

# CONSULTATION PAPER

## Second year review of the National Redress Scheme

### *Recommendation 4.7 Increasing the uptake and quality of direct personal response*

## Contents

<b>1. Introduction</b> .....	<b>3</b>
1.1. Purpose .....	3
1.2. Royal Commission into Institutional Responses to Child Sexual Abuse (The Royal Commission).....	4
1.3. Commencement of the National Redress Scheme.....	4
<b>2. Background</b> .....	<b>5</b>
2.1. The Final Report of the Second year review of the National Redress Scheme.....	5
2.2. Consultation period.....	6
<b>3. Stakeholder engagement and promotion of the consultation process</b> .....	<b>7</b>
<b>4. Current context</b> .....	<b>7</b>
4.1. The role of the Scheme in delivery of DPR.....	7
4.2. DPR operational requirements for participating institutions .....	7
4.3. Scheme support for institutions to deliver meaningful DPR .....	8
4.4. DPR improvements recently implemented .....	8
4.5. DPR Data .....	9
<b>5. Action areas for consultation</b> .....	<b>10</b>
<b>Action Area 1</b> .....	<b>10</b>
<i>Identifying and removing barriers (legislative or otherwise) to allow facilitation of a direct personal response by someone other than the survivor.</i> .....	10
<b>Action Area 2</b> .....	<b>13</b>
<i>Offering better support to survivors by appointing dedicated liaison officers to individual survivors, where requested by the survivor</i> .....	13
<b>Action Area 3</b> .....	<b>15</b>
<i>The merits of professional facilitation of face-to-face direct personal responses, particularly where there is survivor feedback regarding the quality of the delivery</i> .....	15
<b>Action Area 4</b> .....	<b>17</b>
<i>Enhanced training and educational resources to support institutions, applicants and professional DPR facilitators to increase engagement with DPR and experience the meaningful outcomes associated with the restorative engagement process</i> .....	17
<b>Action Area 5</b> .....	<b>23</b>
<i>Ongoing feedback mechanisms to encourage the continuous improvement of DPR</i> .....	23
<b>Action Area 6</b> .....	<b>24</b>
<i>Ongoing Reporting and oversight of DPR by the Scheme’s Inter-jurisdictional Committee (IJC)</i> .....	24
<b>6. Attachment A - High level DPR data</b> .....	<b>26</b>

# 1. Introduction

## 1.1. Purpose

Direct Personal Response (DPR) is one of the three elements of redress available under the National Redress Scheme (the Scheme) for people who have experienced institutional child sexual abuse.

DPR is a legislative requirement of the National Redress Scheme, as set out in *the National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act). The associated legislative instrument, *the National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018* (DPR Framework) identifies participating institutions' obligations with respect to delivery of DPR.

Of particular note, the DPR Framework details a responsible institution's obligations that underpin the success of the DPR process, by ensuring *the survivor's needs, expectations and preferences dictate the way the direct personal response is given*.

A DPR is a survivor-led process of formal engagement, involving a person who experienced abuse within an institution that owed them a duty of care, and a representative of that institution, where the representative of the institution recognises and acknowledges the person's experience and provides a formal apology from the institution.

Over the first three years of the Scheme, applicant uptake of DPR has been low, when compared to the number of applicants that indicate an interest in DPR as part of their offer of redress.

**Section 4.5 DPR Data** provides high-level information on DPR uptake.

This highlights the disconnect between limited applicant engagement in a DPR, and consistent feedback from survivors and survivor advocates that meaningful, effective restorative engagement (through DPR) between the survivor and the institution responsible for their abuse is fundamental to achieving a sense of healing and redress for survivors.

This paper poses a number of possible options to improve the uptake and quality of DPR in the Scheme and seeks your views on their relative value. It should be noted that some options would involve costs or in some cases, legislative change. These would require separate consideration and may impact upon implementation timeframes and their overall value.

## 1.2. Royal Commission into Institutional Responses to Child Sexual Abuse (The Royal Commission)

The Royal Commission's Civil Litigation Report identified the overarching Principles for an effective direct personal response and recommended:

5. *Institutions should offer and provide a direct personal response to survivors in accordance with the following principles:*
  - a. *Re-engagement between a survivor and an institution should only occur if, and to the extent that, a survivor desires it.*
  - b. *Institutions should make clear what they are willing to offer and provide by way of direct personal response to survivors of institutional child sexual abuse. Institutions should ensure that they are able to provide the direct personal response they offer to survivors.*
  - c. *At a minimum, all institutions should offer and provide on request by a survivor:*
    - i. *an apology from the institution*
    - ii. *the opportunity to meet with a senior institutional representative and receive an acknowledgement of the abuse and its impact on them*
    - iii. *an assurance or undertaking from the institution that it has taken, or will take, steps to protect against further abuse of children in that institution.*
  - d. *In offering direct personal responses, institutions should try to be responsive to survivors' needs.*
  - e. *Institutions that already offer a broader range of direct personal responses to survivors and others should consider continuing to offer those forms of direct personal response.*
  - f. *Direct personal responses should be delivered by people who have received some training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant.*
  - g. *Institutions should welcome feedback from survivors about the direct personal response they offer and provide.*

The Civil Litigation Report also recommended:

6. *Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution.*
7. *Those who operate a redress scheme should facilitate the provision of these forms of direct personal response by conveying survivors' requests for these forms of direct personal response to the relevant institution.*
8. *Institutions should accept a survivor's choice of intermediary or representative to engage with the institution on behalf of the survivor, or with the survivor as a support person, in seeking or obtaining a direct personal response.*

The Royal Commission recommendations were informed by an understanding of individual cases, via consultations, including public hearings, private sessions and a policy and research program.

## 1.3. Commencement of the National Redress Scheme

The Scheme commenced on 1 July 2018, in response to recommendations by the Royal Commission.

The Scheme:

- acknowledges that many children were sexually abused in Australian institutions
- recognises the suffering they endured because of this abuse
- holds institutions accountable for this abuse, and

- helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a redress payment.

The Scheme involves:

- People who have experienced institutional child sexual abuse who can apply for redress
- The National Redress Scheme team — Commonwealth Government staff who help promote the Scheme and process applications and join institutions to the Scheme
- Redress Support Services (RSS) — free, confidential emotional support and legal and financial counselling for people thinking about or applying to the Scheme
- Participating Institutions that have agreed to provide redress to people who experienced institutional child sexual abuse
- Independent Decision Makers who consider applications and make recommendations and conduct reviews.

The Scheme will remain open for 10 years, applications can be made any time up to 30 June 2027.

## 2. Background

### 2.1. The Final Report of the Second year review of the National Redress Scheme

Following the Scheme's second anniversary, an independent review was conducted by Ms Robyn Kruk AO.

In undertaking the review, Ms Kruk met with 81 survivors, support services, government agencies and ministers. There were 226 submissions made to the review, which provided significant insight into the Scheme, how it operates and how to improve the survivor experience. The Review also commissioned a feedback study in which 503 survivors, support groups and institutions participated.

