

## Redress Process for Historical Abuse Claims

### Introduction

The Presbyterian Church of Aotearoa New Zealand acknowledges its responsibility to respond appropriately to survivors of historical abuse that occurred under the care or authority of the Church.

This supplementary provision establishes a survivor-centric redress process that prioritises the wellbeing, dignity, and agency of survivors while ensuring appropriate investigation and response to claims.

The redress process operates independently of, but may interact with, disciplinary processes under Chapter 15 of the Book of Order.

### Definitions

In this supplementary provision, unless the context requires otherwise—

**Hauora Coordinator** means the person appointed by the Council of Assembly to coordinate the redress process and ensure survivors are supported throughout.

**Navigator** means a person who operates independently of the Church's interests, who possesses skills in relational practice, advocacy, and cultural competence, and who has understanding and knowledge of the redress system, selected by the survivor and engaged by the Church to advocate for and support the survivor throughout the redress process.

**Independent Investigator** means a suitably qualified person appointed to conduct investigations related to redress claims.

**Decision Panel** means a panel of three persons appointed by the Council of Assembly, the Panel convener being legally trained with appropriate experience and one member being a person with no connection with the Church.

**Redress** means the forms of response sought by a survivor, which may include but is not limited to wellbeing support, acknowledgment, apology, records provision, financial payment, or systemic changes.

### Entry Pathway and Initial Contact

Survivors may access the redress process through multiple pathways including direct contact, legal representatives, other agencies, referrals from Presbyterian entities, or through the disciplinary process outlined in ch 15 of the Book of Order.

The Hauora Coordinator shall be the first point of contact for survivors beginning the redress process and shall:

Listen to whatever the survivor chooses to share without pressure to disclose their full account;

Complete a triage assessment focusing on immediate wellbeing and safety needs;

Explain the redress process and the survivor's options; and

Facilitate connection with an appropriate Navigator if the survivor chooses to proceed, using the process outlined below.

All initial contact between a survivor and the Hauora Coordinator shall prioritise emotional safety, cultural responsiveness, and confidentiality.

## **Navigator Role and Appointment**

Survivors who choose to proceed shall be offered a choice of Navigators from a diverse pool of qualified independent advocates.

Where a survivor has elected to retain their own legal representation instead of or in addition to a Navigator, the process shall be adapted accordingly.

The Navigator's role is to:

- Advocate for the survivor throughout the process;
- Be the primary liaison between the survivor and other parties in the redress process;
- Work with the survivor to identify their redress needs and preferences;
- Shield the survivor from potentially triggering interactions; and
- Regularly monitor the survivor's wellbeing and support needs.

The Navigator shall work with the survivor to determine, in consultation with the Hauora Coordinator:

- What forms of redress the survivor needs;
- What process is required to achieve the survivor's redress goals;
- Whether Chapter 15 disciplinary processes need to be initiated;
- Whether the police should be notified;
- Whether the matter involves other Presbyterian agencies or denominations and how they will be involved; and
- What support the survivor needs during the process.

## **Inquiry Process**

Where investigation is needed to determine what occurred or the Church's responsibility in relation to the survivor's account, the Hauora Coordinator shall, in consultation with the Navigator, appoint an Independent Investigator.

The inquiry process shall operate on the principle that its purpose is to establish the facts necessary to make appropriate redress rather than to disprove or challenge the survivor's account.

The Independent Investigator shall:

- Have full access to all Church archives, records, and personnel with authority to require information;
- Communicate with a survivor only through their Navigator or legal representative;
- Liaise with the Hauora Coordinator and Navigator or legal representative throughout the process;
- Use existing records and statements wherever possible to avoid requiring survivors to retell their story unnecessarily;
- Provide copies of relevant records to survivors if requested;
- Interview respondents and witnesses as required; and
- Prepare a written report with findings as to whether abuse occurred or is likely to have occurred on the basis of a reasonable likelihood, having regard to all available information.

