

Joint Select Committee on Implementation of the National Redress Scheme

Private Briefing – 15 April 2020 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 1

Question reference number: SQ20-000370

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

Can you send to the committee a copy of case manager protocols and expectations?

Answer:

All Case Coordinators are expected to work in accordance with the trauma-informed guiding principles captured in Section 10 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

Foundation Program: Extract (**Attachment A**) is an extract from the foundation training provided to all Case Coordinators and outlines the expectations of their role.

Protecting the integrity of the Scheme (**Attachment B**) is an extract from the foundation training program that outlines the protocols in place to protect the integrity of the scheme to which all Case Coordinators must adhere.

In addition, several external providers deliver specialised training to Case Coordinators to support delivery of their core duties:

- Accidental Counsellor is delivered by Lifeline and teaches Case Coordinators how to communicate effectively with people in distress;
- Being Trauma Informed is delivered by Blueknot Foundation and provides Case Coordinators with knowledge of the types, prevalence and impacts of trauma, particularly the complex trauma of institutional child sexual abuse;
- Multicultural Awareness training delivered by appropriately skilled culturally and linguistically diverse (CALD) staff in Services Australia, teaches Case Coordinators how to provide an efficient and accessible service to culturally and linguistically diverse applicants; and

- Indigenous Cultural Awareness Training, also delivered by appropriately skilled and identified staff in Services Australia, teaches Case Coordinators how to provide an efficient and accessible service to Indigenous applicants in a manner that is respectful of and aligned with their unique cultural needs

National Redress Scheme

For people who have experienced
institutional child sexual abuse

Foundation Program: Extract

Role of Redress Officers (Case Coordinators)

- Deliver the Scheme following the objects and rules of the Scheme according to the Act.
- Recognise and safeguard risks relating to redress including to:
 - The privacy of applicants
 - The reputation of the Scheme
 - Our relationship with institutions
 - The wellbeing of our colleagues and applicants
- Take careful notes and write effectively for the audience
- Care about the details
- Have adaptive communication styles
- Know when and where to seek assistance
- Practice self-care



A day in the life of a Redress Officer (Case Coordinator)

- Speak with applicants, nominees and support services
- Collaborate and debrief with colleagues
- Maintain wellbeing (yours and your colleagues')
- Understand and apply redress legislation and policy
- Follow the processes set out by the Scheme
- Undertake administrative tasks of an application
- Review applications for completeness
- Maintain careful notes
- Be flexible and comfortable delivering competing priorities

And.... Be able to work with explicit material relating to institutional child sexual abuse.



National Redress Scheme

For people who have experienced
institutional child sexual abuse

Protecting the integrity of the Scheme

Understanding our roles and responsibilities to behave with integrity.

Guiding Principles for our work

The Guiding Principles mean we:

- Are survivor focused
- Have an understanding of the nature and impact of child sexual abuse
- Are sensitive to the cultural needs of survivors and the needs of particularly vulnerable survivors.
- Assess, offer and provide redress so as to avoid further harming or traumatising people. To do this, we apply trauma informed principles.
- **Assess, offer and provide redress in a way that protects the integrity of the scheme.**

Protecting the integrity of the Scheme

Integrity is about getting our service delivery right by ensuring our actions :

- comply with the Scheme's:
 - legislation, policy, guiding principles
 - service delivery policy, processes and procedures
- consider and account for stakeholder expectations (if reasonable)

Everyone has a role to play and 'getting it right' is vital.



Privacy

The Act and the *Privacy Act 1988* set out how an applicant's personal information is collected, used, stored and protected.

Includes:

- information about the applicant or another person where a person is identifiable, or
- where the applicant has authorised another person to provide us with personal information. (*eg. a nominee*)

Strict rules exist about how the information in an application can be used.

Severe penalties exist for people who use or share applicant's information inappropriately.



Breach of privacy

A 'breach of privacy' under the *Privacy Act 1988* occurs when the applicant's information is shared:

- with an incorrect institution
- with another person who is not authorised to receive the information
- without the applicant's permission (such as Part 3 of their application)



APS Values and Code of Conduct

The APS Values, Employment Principles and Code of Conduct define the way the APS operates and the standards of behaviour expected of all APS staff.

Staff have the responsibility of:

- understanding the conduct and behaviours expected of them
- upholding the APS Values, Employment Principles, and the Code of Conduct, and
- reporting any inappropriate or unethical behaviour.



Our values at work

Our personal and group values are also key to the integrity of the Scheme.

Some key points to consider are:

- Respect. For all. Regardless.
- Our approach means that experiences of redress are safe and equitable.
- We recognising the impacts of trauma and using trauma informed strategies in all aspects of our work.
- Attention to detail safeguards stakeholders.
- Applicants and colleagues can rely on us to uphold the integrity of the Scheme.
- Service excellence is a priority for the branch and the department.
- 3Ss inform our work.