[The Final Report of the second year review](#) of the Scheme (the Report) ([www.nationalredress.gov.au/about/second-anniversary-review](http://www.nationalredress.gov.au/about/second-anniversary-review)) identified DPR as an area for improvement, with recommendation 4.7 identifying a number of areas for consideration in order to improve the uptake and quality of DPR:

#### **Recommendation 4.7**

*In order to increase the uptake and quality of direct personal response, the Australian Government works with state and territory governments together with survivors, nominees, advocates, support services, institutions and restorative engagement experts to co-design an improved direct personal response process. This work needs to consider:*

- identifying and removing barriers (legislative or otherwise) to allow facilitation of a direct personal response by someone other than the survivor*
- offering better support to survivors by providing for the appointment of dedicated liaison officers to individual survivors, where requested by the survivor*
- the merits of professional facilitation of face-to-face direct personal responses, particularly where there is survivor feedback regarding the quality of the delivery*
- the Inter-jurisdictional Committee taking responsibility for developing, implementing, monitoring and reporting on these changes*
- developing a direct personal response action plan for implementation by 30 November 2021.*

[In its Interim response \(www.nationalredress.gov.au/document/1391\)](http://www.nationalredress.gov.au/document/1391) to the Report, the Australian Government commits to improving the Scheme and outlines its initial response to the Review's recommendations. This includes actions that can be taken quickly, and areas that require further development and consultation with survivors, institutions and other Scheme stakeholders.

It is anticipated that a final response to the Review's recommendations will be provided by early 2022.

The Interim response commits to prioritising action on 25 of the 38 recommendations, in full or in part.

The Australian Government supports recommendation 4.7 in principle, noting that DPR is an important but underutilised element of redress, and the Ministers' Redress Scheme Governance Board (the Ministers' Board) has identified it as a key priority for 2021. Improving the mechanisms available for survivors to access a Direct Personal Response will increase uptake and quality.

The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

## 2.2. Consultation period

This Consultation Paper identifies options that specifically address recommendation 4.7 of the Report. These options are set out in detail in **Section 5 – Action Areas for consultation**.

The options are intended to be a starting point for Scheme stakeholders to provide feedback on the feasibility and suitability of the suggested measures. It will also ensure stakeholder needs are captured in the co-design of improvements to the way the Scheme supports meaningful DPR for survivors of institutional childhood sexual abuse.

While the paper identifies several options, stakeholders are asked to focus on the measures that will make the most difference to improving DPR uptake, to assist the Scheme to prioritise implementation.

The consultation period will run from **Tuesday, 12 October to Monday, 8 November 2021**.

Stakeholders are invited to provide their feedback on the Actions Areas identified at **Section 5** of this Consultation Paper. Feedback should be provided to the Scheme with via the [DPRInstitutions@dss.gov.au](mailto:DPRInstitutions@dss.gov.au) mailbox by 5.00 pm AEDST on **Monday, 8 November 2021**.

The options identified in this Consultation Paper have been informed by the Scheme's understanding of the current barriers and challenges that prevent access and uptake of DPR, via mechanisms including:

- feedback from various institutions, Scheme partners, parliamentary committees and stakeholders who have provided their experience regarding survivor access to DPR
- complaints and feedback from applicants and institutions regarding the barriers to meaningful DPR
- feedback from institutions through their responses to the DPR Annual Reporting process
- Community of Practice Forums conducted in the first two years of the Scheme, with participating government and Non-government institutions (NGIs)
- feedback from Redress Support Services provided in early April 2021, in response to the Scheme seeking their views on applicant barriers that prevent take up of DPR
- independent consultation with institutions, applicants and their advocates as part of the Scheme's second year review
- Inter-jurisdictional Committee meetings with representatives from jurisdictions and the Scheme (this group works collaboratively to develop accessible, core training resources,

that respond to survivor needs and support independent DPR facilitators and Institutional representatives to deliver a trauma informed DPR to a survivor.)

- Survivor Roundtable meetings conducted in March and June 2021, with a range of survivors, their advocates and support services from northern Australia
- Broader consultation with survivors and survivor advocates in September 2021 via virtual meetings, as part of the Scheme’s broad approach under the Scheme’s second year review.

### **3. Stakeholder engagement and promotion of the consultation process**

Given the restrictions relating to COVID-19 and the impact on travel and face-to-face meetings, consultations will largely comprise a submissions process for Scheme stakeholders to provide their feedback on this Consultation Paper.

A limited number of videoconference sessions will be held via MSTeams.

Alternative consultation format options will be explored for stakeholders with diverse communication needs.

The Consultation Paper will be made available for stakeholder comment through the following channels:

- The Inter-jurisdictional Committee.
- The [National Redress Scheme website \(www.nationalredress.gov.au\)](http://www.nationalredress.gov.au) as the primary digital source of communication with Scheme applicants. A link on the Scheme homepage will direct people to a dedicated DPR Consultation Paper page.
- The Redress Support Services and Counselling and Psychological Care network of providers.
- Existing departmental networks, which include current relationships with external providers of relevant services including the National Disability Advocacy Program.
- An email to participating NGIs, with a covering statement encouraging institutions to refer to the Scheme’s website to access the Consultation Paper.

### **4. Current context**

#### **4.1. The role of the Scheme in delivery of DPR**

The Australian Government committed to a “decentralised model” for DPR, meaning the Department of Social Services (the department) does not have a compliance role to enforce elements of DPR.

The Scheme Operator (the Secretary of the department) agreed to a number of quality control measures to ensure that institutions were thoroughly supported to deliver safe and effective DPR processes for survivors, and that Scheme outcomes did not cause any further harm.

#### **4.2. DPR operational requirements for participating institutions**

Participating Institutions are responsible for adhering to the legislative obligations set out in the **DPR Framework (www.legislation.gov.au/Details/F2018L00970)** when delivering DPR under the Scheme.

All institutions must sign an Agreement to Participate as part of the institution’s on-boarding process, in order to formally be declared as a participating institution.

This legal agreement sets out an institution's responsibilities with respect to DPR, and commits the institution to being willing and capable of discharging any obligation to provide a DPR to a person who accepts an offer of redress.

Institutions also sign a Memorandum of Understanding that details a participating institutions' operational responsibilities, including DPR.

### **4.3. Scheme support for institutions to deliver meaningful DPR**

The department provides support and training for institutions to support sincere, genuine and respectful interactions with survivors. This includes the provision of DPR Immersion Training and a detailed DPR Handbook that supports and builds institution capability in the development of processes to guide respectful and empathetic interactions with survivors.

These resources align with the foundational restorative principle underpinning all actions in the direct personal response process - '*Do no further harm*'. These resources also aim to develop an institutions' understanding of: DPR under the National Redress Scheme and the key principles of restorative engagement; the importance of DPR to the survivor and the institution; the responsibilities of a participating institution; steps required to establish in-house administrative capability to undertake DPR; and how to deliver meaningful DPR that aligns with survivor choice.

