



## **GUIDELINES IN RESPONDING TO CIVIL CLAIMS FOR CHILD SEXUAL ABUSE**

When dealing with civil claims related to child sexual abuse, The Congregation Leader shall at all times act honestly, fairly and compassionately by:

- (a) dealing with claims promptly and not causing unnecessary delay in the handling of claims and litigation
- (b) assisting the claimant to identify the correct defendant to respond to the legal proceedings
- (c) facilitating access to records relating to the claimant, subject to considering the privacy entitlements of third parties and documents that are legally professionally privileged
- (d) making an early assessment of:
  - i. The Congregation Leader's prospects of success in defending the proceedings, and
  - ii. The Congregation Leader's potential liability in the claim made against it
- (e) acting consistently in the handling of claims and litigation
- (f) mindful of the potential for litigation to be a traumatic experience for claimants who have suffered sexual abuse, endeavouring to avoid legal proceedings wherever possible or to confine the scope of the proceedings
- (g) paying legitimate claims without litigation
- (h) considering resolving matters without the need for a claimant to take the formal step of filing a statement of claim
- (i) providing information about services and supports available to claimants and considering requests from claimants for counselling, pastoral and psychological care assistance, and other kinds of acknowledgement or redress, including meetings with the Congregation Leader, site visits, etc
- (j) offering, and participating fully and effectively in, alternative dispute resolution processes wherever possible
- (k) if it is not possible to avoid litigation, keeping the costs of litigation to a minimum, including by:
  - i. not requiring the claimant to prove a matter which the Congregation Leader knows to be true or has accepted as true
  - ii. not contesting liability if the Congregation Leader knows that the dispute is only about the amount of compensation



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- iii. monitoring the progress of the litigation and using appropriate methods to resolve the litigation, including alternative dispute resolution, settlement offers and payments into court, and
  - iv. ensuring that arrangements are made so that a person participating in any alternative dispute resolution process or settlement negotiations on behalf of the Congregation Leader can enter into a settlement of the claim or legal proceedings in the course of the process or the negotiations
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- (l) not taking advantage of a claimant who lacks the resources to litigate a legitimate claim
  - (m) if there is a need for expert evidence, co-operating with claimants about choice of expert, to facilitate agreement on the use of a single expert if practicable
  - (n) not undertaking and pursuing appeals unless the Congregation Leader believes that it has reasonable prospects for success
  - (o) apologising if the Congregation Leader is aware that she or her representatives or lawyers have acted wrongfully, improperly or in breach of these guidelines.

### **Contact Details**

For further information please contact Sisters of Mercy Brisbane Congregation Office:

via email      [claims@sombris.org.au](mailto:claims@sombris.org.au)  
via post      Sisters of Mercy, PO Box 287, TOOWONG DC QLD 4066

*These Guidelines were effective 1 January 2016*