

**GENERAL SYNOD****Update on Redress Scheme****Summary**

This paper serves as an update on the progress of the Redress Scheme since General Synod members last considered this in November 2023.

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**Background**

1. In July 2023, the General Synod received a presentation on progress towards developing 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.
2. 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. During the July 2023 group of sessions, we asked 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.
3. Synod heard from the Project Board Chair, then Bishop of Truro Philip Mounstephen, and a survivor from the Survivors Working Group participating in the development of the Redress Scheme, and Synod members asked a wide range of questions about the scope and the eligibility criteria which the Redress Scheme will adopt, among other matters.
4. The points raised by Synod members were added to the work plan for the Redress Project Board, who worked over the summer to develop the Scheme further. At every point during the Redress Scheme development, no policy decisions have been made by the Project Board without input from survivors. The Survivors Working Group consider and comment on all proposals, and their insights form part of the briefings and advice supplied to the Project Board. Two members of the Survivors Working Group are full members of the Project Board. The Project Board are deeply grateful for the thoughtful wisdom which survivors bring, and recognise that this often comes at great personal cost.
5. The input from survivors brings necessary challenge and generates deep and thoughtful discussion. Sometimes, it is difficult or even impossible to find a solution which meets the expectations or addresses the concerns of everyone on the Project Board. To enable better understanding of each other's perspectives, and to give opportunity to listen to each other carefully, the Project Board have changed the format of their meetings to include small group discussion as well as plenary, which has helped Project Board members to hear opposing points of view in more detail than previously.
6. Given the magnitude of the purpose of the Redress Scheme, the Project Board are mindful of the responsibility they bear as they continue to consider the detailed implications of offering redress in various forms (including but not limited to financial awards) to survivors of abuse perpetrated by a person or persons from the Church of

England. Now that the legislative process is underway, their decisions form recommendations to the Revision Committee (see below).

## **Measure**

7. In November 2023, the General Synod gave first consideration to a draft Measure and overwhelmingly agreed to commit it for revision in committee.

## **Revision process**

8. The Clerk to the Synod received 22 proposals for revision or general comment which have prompted the staff team and the Project Board's thinking as they develop the Redress Scheme. The Project Board continue to take policy decisions which will form recommendations during the revision process.
9. General Synod members were asked to express an interest in serving on the Revision Committee. The Appointments Committee appointed the members of the Revision Committee in January 2024 and the first meeting will be in March 2024. The Revision Committee will consider the submissions from General Synod members, including any proposals which may be recommended by the Steering Committee. The Chair of the Project Board is a member of the Steering Committee and, therefore, able to act as a link between the work of that board and the legislative process. Subject to the progress of the Revision Committee's work, it is currently planned to bring the draft Measure for revision to the July 2024 group of sessions.
10. In order to achieve the twin objectives of developing the Redress Scheme in collaboration with victims and survivors whilst also seeking to put in place a Scheme which may be delivered promptly, the policy-making and legislative processes are working in parallel. As the Scheme design relies heavily on input from victims and survivors of abuse perpetrated within the Church of England, it is important to make sure that their interests are fully recognised. The Redress Project Board have committed unequivocally to listen to survivors and to work hard to engage with their experience and understand their perspectives, recognising that those of us who are not survivors of abuse will never fully comprehend the pain and trauma that abuse causes. The Project Board have recently undergone training on trauma, in order to inform their work.
11. In taking this approach, the Project Board hopes that the General Synod will be better placed to understand the rationale which lies behind the Board's policy preferences.