These resources are informed by evidence gathered through the Royal Commission, including practical advice to support institutions in the delivery of processes that enable respectful meetings and meeting environments, and align (as much as is feasible) with survivors' communicated preferences, including:

- DPR being delivered by senior representatives of the institution, so that survivors feel that they are being shown respect by the institution
- appropriate planning of a DPR, including discussing expectations with the survivor or the survivor's support person before the meeting so that any concerns can be addressed before the meeting takes place
- understanding DPR as a survivor-led process, thereby allowing survivors to exercise choice and control over things like the meeting location and the opportunity to bring a support person
- understanding the importance of professional facilitation in the undertaking of a DPR to ensure a respectful, constructive and positive end-to-end DPR process that aligns with the survivors' preferences, and supports the safety of all DPR participants.

Institutions are also provided with a dedicated DPR contact point within the Scheme, as a source of ongoing support and guidance and to act as the initial liaison point between institutions and survivors to address concerns and complaints relating to DPR. This role also seeks to identify key themes from DPR feedback, to inform continuous improvement through things like training, fact sheets and guidance material for survivors and institutions.

### **4.4. DPR improvements recently implemented**

Given the low uptake of DPR and feedback from a range of sources, the Scheme had commenced work to improve uptake and quality of DPR, including development of new factsheets and letters and engagement with RSS on their role in supporting survivors to access DPR.

As at September 2021, the Commonwealth, all state and territory governments and 526 non-government institutions across Australia are participating in the Scheme. This represents a substantial increase to the 56 non-government organisations that were participating in the Scheme in its first year of operation.

The increase in participating institutions corresponds with increased applications to the Scheme, and the number of applicants that are eligible for DPR as part of their redress offer.

Accordingly, the Scheme has proactively sought to understand and address the barriers that prevent eligible applicants from accepting the DPR component of their redress offer, and then making contact with the responsible institution to start the process.

For example, DPR improvement projects recently completed, or currently underway, include:

- Using feedback from RSS provided in early April 2021 to inform development of new RSS specific DPR resources. These aim to support provision of improved guidance information about Nominees and DPR facilitators and thereby enhance conversations with applicants.
- Improving DPR information for applicants available on the Scheme’s website.
- Conducting a review of survivor communications and guiding notes used by the Scheme to ensure consistent DPR messaging and alignment with trauma-informed practice.
- Provision of guidance material to Scheme staff to inform Outcome Determination Calls to survivors.
- Development of a new Redress Education Portal and associated DPR related training and resources to enable institutions to complement existing training and undertake self-guided training. This new portal will also be used to provide access to new DPR resources, developed in consultation with Scheme stakeholders, to ensure that institution’s current and new staff are skilled in DPR requirements and how to meet applicant needs, complementary to the continuation of virtual face-to-face delivery of DPR training direct to participating institutions.
- Development of a DPR Engagement Letter, for sending to a sample group of applicants who have accepted DPR as a component of redress. The letter seeks applicant feedback on the DPR process, barriers they are experiencing in taking up their DPR, and advising of services that are available to support applicants across the DPR process. The letter also seeks feedback from applicants where they have completed their DPR. RSS have assisted with co-design of the letter to ensure the process aligns with trauma informed principles.

#### 4.5. DPR Data

The following table provides summary data relating to DPR, and represents numbers since Scheme commencement up to 30 June 2021.

Total applications to the Scheme	Applicants who accepted their redress offer	Applicants who accepted DPR	Total DPRs completed	Total DPRs in progress
11,075	6,032	3,397	284	140

The high-level insights provided from the 2020 – 21 DPR Annual Reporting process are provided at **Attachment A - Life of Scheme DPR completion rates**. Attachment A provides the data definitions relating to the categories referred to in the above table.

## 5. Action areas for consultation

The Scheme seeks stakeholder feedback on options for the following Action Areas.

### Action Area 1

**Identifying and removing barriers (legislative or otherwise) to allow facilitation of a direct personal response by someone other than the survivor.**

#### Action Area 1: Known barriers and general feedback

- As DPR is survivor-led, the process is intended to provide choice and control to survivors by empowering them to engage with the institution to start a DPR discussion in the first instance (if and when the survivor is ready). Survivors are provided with the responsible institution's DPR contact with their remittance documentation. Some applicants may not be willing to engage with the institution that they see as responsible for causing them harm, are unsure what they may be able to receive from a DPR, or may need a break after having their application finalised. Some applicants assume that the DPR is simply a letter or phone call, or they are unsure of support options like RSS, available to guide them through the process.
- Feedback from applicants and nominees (including RSS) has identified that the DPR process can often be inconsistent between participating government and Non-government institutions, and DPR terminology and language can hinder a survivor's understanding. There is also a vast difference between applicant experiences, which could be due to staff turnover within the institution or varied expectations of what a DPR can provide.
- Applicants may have a number of responsible institutions identified in their remittance letter. This can add an extra emotional and practical burden, given there will be numerous arrangements required and repetition of information, if the applicant's preference is to request a DPR with each responsible institution. Where the applicant requests delivery of combined DPR from one or more responsible institutions, the associated institutions may not agree to this request.
- On occasion, applicants or their advocates have raised concerns about having out of date DPR contact information within an institution, or contact processes that are unwelcoming and difficult to navigate, such as front line staff who do not know or understand what a DPR is or to what it relates.
- Noting the long-term disadvantage that is common for survivors of child sexual abuse, there may be additional barriers for survivors to engage with DPR. For example, survivors that live in group housing or supported living arrangements and their ability to engage in DPR, whilst ensuring the privacy of their sensitive information.
- COVID-19 has presented unique barriers for a survivor's ability to exercise choice and control over their preferred DPR format, while completing the DPR process in a timely manner, delaying the transformational effect that many survivors seek through DPR. COVID-19 related restrictions on travel and lock-downs have resulted in some survivors delaying the DPR process to ensure that the DPR can align with their expectations (e.g. face-to-face).
- The Scheme's privacy provisions in relation to the institution engaging with someone other than the applicant. For example, if an applicant has the support of a third party to enable

facilitation of a DPR (i.e. a support person, allied health professional, etc.), institutions need advice verifying that this third party is acting in the applicant's best interest and with their express authority to do so.

- There are also issues for applicants that have not opted in to the DPR process in their letter of offer. If the applicant later changes their mind, the institution is not legislatively obligated to provide it as the DPR Framework does not apply. While an institution can agree to provide a DPR outside the scope of the Scheme, the institution may not agree and the Scheme has no visibility or recourse to address any associated complaints from an applicant.
- Feedback provided by RSS on behalf of applicants indicated:
  - the Scheme should not place responsibility on the survivor to make initial contact with the responsible institution for their DPR. A choice should be given to the survivor on whether they would like to make contact or have the institution contact them.
  - improved supporting information should be included with the information provided to applicants, along with DPR contact information.
- Applicant feedback included that some survivors do not want any contact from the responsible institution (at any point); survivors that want minimal contact and only from the Scheme – for example the final determination letter and a written apology from the institution via the Scheme; and DPR delivered to the applicant's family.
- Institutions contacting applicants does not align with best practice restorative justice principles and the principle of 'do no further harm', however, feedback has indicated that this is an option that should be explored.
- Inconsistency in timeframes to complete DPRs of a similar method (e.g. written engagement, telephone discussion). DPR processes that are completed within a short number of days (or hours) suggest that engagements may not be tailored to individual needs, expectations and preferences.

