicable further delay and trauma for victims and survivors;
 - iii. To the extent possible, the Church body which is nearest in governance terms to the source / perpetrator of the abuse should make a contribution to redress, which in financial terms may come in full or in part from any insurance cover it may have.
- 2.8. There is also strong commitment to **consistency**, and agreement that an eligible applicant should not experience any difference in the quality of service, the sum they receive or the timescale in which their application is dealt with on the basis of the capacity (financial, administrative or otherwise) of the Church body nearest in governance terms to the source of the abuse.
- 2.9. Consistent with the Old Testament approach to covenant obligations, our covenantal commitment one to another should be underpinned by law. Therefore, in order to deliver a consistent service around the country, through a range of institutions, **legislation will be required** because the Church of England comprises a large number of free-standing legal charitable bodies

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subject to the oversight of trustees or the equivalent. Given that trustees must exercise independent judgement to act in the charity's best interests, it is difficult without statutory provisions to achieve a consistency of approach. The idea of consistency of provision required by statute already lies behind, for example, the Safeguarding Codes of Practice introduced under the Safeguarding (Code of Practice) Measure 2021. However, in this approach not only law but grace is enshrined in that, by virtue of the covenantal commitment made one to another, the Scheme will provide more and not less reassurance to church bodies and will decrease rather than increase their vulnerability.

- 2.10. The Church Commissioners' Board this year agreed to allocate funding in support of establishing the National Redress Scheme, with the firm commitment to release funds once the Board is satisfied that the key parameters of the Scheme are in place. The Archbishops' Council agreed to receive funds from the Church Commissioners to be held as restricted funds for the purpose of establishing the Scheme and providing some of the funding for it. This is likely to take place in stages once the Scheme is more defined; a better assessment can be made of likely demand (which is likely to evolve for some time after the Scheme has commenced); and when such draft legislation as may be necessary to require contributions from relevant other Church bodies has progressed sufficiently. A procurement process is being developed to identify a third-party firm with the necessary expertise and experience to administer the Scheme.
- 2.11. However, it should be noted that taking a covenantal commitment both to victims and survivors and to one another means, specifically, that the Church Commissioners should not be seen as the sole funder. It is vital that all parts of the church should accept responsibility for wrongdoing which has happened within their governance structures, reflecting a well-established approach to civil damages claims. It is expected that one aspect of the legislation will be to require Church entities such as Parochial Church Councils, cathedrals, dioceses, religious communities and Theological Education Institutions to maintain appropriate insurance cover.

3. Progress

- 3.1. The Project Board has carried out intensive work over the last two years and consulted with representatives of key stakeholders including Archdeacons and diocesan staff. Through a dedicated and highly engaged Victim and Survivor Working Group, the Project Board has worked hard to make sure survivors' voices are heard and their needs represented.
- 3.2. The Board has agreed to propose a Redress Scheme which will run for at least five years, and the contract between the Archbishops' Council and the third-party supplier will reflect this delivery period. Delivery of the Scheme will be reviewed regularly, with a major review approximately two-thirds of the way through the contract period to assess effectiveness of the Scheme and to advise on whether the Scheme should be extended.

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4. Scope

- 4.1. Survivors of sexual, physical, psychological, and emotional abuse (including spiritual abuse) in one or more of these forms will be eligible to apply for redress. This understanding of 'scope' has been designed with survivors, who have helped the Project Board to understand the implications and impacts of abuse perpetrated in the Church of England.
- 4.2. Abuse committed (in England or elsewhere) by a person or persons in some position in which they were subject to the authority of the Church of England and acted under its authority at the relevant time will be considered to be in scope, so long as the abuse was closely related to the Church's¹ authority and the abuser does not hold another non-Church of England office or an engagement which was more closely related to the abuse.
- 4.3. Hypothetical examples cannot cover all the contexts in which redress might be offered, but one example might be where abuse is perpetrated by a parish youth worker (paid or volunteer) who is also a swimming coach and carries out these duties distinctly, with completely different teams of colleagues and in separate locations. If they harm someone they meet through youth work and not through swimming, then the situation is within the scope of the Church of England Redress Scheme, but if they harm someone they meet through swimming then it is not in scope.
- 4.4. Similarly, there will inevitably be applications to the Redress Scheme which refer to more than one local setting, such as a hypothetical scenario where abuse was perpetrated by an ordinand on placement in a parish church while studying within a TEI which is located in a different diocese to their sending diocese. In this case, the assessment panel will take a view as to which of these bodies – parish, TEI, sending diocese – should reasonably be considered to be linked to the situation. The assessment process will explore these on a case-by-case basis, taking into account the particular circumstances.
- 4.5. Cases where an abuser was no longer associated with the Church or subject to its direct authority at the time of the abuse but whose course of conduct had begun while under the authority of the Church will be considered in scope.
- 4.6. The Project Board will develop provisions which take account of any applications made – and any financial and non-financial support already received - by the survivor under schemes elsewhere (including the Interim Support Scheme and the recovery of damages). It will also make provision for dependants or next of kin to continue applications for Redress where the survivor dies during the application process.