## **Project Board progress**

12. For the reasons outlined above, the Redress Project Board continue to meet and take policy decisions relating to the development of the Scheme. Now that the legislative process is underway, to the extent that those decisions may require any amendment to the draft Measure they will need to be considered as part of the revision process. Some of those decisions may have a bearing on the rules of the Scheme (which the Rule Committee will consider).
13. In GS 2325P, General Synod were informed that the Project Board were in the process of exploring carefully with the Redress Survivors Working Group the following matters, among others. This was in order to help the Project Board make robust decisions which inform the development of the draft Measure and related matters:

- 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 award 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 for all purposes (i.e. both for future calls on the Scheme and in connection with civil claims)
  - d) Consideration of any 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 clause 17(2) based on insight from survivors and helpful suggestions from General Synod members.
14. The Project Board has discussed all of these matters since then and has reached the following conclusions.
- a) Recency – Having previously agreed that, in terms of when the abuse took place, there will be no cutoff point in the past **before** which applications may not be made, the Project Board also agreed to recommend that the Scheme should not operate a cutoff point relating to a time when abuse took place **after** which applications may not be made. This addresses a question which had arisen frequently in stakeholder engagement, including with General Synod members, and means the Scheme has no historic time limit in terms of when the abuse took place.
  - b) Levels of financial awards – The Project Board have discussed at length the framework for financial awards, including the various stages of an assessment process. The team have meticulously researched various other broadly comparable schemes in order to develop a draft financial award framework which is at least as generous as other similar schemes, and the Redress Survivors Working Group continue to offer helpful advice to refine these sums to best effect. While we had hoped to publish such figures in this report, the Project Board have requested further insight from survivors before they will approve a financial award framework and this work is in progress. The Project Board expect to publish a financial award framework soon.
  - c) Waiver – The Project Board have agreed to recommend that applicants who have approached the Redress Scheme and been awarded financial redress should waive their right to return to the Scheme with any further claims arising from or in connection with the same abuse and its consequences. Equally, any financial sum awarded by the Scheme would be considered as having been made in full and final settlement, such that applicants waive their rights to take any further legal action arising from or in connection with the same abuse and its consequences.
  - d) Consideration of settlements already received – the Project Board have agreed to recommend that, as far as possible, the Redress Scheme should require honest disclosure by those who apply. Specifically, where an applicant approaches the Scheme, he or she should be obliged to make full disclosure of any form of financial compensation or payment received in the past in respect of the same abuse, as a condition of applying to the Scheme. The Project Board decided to recommend that,

where an applicant has received a financial payment in the past arising from or in connection with the same abuse and its consequences, the Redress Scheme will deduct this amount from the financial award administered by the Redress Scheme. This takes into account the concern expressed by some survivors that the Scheme should offer parity for those who have never received any financial recognition in relation to their experience of abuse.

Recognising the Redress Scheme's intention to enable recovery and rebuilding of lives, the Project Board agreed to recommend that, in terms of applications for funding for therapeutic support under such schemes as the Church of England Interim Support Scheme (which issues funds for various purposes including but not limited to therapeutic support), it is proposed that a sum which has been previously granted for therapeutic support should be considered differently from funds given under the ISS for other purposes and should be disregarded for the purpose of any financial award under the redress scheme.

- e) Financial contributions – the Project Board were committed to exploring a funding formula for gathering financial contributions once the financial award has been made to an eligible applicant, based on contributions from the national Church (by way of funds allocated by the Church Commissioners as previously advised), insurance (where available) and the relevant local body. In particular, senior staff of the NCIs have had prolonged and detailed discussions with one of the insurers serving many of the Church of England's local bodies. Having completed their analysis of our current Scheme design, the insurer's analysis is that payments of financial awards to survivors as part of the Redress Scheme through the Scheme Administrator would conflict with the existing insurance contracts they have with individual parishes and other church bodies, which they will continue to honour, and so they will not participate in the funding formula which the Project Board had approved. This is disappointing news for the Project Board and for the survivors who have worked hard over the last year or more to help develop such a funding formula.

General Synod members will recall that the draft Measure presented for first consideration in November 2023 outlined a process for gathering financial contributions from local bodies. Since then, the Project Board have worked hard, listening to varying points of view from among the Project Board members and from survivors and stakeholders, to consider whether such financial contributions should be considered to be made on a mandatory or voluntary basis. This has involved much careful reflection, and gracious discussion of some difficult implications, with robust and compelling arguments made from all perspectives.