### Action Area 1: Options

To address **Action Area 1**, the Scheme seeks stakeholder feedback on implementing the following options:

**OPTION 1:1: Change the current default arrangement, whereby an applicant is required to indicate their interest (opt-in) to receive a DPR from the responsible institution/s as part of their Acceptance Document.**

- This change would mean that all applicants that are eligible for DPR in their offer of redress would automatically be recorded as accepting the DPR component of their offer, unless they elected to opt-out of this in their Acceptance Document.
- The applicant would never be obligated to follow through with the DPR if this was not their preference, and would always maintain the right to choose and control progressing with a DPR. However, this change would, mean that the option of DPR would always be available to an applicant should they wish to pursue it.

**OPTION 1.2: Update the Scheme’s Notice of Acceptance, where an applicant is eligible for DPR, to ask applicants additional questions about DPR, including asking the applicant if they agree to:**

- the institution contacting the applicant to commence the DPR process
- a third party contacting the institution on the applicant’s behalf to commence the DPR process, specifying the name of the third party
- provide their preference on the format of DPR they are seeking:
  - Direct – for example, a face-to-face meeting
  - Indirect – for example, a letter
  - a combination of Direct and Indirect DPR
  - an option for the applicant to indicate that they are not yet ready to identify their preferred DPP format.

To ensure that applicant expectations are managed appropriately, the Notice of Acceptance would need to include a statement that the responsible institution may not be able to provide a DPR that exactly aligns with the applicant’s preference.

**OPTION 1.3: Provide a course of action whereby the Scheme Operator issues a written acknowledgement of the survivor’s experience, providing a symbolic gesture that may support transformative healing for the applicant.**

**If implemented, the letter would be developed in consultation with the Scheme’s Redress Support Services to ensure it aligns with trauma-informed principles.**

This alternative option aligns with point 6 of the Royal Commission’s Civil Litigation Report, which identified that: “*Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution.*”

This approach would only be applied in instances where:

- The responsible institution is a participating government institution and is the funder of last resort for a defunct institution, and the applicant is therefore not eligible for a DPR from the participating government institution.
- An applicant did not accept a DPR in their Acceptance document, and later changes their mind. For example, where the applicant did not fully understand the DPR process at the time of accepting their offer and the institution declines to provide an outside-of-Scheme DPR.
- Where a participating institution refuses to provide DPR, despite their legislative obligations to do so. Note that the Scheme encourages an institution to fulfil its obligations in a trauma informed manner, but does not have a compliance role.

**1.3.1 Alternatively, the Scheme could consider the provision of a letter, as routine practice to all Scheme applicants, recognising and acknowledging the survivor’s experience and providing a formal apology that the abuse occurred.**

**OPTION 1.4: Changing the current arrangement, whereby the applicant is the point of first contact to reach out to the institution to commence the DPR process, to include an alternate first point of contact:**

- The applicant contacting a central point within the Scheme to advise their readiness to start the DPR process with the institution. The Scheme would then takes steps to put the applicant in direct contact with the relevant contact in the institution, but would not play a role in acting as the intermediary between the applicant and the institution, or participate in the DPR.
- The applicant liaising with one of the Scheme's RSS or Counselling and Psychological Support providers to advise their readiness to start the DPR process with the institution. The RSS then acts as the intermediary between the applicant and the institution to organise the DPR - and supports the applicant across the DPR process. This could include the RSS participating in the DPR, where this is the applicant's express preference.

**OPTION 1.5: Are there other alternate options not considered above under Action Area 1, which are achievable within the scope and intent of the Scheme?**

## Action Area 2

**Offering better support to survivors by appointing dedicated liaison officers to individual survivors, where requested by the survivor**

### Action Area 2: Known barriers and general feedback

DPR dedicated liaison officers (internal to the Scheme) would assist applicants to engage in the DPR process, including assisting them to make contact with the relevant institution/s, identify what they want to get out of the process and understand what is involved, including in the lead up to the DPR conference and the conference itself (where requested by the applicant).

- Some applicants have expressed that they have no interest in engaging with the responsible institution. Scheme staff encourage applicants to accept the DPR during the outcome determination call by informing them of the legally binding nature of the documents, should they decline then subsequently change their mind.
- Many applicants are reassured that the DPR process can commence in their own time and that they will not be receiving unwanted contact by the responsible institution.
- The wording provided on outcome and remittance documentation does not provide enough clear information to applicants about DPR, and what it means if they do not accept DPR. There may be value in providing written advice regarding the DPR at the same time as the outcome letter, allowing the applicant more time to make an informed decision.

### Action Area 2: Options

To address **Action Area 2**, the Scheme seeks stakeholder feedback on implementing the following options:

**OPTION 2.1: Build on the Scheme’s current Service Delivery model (communication with the applicant verbally via the: Outbound Acknowledgement Call; Outcome Determination Call; and during inbound phone enquiries) to deliver improved front-end induction of an applicant, by providing earlier access to information aimed at supporting an understanding DPR.**

- This solution would include enhanced messaging across the applicant journey, for example:
  - information about the associated benefits (transformational outcomes and healing) of DPR
  - plain English explanation of the DPR process, and referral to the [Translating and Interpreting Service \(TIS National\)](#) for applicants with Culturally and Linguistically Diverse communication needs
  - responding to applicant requests for alternate format information about DPR (for example to meet specific accessibility or diversity needs)
  - managing applicant expectations to ensure they are not given assurances on the format of DPR which potentially cannot be met by the institution
  - communicating the support available to applicants to engage in the DPR
  - cross referral of applicants to RSS to support the applicant in the DPR process.

**OPTION 2.2: Introduce a new role to the operation of the Scheme to act as dedicated DPR liaison officers for individual survivors that request this support, and provide a more active support role across the applicant journey.**

**There are two models for introducing a dedicated DPR liaison officer role to the Scheme:**

**2.2.1. Internal dedicated liaison officers (within the Scheme)**

The introduction of a new role within the Scheme, acting as an intermediary between the applicant/their nominee and the institution to organise the logistics of the DPR.

This role would undertake a process similar to that provided under the [Defence Abuse – Restorative Engagement Program](#) ([www.ombudsman.gov.au/\\_\\_data/assets/pdf\\_file/0021/46920/RE-factsheet-updated.pdf](http://www.ombudsman.gov.au/__data/assets/pdf_file/0021/46920/RE-factsheet-updated.pdf)).

Under this model, the Scheme would provide a dedicated liaison officer (DSS Scheme staff member) to work with applicants to explain the purpose of the DPR and identify what the applicant would like to achieve through participation in a DPR. This may occur over several conversations and may involve discussion of the possible benefits and limitations of the DPR (e.g. costs and reasonable requests).

The liaison officer would discuss applicant motivations and expectations of the process and the steps involved in the process leading up to a DPR, and undertake conversations about participant safety and applicant readiness.