Where appropriate, the Independent Investigator must establish evidence that abuse occurred or likely occurred, including:

- The identity of the perpetrator where this can be established;
- The location and approximate timeframe of the abuse; and
- That the perpetrator was under Church authority or had access to the survivor through Church connections, or that the Church acted inadequately when abuse was disclosed.

Where alleged perpetrators are still alive and specifically named in reports, they have a right to respond. Communicating their response to the survivor must take into account the survivor's safety, wishes, and wellbeing.

The Hauora Coordinator may initiate police reports or Chapter 15 processes if inquiry findings warrant such action.

The Hauora Coordinator must write an inquiry report that shall include both factual findings and redress recommendations based on the survivor's stated needs.

### **Review of Inquiry Findings and Proposal Development**

Upon completion of the inquiry, the Navigator shall meet with the survivor to discuss the inquiry findings and report, allowing adequate time for the survivor to consider and respond to the findings.

The Hauora Coordinator and Navigator shall meet to review the inquiry findings, the survivor's response, and consider their implications for the redress process.

If the survivor requires further time or additional information, this shall be accommodated within the process.

Where inquiry findings raise obstacles to providing the requested redress, the Navigator shall discuss these with the survivor and explore alternative approaches.

Following the survivor's consideration of the inquiry findings, the Navigator (in consultation with the survivor) and Hauora Coordinator shall work together to develop a redress proposal for consideration by the Decision Panel.

The redress proposal shall reflect the survivor's response to the inquiry findings and their confirmed redress needs.

### **Decision Making**

A Decision Panel shall consider all redress proposals.

The Decision Panel shall:

- Review investigation findings and redress recommendations;
- Take into account all relevant available information,
- Act in accordance with natural justice.
- Consider the survivor's stated needs and preferences;
- Ensure consistency with the Church's values and available resources; and
- Make decisions in a timely manner with clear communication of any delays.

The Decision Panel may:

- Approve the redress proposal as submitted;
- Approve a modified redress proposal; or

Request additional information before making a determination.

The Decision Panel shall provide written reasons for its determinations.

All redress offers must be presented to the survivor through their Navigator for consideration and acceptance.

If the redress offer is not accepted, the Navigator may return to discussions with the Hauora Coordinator to seek resolution, with further proposals considered by the Decision Panel as necessary.

### **Implementation and Completion**

Agreed redress shall be implemented according to timelines negotiated with the survivor, with regular communication regarding progress or any unavoidable delays.

The redress process may only be closed with the survivor's explicit agreement, not at the Church's initiative.

If the survivor has not accepted a redress offer within two years of the Decision Panel's first formal offer, the Decision Panel may close the redress process and record its final determination, provided that:

The survivor has been given reasonable opportunities to engage and respond to redress offers;

The survivor has been offered independent mediation;

Written notice is provided to the survivor through their Navigator before closure; and

The survivor may request one extension of up to six months.

Survivors may reopen the process if new information emerges that may warrant additional redress.

### **Wellbeing Support**

The Church shall provide wellbeing support tailored to each survivor's needs throughout the redress process.

Wellbeing support may include but is not limited to counselling, therapy, spiritual direction, alternative therapies, and practical assistance.

Such support shall be arranged promptly and maintained regardless of the outcome of any redress claim.

### **Confidentiality and Records**

All aspects of the redress process shall be conducted with appropriate confidentiality, with information shared only as necessary for the process or as required by law.

Information shall not be shared without the survivor's knowledge except where there are immediate safety concerns.

Records shall be maintained securely and in accordance with privacy legislation and Church archival policies.

### **Procedural Guidelines**

The Council of Assembly may approve detailed procedural guidelines to give effect to this supplementary provision.

Such guidelines shall be consistent with the survivor-centric principles established in this provision and may be amended from time to time as experience and best practice develop.

### **Interaction with Other Processes**

The redress process may operate concurrently with disciplinary processes under Chapter 15, police investigations, or other legal proceedings.

Where parallel processes are operating, coordination shall occur to minimise trauma to survivors while ensuring all relevant processes can proceed appropriately.

The Hauora Coordinator shall facilitate communication between different processes where necessary and with appropriate consents.