¹ For ease, we use the terms "the Church" and "the Church of England" interchangeably. It is important to note that this Scheme applies only to the Church of England and not to any other denomination or Anglican province.

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5. Scheme design

- 5.1. Given the complexity of developing and managing such a scheme and noting that there is no exact precedent either in the UK or elsewhere, the Project Board recognise that the National Church Institutions (NCIs) are not equipped with the infrastructure or expertise to administer the scheme directly, recommending instead that a third-party supplier be appointed following a competitive tendering process. This approach is designed in order to emphasise the importance of independence, fairness, transparency, and accountability. The supplier, which is likely to be a law firm, will work with the NCIs to conclude the detailed planning of assessment frameworks and will become the delivery body and single point of contact for applicants to the Scheme. This impartial and independent organisation will be contracted by the Archbishops' Council to accompany people through the process of applying for Redress and to deliver the Redress Scheme.
- 5.2. The early stages of a procurement process to identify this supplier have begun.
- 5.3. Applicants to the Redress Scheme will be assessed according to agreed criteria: firstly, as to whether they qualify; and secondly, as to what level of redress is appropriate to their experience of abuse. The Project Board have decided that the standard of proof will be based on **balance of probability**.
- 5.4. Colleagues have identified learning from other schemes, recognising that the scope of a Church of England Redress Scheme is not directly equivalent to any existing or former scheme in the UK or elsewhere. It is indeed unparalleled in its complexity. In order to quality assure the scheme, staff have obtained some initial independent advice which will help to shape the development of the assessment model to make sure it fulfils our commitments to survivors.
- 5.5. We are working with survivors to develop a range of forms of redress in addition to financial awards which should include, where appropriate to the survivor and if the survivor wishes, an apology from the institution where the abuse took place (or from a part of the Church appropriate to the survivor's needs) in a format which is most appropriate to the particular applicant. While financial awards will be clearly outlined in a series of bands with figures attached to each, other forms of Redress (such as therapeutic or pastoral support) will be developed on a bespoke basis, in discussion with the applicant and based on their needs. We expect to develop a set of resources to help the supplier facilitate such conversations with the applicant to agree the forms of apology, acknowledgement, and other further action most appropriate to the incidence of abuse and the applicant's situation. The Survivor Working Group have taken the lead in developing ideas for this part of the Redress Scheme, bringing their expertise and experience to help the Project Board understand the various ways this might be done appropriately. Consultation has included an online survey of survivors to gather insights which has informed this process. The Project Board are clear that they cannot develop this area of work without the Survivor Working Group and are deeply grateful for their wisdom.

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5.6. NCI (National Church Institutions) staff, including at Chief Officer level, are having on-going discussions with insurers to discuss the Scheme's development and to seek early engagement, to inform development of a funding formula which takes account of the contribution of public liability insurance².

6. Next steps

The **Project Board, survivors and staff team** will continue to work together to:

- develop a funding formula most appropriate to a whole church approach, with expert input from a Finance Focus Group of diocesan secretaries and similar professionals;
- work with legislative counsel to draft appropriate legislative provisions with all the attendant work including consulting with insurers, and pursuing the appointment of a Steering Committee of General Synod members to bring draft legislation to a future session;
- agree with survivors the forms of redress we want to make available in addition to financial awards, which may include forms of apology and acknowledgement, therapeutic and counselling services, pastoral and spiritual support, and other responses based on the survivor's particular circumstances and experiences;
- manage a comprehensive procurement process for the third-party supplier to deliver the Scheme to survivors on the Church's behalf, recognising that we do not have the appropriate expertise or infrastructure in-house and to communicate impartiality. This is likely to be a law firm qualified to help us design the best possible assessment process: survivors are involved in the assessment process to identify potential suppliers.

Following these stages, a Draft Measure will be submitted to General Synod for first consideration.

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June 2023

Published by the General Synod of the Church of England
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² Synod is asked to note that in many cases insurance in the sector is provided on a claims occurring basis, in other words for a claim under such a policy to be covered, there must be a responsive policy of insurance at the time of the incident, not the date of claim.