There are obvious benefits with a dedicated liaison officer role being created within the Scheme. These include:

- Applicants may feel more comfortable knowing they can engage with a Scheme staff member that has access to their application so there is no need to retell information. This model may be of particular benefit to applicants that are supported by case coordinators in the Indigenous Service Delivery Section.
- Reduced time to address queries and complaints, with Scheme staff having direct access to institutional information and supporting areas within the Scheme. This offers

efficiencies in the resolution and escalation of issues and complaints without the potential security and privacy concerns that could apply to an externally appointed liaison officer.

- The Scheme has established relationships with institutions and has direct access to systems that enable fast identification of institution contacts and escalation points.
- The Scheme's role as DPR Liaison Officer would be complementary to the work of RSS, which already perform some liaison functions with institutions in relation to DPR. For example, to attend as a support person with the applicant during delivery of their DPR, if this is the applicant's preference.

**OPTION 2.3: Are there alternate options not considered above under Action Area 2, which are achievable within the scope and intent of the Scheme?**

### Action Area 3

**The merits of professional facilitation of face-to-face direct personal responses, particularly where there is survivor feedback regarding the quality of the delivery**

#### Action Area 3: Known barriers and general feedback

- The Scheme encourages participating institutions to engage an appropriately qualified restorative engagement expert to provide professional facilitation of a DPR, but it is not mandatory.
- Although some institutions may benefit from having a facilitator, many institutions are small and it may not be a financially viable option (especially smaller not-for-profit NGOs). There are also issues of supply, particularly in some geographic locations.
- Supply issues mean that some applicant's cultural and gender preferences cannot be met. For example, DPR facilitators that understand the process of healing for an indigenous applicant and how to effectively engage with Aboriginal and Torres Strait Islander people in a culturally safe way that will be built on trauma-aware and healing-informed principles.
- Applicants who engage with institutions without a DPR facilitator may be disadvantaged, as minimally trained institutional representatives are unlikely to deliver DPRs to the same standard of a professional facilitator.
- Safety concerns for some institutions and their work health and safety obligations for their staff, with some applicants being verbally abusive and aggressive with the institution's representative. The DPR Handbook states: *Any person involved in a DPR may delay or cease the engagement at any time if they believe that continuing the process may jeopardise the health or safety of the survivor, their support person(s), or the institution's representative engaging in the DPR.*
- The discord between the DPR being a survivor-led process, with applicants guiding contact and how this plays out where an institution is concerned about participant readiness, and the institution's ability to therefore align the DPR with the 'do no further harm' principle. Some institutions feel they have to get the DPR done in accordance with the applicant's wishes and if they don't, it will result in an applicant making a complaint about the institution, or them being considered non-compliant with the Scheme.

- There are additional complexities where several institutions are named in an application, and the applicant requests DPR from each institution. For example, the applicant's preference may be for one DPR (from all responsible institutions) at the one time, combining both government and NGIs that are geographically dispersed.
- A professional DPR facilitator increases the safety of both the institution and the applicant, with respect to the conduct of DPR. A facilitator is a specialist skilled role, with one of their responsibilities being the safety of all DPR participants. Given the high risk of negative outcomes from DPR, the facilitator role is to ensure quality of engagement and authentic communication, as well as participant safety.
- Professional DPR facilitators play an important role in understanding the participating institution's needs and educating them, with a view to informing more meaningful DPR. Greater transparency is needed to understand how and when NGIs are using professional DPR facilitators.
- There is a need for improved Scheme training and support resources on the role of professional facilitators, targeting both NGIs as well as people / organisations that provide professional facilitation of DPR on a fee for services basis.

### Action Area 3: Options

To address **Action Area 3**, the Scheme seeks stakeholder feedback on implementing the following solutions:

**OPTION 3.1: That the Australian Government explore an approach to professional facilitation that builds on the model used in the Restorative Engagement Facilitator Services Panel, developed by the Commonwealth Ombudsman, as part of the Defence Abuse – Restorative Engagement Program.**

- This could include an approach to market to develop a similar panel arrangement for state and territory jurisdictions to engage professional facilitators via a fee for service arrangement.
- This option would limit application of use by participating government institutions, due to the nature of the Commonwealth Procurement Rules and the Whole of Australian Government Procurement arrangements applying to Commonwealth entities only. However, it may address some of the supply issues currently experienced with professional facilitators and potentially free up the restorative engagement experts available through organisations like the Australian Association for Restorative Justice, for use by NGIs.

**OPTION 3.2: Respective state and territory governments provide linkages to accredited professional facilitators within their jurisdictions on an accessible platform, for NGIs to access. For example, centralised website location.**

**OPTION 3.3: Are there alternate options not considered above under Action Area 3, which are achievable within the scope and intent of the Scheme?**

## Action Area 4

**Enhanced training and educational resources to support institutions, applicants and professional DPR facilitators to increase engagement with DPR and experience the meaningful outcomes associated with the restorative engagement process.**

### Action Area 4: Known barriers and general feedback

- Changes to an institution's personnel and the associated loss of capability and delays this presents to applicants.
- DPR Immersion Training needs to also cover refresher training for an institution's DPR contact, for example for institutions that have joined the Scheme, but do not receive an application until sometime later.
- Many of the existing DPR resources were developed at the introduction of the Scheme. With the Scheme now maturing it is important that the DPR resources be reviewed for relevance, and updated to respond to applicant and institution needs. This should be a continuous process that occurs across the life of the Scheme.
- Any new resources to improve uptake and access to meaningful DPR must:
  - be fit for purpose, noting the need for nuancing of language relating to: restorative justice and trauma informed institutional child sexual abuse
  - be specific to the purpose for which it is needed, and capture the broad expertise and good practice experience that exists in the jurisdictions; and
  - consider the diverse needs of NGIs, and how the role of DPR facilitator needs to respond to these unique needs.

### **Known barriers and general feedback: Responding to the diverse needs of Aboriginal and Torres Strait Islander applicants**

- The number of Indigenous applicants to the Scheme is significant, with around 32% of applicants identifying as Aboriginal and/or Torres Strait Islander since the Scheme commenced. However, uptake of DPR by Aboriginal and/or Torres Strait Islander applicants does not correspond accordingly, at around 29%.
- Some survivors in remote indigenous communities have unique barriers to engaging with the Scheme including: no formal identification, no mobile phone, speaking limited English, or may not have a fixed address. It is not only difficult for these survivors to apply to the Scheme, it is also hard for them to access any support services to assist them in the process, or help them to engage with Counselling and Psychological Care or DPR, in the event that their application is successful.
- Feedback received from RSS during DPR Immersion Training sessions suggests that the Scheme needs to develop tailored supporting resources for Aboriginal and/or Torres Strait Islander survivors that reflect their unique cultural needs. It is worth exploring how existing DPR resources can reflect cultural needs, and ensure information is available in accessible formats including plain English and easy read information.
- RSS have told the Scheme that for Aboriginal and/or Torres Strait Islander survivors, DPR (as the transformative element of redress) can be the most meaningful component of the Scheme. With what were known as 'Aboriginal Missions, Reserves and Stations'

considered defunct, thought needs to be given on how DPR can still occur for survivors that experienced abuse in these settings. Noting that current Scheme legislation is restrictive, where the responsible institution is a participating government institution and is the funder of last resort for a defunct institution, the applicant is therefore not eligible for a DPR from the participating government institution.