APS Employment Principles

These principles requires the Scheme to:

- make fair employment decisions with a fair system of review
- make decisions relating to engagement and promotion that are based on merit
- require effective performance from each employee
- provide flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued
- provide respectful workplaces that are free from discrimination, patronage and favouritism
- recognise the diversity of the Australian community and foster diversity in the workplace.



Model for making good decisions



REFLECT

Recognise a potential issue or problem

Find relevant information

Linger at the 'Fork in the Road'

Evaluate the options

Come to a decision

Take time to reflect



Our expectations of our people

The expectations of our stakeholders are also key to the integrity of the Scheme.

- Appropriate dress, behaviour and professionalism
- Operational environment (not necessarily the norm in APS)
 - Focus on the applicants – professional, appropriate, available
 - Need for flexibility given the changing operational priorities and demands
 - Responsive and proactive, not reactive
- Care for oneself and others
- Work within business requirements
 - Operate 08:30am to 5:00pm Monday to Friday (including non-national public holidays).
 - Team leaders manage operations of their team to deliver
 - Notifying asap when unwell, late



Support, wellbeing and self care

- Wellbeing of staff is essential so we can effectively operate while working in extremely sensitive areas of people's lives.
- We have a strong focus on looking after staff wellbeing through:
 - Trauma-informed care
 - Ongoing support
 - Embedding clinical staff
 - Dedicated clinical advisor
 - Integration with departmental systems and support services.



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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 4

Question reference number: SQ20-000373

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

One other thing that has remained an ongoing concern is whether an institution can use the information that a survivor has provided on a redress application form in any future legal case say, a civil action that that survivor might pursue at some other time. Is that a legitimate fear—that that information might be utilised by the institution, perhaps against the survivor's interests, in a civil action?

Answer:

Section 37 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* provides that certain documents are not admissible in evidence in civil proceedings in a court or tribunal, these include:

- A person's application for redress;
- A document created solely for the purposes of accompanying a person's application for redress; and
- A document created solely for the purposes of complying with a request for information made by the Scheme Operator under section 24 or 25 of the Act in relation to a person's application.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 5

Question reference number: SQ20-000374

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

There is obviously a bit of a process to go through before you can declare an institution defunct and therefore declare the Commonwealth as a funder of last resort. Is that what's taking place at the moment in the case of the Old Fairbridgians' Association of Western Australia?

Answer:

Please refer to SQ20-000377.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 6

Question reference number: SQ20-000375

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

Are you able to tell us how many applications you have received involving Fairbridge?

Answer:

Please refer to SQ20-000377.

Joint Select Committee on Implementation of the National Redress Scheme

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ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 7

Question reference number: SQ20-000376

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

In terms of the Fairbridge institution, how long have you been undertaking the funder- of- last- resort process?

Answer:

Please refer to SQ20-000377.

Joint Select Committee on Implementation of the National Redress Scheme

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 8

Question reference number: SQ20-000377

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

Can you take on notice, because I'm sure you can't tell me now, whether Fairbridge is one of the 15 institutions that account for that high percentage of applications?

Answer:

Part 4-3 – Protecting information under the Scheme in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* prevents disclosure of information about our engagement with institutions and actions being undertaken with respect to an institution's status in joining the Scheme. This includes the number of applications naming a particular institution.

Therefore specific comment around the number of applications, if any, naming Fairbridge cannot be disclosed.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 9

Question reference number: SQ20-000378

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

The difference in payments for abuse by a woman versus abuse by a man. Has that issue come up before?

Answer:

No.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 10

Question reference number: SQ20-000379

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

Has there been any review of the payouts that people have got by nature of abuse a comparison of those groups?

Answer:

No.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 11

Question reference number: SQ20-000380

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

What is the average length of time an independent decision-maker takes to assess an application?

Answer:

The Scheme does not record the length of time independent decision makers take to assess applications. The Scheme instead records the length of time applications spend in the IDM processing stage which includes a series of other steps where an application is not in the hands of the IDM.

This stage of processing includes a number of steps undertaken by Scheme staff as well as Independent Decision Makers (IDMs), and includes:

- ensuring an application is ready for consideration and contains sufficient information for the IDM to make a decision
- consideration of the application and relevant research by the IDM
- the IDM drafting the reasons of their decision
- quality assurance checking an IDM's decision
- preparing documentation for the written offer, and
- the IDM making a final determination.

