

**GENERAL SYNOD****Safeguarding Redress Policy Briefing Note**

1. This Briefing Note should be read alongside the draft Measure (GS 2325) and Explanatory Notes (GS 2325X) in order to understand the policy context for these papers. It provides an update on the outcome of intensive policy work undertaken in consultation with stakeholders, including the helpful points raised by General Synod members in July 2023.
2. This note also identifies important further policy matters which are currently the subject of consultation or exploration and are due for consideration by Project Board in coming months (see paragraph 17, below). In the interests of meeting the needs of survivors by launching the Scheme as soon as is practicable, avoiding delay, this policy development process runs alongside the initial stages of legislation and substantive policy decisions will result either in proposed revisions to the draft Measure or in the draft Scheme Rules.
3. Following endorsement by General Synod in July 2023 (see **GS 2305**), the Redress Project Board has continued to oversee the development of the National Redress Scheme, prioritising these principles:

**Survivor-centred**

4. Survivors will be treated with dignity and respect, and we are committed to developing a Scheme that is fair, consistent and equitable. All decisions relating to the design and development of a National Redress Scheme consider the experiences of survivors, and a working group of victims and survivors are consulted on all Project Board decisions. There is survivor representation on the Project Board.
5. The Scheme is being designed to facilitate as smooth and prompt a process as possible, based on the needs of each individual applicant. The funding of £150million allocated by the Church Commissioners to underpin the Scheme will enable financial awards to be administered promptly and enable payment to be made to the applicant in advance of financial contributions being received from other sources.
6. Where an applicant would like to pursue other forms of redress in addition to a financial award, this will be offered and facilitated on the basis of the applicant's circumstances and preference wherever possible. This will be delivered on a bespoke basis, working from guidance on various forms of redress which will be developed in consultation with survivors.

**Consistency**

7. Financial awards will be banded with clear criteria based on the nature and impact of the abuse experienced, drawing on learning from redress schemes in other contexts. Once agreed, this will be applied consistently and equitably by the third-party scheme operator (a procurement process to make such an appointment is in progress). Work is underway to design a series of award

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bands which will be announced as soon as the Project Board has made sufficient decisions in this regard.

8. The Scheme is being designed to make sure that all eligible applicants, wherever they currently reside and wherever the abuse perpetrated by someone representing the Church of England took place, and whatever their age and personal circumstances, will be served equitably and kindly, following consistent processes and timescales.
9. In order to deliver a consistent Scheme to survivors around the country, legislation is required because the Church of England comprises a large number of free-standing legal charitable bodies, each subject to the oversight of its own trustees or the equivalent. The draft Measure lays the groundwork for the Church of England to deliver a Scheme which offers redress consistently in a range of forms including apology, acknowledgement, therapeutic and financial support to survivors of abuse perpetrated by a person acting under the authority of the Church of England, wherever the abuse took place.

**Whole church approach**

10. A whole church approach that enables all parts of the church to show contrition for our collective past failings is the aim.
11. 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.
12. 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.
13. 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.
14. Therefore, the Redress Scheme's approach to funding is based on a shared commitment between the various parts of the Church, which includes the local body closest to where the abuse occurred or was instigated (for example the parish, cathedral, TEI, mission agency, diocese, bishop's office etc), underpinned by a funding allocation from the Church Commissioners.
15. Consistent with the standard legal concept of vicarious liability, this approach to contributions does not focus on the personal liability of those people serving today who support the work of the Church but recognises an institutional liability

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because the wrongdoer acted under the umbrella of the Church of England through the means of a local body. It is a vital means of embedding in practice our core conviction that 'safeguarding is everybody's business'.

16. The draft Measure makes provision for delivering such a Scheme, as described in GS 2325X. The drafting includes elements of flexibility which would enable the Project Board to develop further the policy underpinning the Scheme in parallel with the legislative process, taking into account insights gained through debate at General Synod, whilst also expediting the introduction of the Scheme.
17. Specifically, we are in the process of exploring carefully with our Survivors Working Group these matters, among others, in order to help the Project Board make robust decisions:
  - (a) Recency – in order to clarify clause 6(3) relating to the date on which the abuse took place.
  - (b) Levels of financial awards – in order to confirm the financial settlements eligible applicants will receive, in the interests of transparency and consistency
  - (c) Waiver – in order to consider whether a Redress Scheme financial award should be considered a full and final settlement
  - (d) Consideration of settlements already received – in order to clarify clause 8(3) relating to calculations which the Scheme will use in relation to prior settlements or financial grant support
  - (e) Financial contributions – in order to determine whether contributions from a local body will be requested, required, or based on a phased commencement assuming that contributions will be voluntary until or unless non-participation reaches an agreed threshold.
  - (f) Funded support to applicants – in order to clarify 17(2) based on insight from survivors and helpful suggestions from General Synod members in July 2023.
18. We will pursue further important policy decisions in order to agree necessary details with survivors and third-party Scheme operator (once appointed) ahead of Scheme launch and will update General Synod during this period. Substantive policy decisions will result either in proposed revisions to the draft Measure or in the draft Scheme Rules.
19. It is also the case that we have made significant progress since we last brought the Redress project to General Synod, particularly relating to a funding formula to calculate contributions from local bodies, which includes:
  - (i) Recognition that the assessment of local bodies' contribution will be based on their unrestricted resources.
  - (ii) A means test, to release local bodies with extremely low unrestricted resources from any apprehension that they might be asked to contribute beyond their capacity.
  - (iii) Phased payments over up to five years.
  - (iv) A lower limit to preclude pursuing payments under an agreed level.

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- (v) A cap or upper limit (with provision for local bodies with significantly more financial resources to contribute beyond this threshold if they wish).
- (vi) Capped liability of contributions towards three claims per local body over the five-year period of Scheme operation, recognising that liability for larger bodies (including dioceses for example) may have to be higher.

20. It is vital to note that financial contributions in line with the funding formula outlined in the preceding paragraph will be sought after the applicant has received their financial award. Applicants will not be required to wait for this process to commence or conclude before receiving their financial award, because the Scheme will be underpinned by the funding allocated by the Church Commissioners.

21. A procurement process to appoint a third-party Scheme operator with the necessary expertise to participate in the final stages of Scheme design and then to launch and deliver the Scheme is underway, with a view to concluding contract negotiations by the end of February 2024. Following this appointment, there will be a period of pre-launch planning during which the final stages of Scheme design will be delivered and the Scheme marketed and promoted as appropriate.

22. Recruitment is underway for a Church Relations Manager, who will work with various entities within the Church of England, managing consultation and delivering training in order to prepare the Church for Scheme launch.

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