- Lack of institutional capability to adequately cater for Aboriginal and/or Torres Strait Islander survivors' needs in a culturally sensitive way. Institutions need targeted supporting resources to cater for the needs of Aboriginal and/or Torres Strait Islander applicants that appropriately reflect their unique cultural needs.
- The known supply issues and lack of availability of DPR professional facilitators are amplified for applicants with diverse cultural needs. Not all professional facilitators are skilled at catering for the diverse needs of indigenous applicants.
- The Ministers' Redress Scheme Governance Board strategic priorities for 2021 include improving Scheme outcomes in relation to direct personal responses, counselling and psychological care and engagement with specific community groups of survivors, including Indigenous Australians, people with disability and unconnected survivors.
- Address the Report recommendations regarding:
  - Targeted communication strategies to reach Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and people with disability. This is based on strong feedback from those communities and the lower than anticipated participation of some of these communities in the Scheme.
  - Providing more assertive outreach support or assist applicants in the completion of their applications. This should include better access to enhanced front-end financial, legal, psychological, Indigenous and disability support services to minimise trauma and assist survivors to obtain better outcomes.

### **Known barriers and general feedback: Responding to the diverse needs of applicants with disability**

- High prevalence of childhood sexual abuse impacting people with disability and how an applicant's diverse communication needs may prevent an individual from communicating their preferences with respect to DPR.
- Lack of institutional capability in offering DPR in accessible formats, disability awareness and what this might mean for an applicant with disability having their preferences for DPR met.
- The application process can be challenging for people with disability, they may need additional support to understand what DPR is and how the process works. There can be additional challenges for a survivor with disability to commence the DPR process with the institution. For example, institutions with complex call management systems that provide numerous options to a caller to progress to the correct area.
- Applicants with disability would benefit from greater choice of alternate formats for information.
- The DPR Handbook provides some guidance information to assist institutions to support applicants with disability to engage with the DPR process. More detailed information would be beneficial, including how disability advocacy and support services can offer tailored advice to institutions.

- Incorporate best practice guidance into DPR Training for institutions on things like organising accessible events, for example the Australian Human Rights Commission Access for all: Improving accessibility for consumers with disability ([www.humanrights.gov.au/our-work/disability-rights/publications/access-all-improving-accessibility-consumers-disability](http://www.humanrights.gov.au/our-work/disability-rights/publications/access-all-improving-accessibility-consumers-disability)). Refer solution 4.3.
- The Scheme could improve its staffing diversity, particularly the recruitment of Aboriginal and Torres Strait Islander, people with disability, and culturally and linguistically diverse staff to the Scheme.
- The known supply issues in some geographic locations, and lack of availability of DPR professional facilitators are amplified for applicants with disability. Not all professional facilitators are skilled at catering for the diverse needs of applicants with disability.
- Privacy concerns for applicants with disability engaging with the DPR process, for example, where the applicant has high support needs and resides in a supported living arrangement.
- There may be additional costs for institutions in delivering DPR that aligns with the preferences of an applicant with disability. For example, applicants with mobility barriers that are seeking a face-to-face DPR.

### **Known barriers and general feedback: Responding to the needs of Non-government Institutions (NGIs)**

- Institutional responses indicate confusion regarding the survivor-led model where survivors contact institutions to commence DPR arrangements.
- An institution's DPR contact details change as institutional contacts move on to different roles or leave the organisation. NGIs do not always proactively provide new DPR contact details to the Scheme. This creates additional barriers for applicants who do not have the institution's correct DPR contact details, unnecessarily complicating the DPR process for survivors.
- Institutions need a thorough understanding of the DPR process in order to provide meaningful DPRs to applicants. There are varying levels of knowledge, understanding, skills and capacity across NGIs. Further, the matter of institutional role changes mentioned above also has an effect on delivery of DPR, as delays in filling roles or new staff attending training will impact on availability of the institution's DPR representative and the quality of DPRs provided, as new staff undertake required training.
- Noting the lifetime of social and economic disadvantage that is common for survivors of institutional childhood sexual abuse, this presents additional barriers to some applicant's engagement with DPR. For example, some survivors are homeless, creating additional complexity for institutions being able to contact the survivor and organise DPR.
- COVID-19 has presented additional challenges for institutions meeting survivor DPR expectations, for example, where the institution is located in an area that is locked down and survivor preference is for face-to-face DPR.
- Institutions with marginal financial capacity to participate in the Scheme will likely experience financial hardship in paying for a professional DPR facilitator, or offer DPR that aligns with the survivor's expectations. These institutions struggle to offer DPR that requires travel or accommodation, which may not align with the survivor's expectations and preferred type of DPR.
- Some of the older religious institutions have very small numbers of representatives remaining, often the age of these representatives act as a barrier to providing DPR. For

example, where the DPR contact lives in a nursing home with a profound hearing impairment. There may be other related entities that could provide the DPR on behalf of the institution but guidance on how this could work within the scope of the current Scheme legislation, is not available.

- Some of the known barriers for small NGIs include:
  - NGI is run by volunteers, with limited or no IT capability, limiting how the applicant can engage with the NGI to organise the DPR
  - NGI is run by Culturally and Linguistically Diverse (CALD) organisation, with language barriers posing additional complexity for applicants to navigate the DPR process
  - NGIs need tailored guidance material to have conversations with applicants, that do not come across as the NGI deflecting their DPR responsibilities. For example, where limited financial resources mean the institution cannot deliver DPR to the applicant's expectations.

### Action Area 4: Options

To address **Action Area 4**, the Scheme seeks stakeholder feedback on implementing the following options:

**OPTION 4.1: Develop enhanced training and educational resources to support institutions, applicants and professional DPR facilitators to increase engagement with DPR, and enable survivors to experience the meaningful outcomes associated with the restorative engagement process.**

Resources would include:

- Development of nationally consistent training resources with critical input from survivors and stakeholders to build their confidence and understanding of the benefits of a DPR.
- Learning modules that:
  - can be delivered live via virtual face-to-face format, as an essential component of engaging with institutions, supported by comprehensive online materials (eLearning) that enable self-paced learning, and refresher training for institution's DPR representatives.
  - address the need for DPR training that exists throughout the life of the Scheme
  - provide nationally consistent information for each of the states and territories
  - meet the need for easily accessible, flexible learning options that allow for just in time and refresher training and address gaps created by staff turnover
  - complement and enhance opportunities for interpersonal engagement and the inclusion of local and institution specific material at face-to-face training
  - support continuity of service and ensure access to quality training during COVID-19 pandemic restrictions
  - address the intersectionality and diversity of applicant needs including with respect to, for example, disability and cultural and linguistic diversity
  - adhere to Aboriginal and Torres Strait Islander self-determination and include consultation with Indigenous peoples.

**4.1.1 To address specific applicant feedback regarding:**

- The need for more clarity on nominee and support person arrangements.