Applications processed between 1 July – 31 December 2019, spent on average 38 days in the '*IDM processing stage*'.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 12

Question reference number: SQ20-000381

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

It would be interesting to see that over time, as a series - perhaps now, April 2020, then December 2019 and then June 2019. (In relation to Committee question 96, department reference SQ20-000380)

Answer:

Comparable time series data is not available, due to the changes in application workflow processes since the Scheme's commencement.

From 1 July 2019, a streamlined assessment process was implemented to improve the efficiency and timeliness of application processing. This change has enabled the better use of Independent Decision Makers' (IDMs) skills and experience. This change further involves IDMs in the process and increases their overall effort, but has also directly led to an increase in application processing.

As at 17 April 2020, IDMs have made 2,077 decisions, compared with 346 in the Scheme's first twelve months.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 13

Question reference number: SQ20-000382

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

I think it would be helpful to the committee if the department would, by way of an answer on notice, just explain how the funder-of-last-resort decisions are actually taken?

Answer:

The department identifies defunct institutions that may be suitable for funder of last resort (FOLR) through applications and then undertakes detailed research. Jurisdictions may also proactively identify institutions they wish to list for FOLR purposes. Participating jurisdictions are asked to consider becoming FOLR for relevant institutions via ministerial letter. If they agree, the department adds the defunct institution to the *National Redress Scheme for Institutional Child Abuse Amendment (Funder of Last Resort) Declaration*.

Joint Select Committee on Implementation of the National Redress Scheme

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 14

Question reference number: SQ20-000383

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

Just tell me how many per jurisdiction, and then on notice you can give us the full names (institutions currently declared under funder of last resort)

Answer:

To date, the National Redress Scheme for Institutional Child Sexual Abuse has seven funder of last resort listings. These are Beemar Yumba Maud Phillips Memorial Children's Shelter, Beulah Homes, OPAL Joyce Wilding Home and OPAL House for the state of Queensland, Kurbingai Hostel and Emergency Foster Care Incorporated for the state of South Australia, and Glenara Children's Home (formerly the Northern Tasmanian Home for Boys) for the state of Tasmania.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 15

Question reference number: SQ20-000384

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

For the seven institutions, what was the average length of time for those funder-of-last resort arrangements to be made; and then how long did it take to negotiate those arrangements in Queensland, in Tasmania and in South Australia?

Answer:

On average, from the time the Minister for Families and Social Services sent letters to each jurisdiction requesting they consider being funder of last (FOLR) for a defunct institution, it took one month for jurisdictions to inform the Department of Social Services they agreed to be a FOLR. As per SQ20-000382, there are a number of stages in the FOLR process, and it is difficult to provide average lengths of time it took to negotiate FOLR arrangements.

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ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 16

Question reference number: SQ20-000385

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

In each jurisdiction are you able to disclose not the name of the institutions but the number of institutions that might be being negotiated between the Commonwealth and the jurisdiction around the funder of last resort arrangements?

Answer:

The Commonwealth is currently negotiating funder of last resort arrangements (FOLR) in relation to 11 institutions across states and territories.

Providing a further breakdown of the number of defunct institutions by state and territory the Scheme is negotiating FOLR for, could potentially disclose protected information under the Scheme.

Joint Select Committee on Implementation of the National Redress Scheme

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 17

Question reference number: SQ20-000386

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

His particular point was one about whether or not this was an appropriate recognition of someone's natural justice and whether the principle of natural justice was being infringed upon because of this arrangement. I was going to ask you what your view is of that but of course you might have to take that on notice.

Answer:

As per subsection 92(2)(a) of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act), information about a person or an institution that was provided to, or obtained by, an officer of the Scheme for the purposes of the Scheme is protected information. As such, any information obtained by the Scheme from an institution through the request for information (RFI) process, is protected information under the Scheme. The department cannot therefore provide a response on individual cases.

The Scheme includes a review mechanism, which allow a person's claim for redress to be reconsidered by a new Independent Decision Maker, if the person does not agree with the original outcome of their application.

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ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 18

Question reference number: SQ20-000387

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

Why are the assessment framework policy guidelines not publically available?

Answer:

The Assessment Framework Policy Guidelines (AFPGs) are not publically available to mitigate the risk of re-traumatisation and fraudulent applications.

Joint Select Committee on Implementation of the National Redress Scheme

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ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 20

Question reference number: SQ20-000389

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 24 April 2020

Question:

We're looking at what's possible, and there can be a difference in progressing an application through the system versus what we require prior to an actual determination being made. I'm happy to provide some advice on notice about the considerations. (Re Statutory declarations)

Answer:

Section 19 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act) states that for an application to the Scheme to be valid the information in the application must be verified by statutory declaration.

To prevent delays in assessment, particularly in light of the Coronavirus pandemic, applications may be submitted and begin processing prior to the statutory declaration being provided