Unanimously, the Project Board agreed that any funding formula to gather such contributions must have regard to local bodies' income and assets. This included protections and provisions for those with relatively modest resources.

All Project Board discussions on such a funding formula were predicated on the assumption that, for some local bodies which had relevant public liability insurance policies in place at the time that the abuse was perpetrated, an insurance claim might form part of the financial contribution. Now that a contribution funded by insurance is unlikely to be available to many or most of the Church of England local bodies liable under the scope of this Redress Scheme, the Project Board are in the process of gathering insights from survivors and others to inform their deliberations about an alternative funding formula. The Project Board will announce further details soon.

- f) Funded support to applicants – the Project Board agreed to recommend that applicants to the Redress Scheme should be offered reasonable independent legal advice in connection with their application at no cost to themselves (particularly in respect of the waiver), emotional support to help applicants debrief and manage their feelings in relation to interacting with the Scheme (which might be offered through an existing service), accompanying and personal support, and financial advice to consider how best to manage a financial award. All of these offers of funded support would be conditional on quality assurance as defined by the Redress Scheme and a costed tariff where appropriate, in order to meet individual needs of each applicant as far as possible.

## **Scheme Administration**

15. General Synod will recall that it is planned that the Redress Scheme should be administered by an external supplier, appointed for their professional expertise in relevant disciplines and relevant experience of a similar Scheme. This procurement process is well underway, and survivors have been involved at every stage towards supplier selection including participating in the sift and interview panels and assessment of risk of conflicts of interest. We have identified a preferred supplier and we are making good progress with contract negotiations. We expect to announce the Scheme Administrator soon.
16. Once appointed, the Scheme Administrator will assist the project team and work with survivors to help the Project Board conclude Scheme design, bringing their technical expertise to help refine details of assessment processes, the information required to help assessors understand an applicant's circumstances, and related matters.
17. The Scheme Administrator will also assist the project team and work with survivors to help the Project Board consider the forms of bespoke redress which should be made available to applicants in addition to financial awards, which might include such forms of redress as apologies, acknowledgement of harm caused, access to therapeutic support and other actions appropriate to the circumstances and wishes of the applicant.

## **Timeline**

18. The Project Board continues to make good progress with policy development, and the formulation of further recommendations. The staff team continue to make good progress with developing the logistics and infrastructure of the Scheme. We expect all of this work to conclude by the end of 2024.
19. The Project Board express their heartfelt thanks to all of the survivors and others who have contributed wisdom, life experience and expertise to the development of the Redress Scheme so far. The advice of Archdeacons and Diocesan Secretaries, among others, has helped the Project Board to understand the practical implications of the Scheme for parish and other frontline ministry, and this remains a high priority for engagement during the final stages of designing the Redress Scheme.

National Redress Scheme

February 2024

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## **APPENDIX A**

### **Redress Project Board Membership**

The Right Reverend Philip Mounstephen, Bishop of Winchester (Chair)

The Right Reverend David Walker, Bishop of Manchester (Vice-Chair)

The Right Reverend Joanne Grenfell, Bishop of Stepney (Lead Safeguarding Bishop)

Alan Smith (First Church Estates Commissioner)

Morag Ellis, KC (Dean of the Arches and a Church Commissioner)

Jamie Harrison (Archbishops Council trustee)

James Cary (Archbishops Council trustee)

Mike Eastwood (Diocesan Secretary and Cathedral COO, Liverpool)

Survivor (representing Redress Survivors Working Group)

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National Church Institution (NCI) staff, including:

William Nye (Secretary-General, Archbishops Council)

Gareth Mostyn (Chief Officer, Church Commissioners)

Alexander Kubeyinje (National Safeguarding Director)

David White (Deputy Director, Finance)