- General lack of information across RSS and for survivors in relation to the DPR process and DPR formats (i.e. face-to-face, written, memorial), complaints/feedback processes (between survivor and institution), and limited or no understanding of the professional facilitation of DPRs by facilitators.
- A general lack of understanding of what guidance information is given to institutions, what their roles and obligations are to deliver safe and effective DPR under the Scheme.
- Provision of more targeted information to help applicants understand the benefits of engaging in DPR, and this would be factored in to any new Products.

**4.1.2 Specialised restorative engagement expertise to develop improved training and support materials:**

- For NGIs – to provide improved guidance on: the importance of professional facilitation, the pathways to access accredited restorative engagement experts (like the Australian Association for Restorative Justice), the value of DPR for both the applicant and the institution, applicant readiness, participant safety, how institutions can deliver culturally appropriate DPR and respond to an applicant's preferences.
- For DPR professional facilitators – to help them develop an understanding of: how restorative engagement practices apply within the context of the Scheme; the diverse nature of the institutions that have joined the Scheme, and the assistance that professional facilitators can offer to institutions with limited financial resources.

**4.1.3 To ensure resources are user centric, and include co-design with Scheme Stakeholders, development will comply with the Australian Government's best practice Digital Service Standard (applicable to both digital and non-digital options). This approach seeks to ensure that resources are complete, accessible, and reflect the whole survivor experience.**

**Responding to the diverse needs of Aboriginal and Torres Strait Islander applicants**

**OPTION 4.2: An appropriately qualified Indigenous organisation would lead the process to:**

- Identify culturally appropriate support for Aboriginal and Torres Strait Islander applicants, including the most appropriate format for delivery of identified supports that enables self-determination for these applicants.
- Consider the barriers facing Aboriginal and Torres Strait Islander applicants' uptake of DPR in remote localities, and how these differ to the broader barriers faced by first nations people in urban and regional locations.
- Understand available support networks in local communities and the role they can play in assisting indigenous applicants across their applicant journey.
- Identify practical options that are realistically achievable and factor in the needs of both applicant's and institutions, within the scope of Scheme legislation.
- Identify opportunities to utilise existing Scheme services to support indigenous applicants to engage in the DPR process. For example, the current RSS and Counselling and Psychological Care providers and the DPR liaison officer role under **Action Area 2**.
- Identify co-design opportunities and appropriate relationships to ensure that Aboriginal and/or Torres Strait Islander survivors have the opportunity to inform development and testing of any options that aim to improve access and uptake of DPR.

- Ensure that options reflect the needs of Aboriginal and Torres Strait Islander applicants and their right to self-determination, and seek to build cultural awareness with institutions as the starting point for them engaging with applicants in the DPR process.
- 4.2.1 Align identified actions under Option 4.2 with Outcome 14 of the Commonwealth Closing the Gap Implementation Plan, which requires that Trauma-aware and healing-informed approaches must be tailored for diverse Aboriginal and Torres Strait Islander people. This includes ensuring that actions empower these applicants to determine and control their social and emotional wellbeing outcomes.**

#### **Responding to the diverse needs of applicants with disability**

##### **OPTION 4.3 An appropriately qualified organisation would lead the process to:**

- Map the key barriers for applicants with disability engaging in DPR.
- Identify appropriate support for applicants with disability, including the most appropriate accessible formats for delivery of identified supports.
- Understand available advocacy networks for people with disability and the role they can play in assisting these applicants across their applicant journey.
- Identify practical options that are realistically achievable and factor in the needs of both applicant's with disability and institutions, within the scope of Scheme legislation.
- Identify opportunities to utilise existing Scheme services to support applicants with disability to engage in the DPR process. For example, the current RSS and Counselling and Psychological Care providers and the DPR liaison officer role under Action Area 2.
- Identify co-design opportunities and appropriate relationships to ensure that applicants with disability have the opportunity to inform development and testing of any options that aim to improve access and uptake of DPR.
- Ensure that options reflect the diverse needs of applicants with disability and their right to exercise choice and control, and seek to build disability awareness with institutions as the starting point for them engaging with applicants in the DPR process.
- Ensure that supporting information provided to institutions incorporates best practice guidance, on accessibility standards, for example the [Australian Human Rights Commission Access for all: Improving accessibility for consumers with disability \(www.humanrights.gov.au/our-work/disability-rights/publications/access-all-improving-accessibility-consumers-disability\)](http://www.humanrights.gov.au/our-work/disability-rights/publications/access-all-improving-accessibility-consumers-disability).
- Provide practical guidance for institutions to ensure that the DPR process aligns with an applicant's right to autonomy and privacy.

#### **Responding to the needs of Non-government Institutions (NGIs)**

##### **OPTION 4.4 Ensure that the approach identified under Option 4.1 includes resource development for NGIs that includes:**

- Guidance for institutions on best practice contact arrangements to ensure that the institution's DPR Contact mechanisms are user friendly and accessible.
- Specific guidance to help institutions undertake continuity planning for their institution's DPR Contact, including: catering for staff changes, building DPR Training into their organisational on-boarding process and allocating shared mailboxes and phone numbers

as opposed to individuals contact details, thereby reducing ongoing need for changes across the life of the Scheme.

- Supporting discussions with applicants around the benefits of engaging in DPR and how DPR can act a transformative process.
- Support for institutions to manage an applicant’s interaction with the DPR process, where the applicant is homeless or has recently left care.
- Advice on how to factor in COVID-19 related restrictions and limitations on DPR, whilst also aligning with applicant expectations.
- Guidance on options NGLs can consider offering to applicants where financial capacity is limited, or where the DPR contact for the institution has limitations on how they can engage with the process (due to disability, CALD etc.). Complementing this guidance with information on how the institution can have related discussions with applicants without being perceived as disingenuous.

**OPTION 4.5: While this paper explores the needs of Indigenous applicants, and applicants with disability, in some detail, are there measures that should be considered to ensure the diverse needs of other unique applicant cohorts?**

For example, to address known barriers that prevent care leavers, child migrants, Culturally and Linguistically Diverse (CALD), and lesbian, gay, bisexual, transgender, queer and intersex applicants from engaging in a DPR?

**OPTION 4.6: Are there alternate options not considered above under Action Area 5, which are achievable within the scope and intent of the Scheme?**

## Action Area 5

**Ongoing feedback mechanisms to encourage the continuous improvement of DPR**

### Action Area 5: Options

To address **Action Area 5**, the Scheme seeks stakeholder feedback on implementing the following options:

**OPTION 5.1 Introduce professional practice workshops for Redress Support Services, to facilitate sharing of DPR good practice, peer to peer learning and improved oversight and improvement of DPR.**

**OPTION 5.2 Introduce an annual Community of Practice (CoP) forum between key institutional representatives involved with DPR, including representatives from participating government and non-government institutions, to identify and share good practice relating to DPR through peer learning.**

**OPTION 5.3 Continuing to inform the DPR continuous improvement process through the ongoing collection and analysis of key themes of DPR feedback received via:**

- the Inter-jurisdictional Committee
- calls from applicants to the Scheme’s Contact Team
- the Scheme’s Redress Support Services and Counselling and Psychological Care providers
- dedicated complaints mechanisms
- NGI responses to the DPR Annual Reporting process; and
- the types of questions raised by institutions during the DPR Immersion Training.

**OPTION 5.4 Ongoing analysis and synthesis of applicant feedback gained through the dedicated liaison officer role under Option 2.2.**

**OPTION 5.5 Are there alternate options not considered above under Action Area 5 that are achievable within the scope and intent of the Scheme?**

## Action Area 6

### Ongoing Reporting and oversight of DPR by the Scheme’s Inter-jurisdictional Committee (IJC)

#### Action Area 6: Known barriers and general feedback

The Scheme’s available data on DPR is limited beyond the applicant’s acceptance of the DPR component of redress in their Acceptance of Offer document.

Outside of this, the Scheme relies on institutions to report annually, at the end of each financial year, on applicant DPR outcomes, as legislated under the DPR Framework.

The DPR Annual Reporting process asks institutions to advise the Scheme about each DPR request that the institution (or representative if reporting on behalf of a participating group) has received in the previous 12 months. Institutions are specifically asked to report on:

- the applicant’s unique identifier (a numerical string allocated by the Scheme)
- the date the survivor made contact with institution to request DPR
- the date the DPR was completed
- the time between the date the survivor made contact with institution to request DPR, and the date the DPR was completed (calendar days)
- the type of DPR requested
- the type of DPR completed (this could differ to the applicant’s request)
- additional comments and feedback
- the summary of total number of DPRs requested, and total Number of DPRs completed by the institution in the reporting period.

DPR Annual Reporting is a manual process for institutions, impacted by: changes in institutional staff and appropriate handover of DPR information for the reporting period; human error in reporting incorrect applicant identifiers; and the institutions record keeping practices.

Meaningful data on access and uptake on DPR is therefore only available on an annual basis.

For many institutions, particularly those with large numbers of applications, the process is resource intensive and onerous.

## Action Area 6: Options

To address **Action Area 6**, the Scheme seeks stakeholder feedback on implementing the following options:

**OPTION 6.1 Build system enhancements into the Scheme’s existing institutional portal, whereby institutions are required to record updates relating to an applicant’s engagement with the DPR process across the year.**

- These system enhancements will:
  - enable automation of DPR reporting by institutions as it occurs
  - ensure that point in time data is available to the Scheme as needed, including for DPR Annual Reporting requirement
  - improve availability of the evidence base that will be used to inform oversight of DPR outcomes as well as policy settings
  - enable point in time analysis of how an applicant’s acceptance of DPR translates into the DPR process starting, as well as completion.

**6.1.1 Use the automated DPR data identified under Solution 6.1 to build detailed reports that drill down to specific Scheme applicant demographics, for example, uptake by indigenous applicants and applicants with disability, as well as other diverse applicant cohorts.**

**6.1.2 Development of a report combining the DPR data sets, and provision to the Scheme’s Inter-jurisdictional Committee (IJC) on a quarterly basis.**

The quarterly report will include identification of the key themes arising from the data, providing the IJC with improved oversight on DPR related outcomes that enable evaluation of the DPR policy settings and specific areas for improvement.

**OPTION 6.2: Introduce more frequent reporting, utilising current manual reporting processes.**

- In a situation where system enhancements are not possible, consider introducing more frequent, manual reporting:
  - Currently, participating institutions are required to report annually; propose that this be increased to quarterly, to allow the Scheme access to more current data.
  - While this will not provide a system based solution, it will still improve the availability of an evidence base that can be used to inform oversight of DPR outcomes as well as policy settings.

## 6. Attachment A - High level DPR data

The following data is based on information collected annually from participating institutions as required under the *National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018* (the DPR Framework), as part of the DPR Annual Reporting Process.

The numbers represent participating institutions' responses to the DPR Annual Reporting Process for the first three years of the Scheme's operation.

### Data Definitions

- (1) **DPR Accepted** – the number of applicants that have indicated an interest in receiving a DPR in their Acceptance of Offer document.
- (2) **DPR Requested** (per item 17 (a) of the DPR Framework) - applicant has contacted the institution to request a DPR.
- (3) **DPR Completed** (defined as 'given' per item 17 (d) of the DPR Framework) - the institution has completed the DPR with the applicant.

### COVID-19 and the impact on DPR completion rates

There were 50 institutions that opted to provide additional notes with their 2020-21 financial year DPR Annual Reporting Data, noting the impact that COVID-19 had in relation to unpreventable delays, or the inability to complete DPR, for either the applicant, the institution or both.

This was an increase from the 28 institutions that had reported similar for the 2019 – 20 financial year.

It is likely that more institutions were impacted by the restrictions placed on communities as a result of COVID-19, but did not report it given there was no requirement to do so.

Further, many applicants may not reflect the additional difficulties COVID-19 has had on their ability or willingness to progress their DPR in their discussions with institutions. This is likely to be particularly the case for applicants experiencing a worsening in their mental health, as a result of the isolation experienced by many during mandatory lockdowns, and applicant inability to engage with their usual mental health supports and informal support networks.

### Applicant preference – format of DPR

The data shows that an indirect DPR is the main format completed, usually in the form of a written apology, noting that some applicants request a written DPR in addition to an initial face-to-face DPR.

The known barriers and general feedback identified under **Section 5** suggest a range of reasons why an indirect DPR is delivered, including:

- aligns with applicant preference
- applicants are unaware of what other options are available to them
- less confronting for the applicant
- applicants not aware of Scheme based supports (RSS) to assist in the DPR
- provides an enduring symbolic point of acknowledgement for the applicant
- it is the only feasible only option that the institution has been able to provide
- institutions do not feel adequately skilled to deliver a direct DPR, have safety concerns about delivery of a direct DPR, and cannot afford a professional DPR facilitator
- the impact COVID-19 has presented for both applicants and institutions in the completion of a direct (face-to-face) DPR.

## Average number of days to complete DPR

Noting the general increase (across jurisdictions) in the average days taken to complete a DPR, it is likely that a number of factors have contributed to this, including:

- the impact that COVID- 19 has had on applicants being able to access a DPR that aligns with their expectations, therefore delaying the process until they have greater choice on the DPR format
- an increased number of institutions now participating in the Scheme, noting the large number of institutions that joined the Scheme in the lead up to 31 December 2020, and the associated number of applications that could progress
- the known supply issues for professional DPR facilitators and their availability, impacting when the DPR can take place.

## Life of Scheme DPR completion rates

Table 1

DPR completed 2020-21	DPR completed 2019/20	DPR completed 2018/19
188	88	8

## Average number of days to complete DPR

Table 2

State / Territory	2018 - 19 FY	2019 - 20 FY	2020 - 21 FY
National	—	33	57
ACT	56	20	92
NSW	—	73	112
QLD	2	43	100
TAS	68	95	218
VIC	14	69	96
WA	—	58	167
SA	—	49	90

## Type of DPR Completed – 2018 - 2021

Table 3

Face-to-face meeting	Face-to-face meeting & written apology	Face-to-face meeting, written apology & video	Phone call	Phone call and written apology	Virtual face-to-face meeting & written apology	Written apology	Total DPR completed
45	58	1	5	8	2	165	284