

## **Guidelines for the Conduct of Civil Claims**

The State and its Agencies must:

1. Acknowledge the potential for litigation to re-traumatise claimants, and act in a way to minimise this potential.
2. Avoid unnecessarily adversarial conduct and communications.
3. Respond to, conduct and resolve similar claims consistently.
4. Develop trauma-sensitive letters that acknowledge claims and provide information about services and supports available to claimants.
5. Provide early acknowledgement of claims and information about particulars needed to progress the claim, and subject to receiving proper particulars of claim, the estimated time for any necessary historical investigations.
6. Facilitate access to records relating to the claimant and the alleged abuse, subject to other's privacy and legal restrictions.
7. Communicate regularly with claimants on the progress of their matters.
8. Subject to receiving proper particulars of claim, consider facilitating an early settlement and should generally be willing to enter into negotiations to achieve this.
9. Resolve all claims as quickly as possible.
10. Offer alternative forms of acknowledgement or redress, in addition to monetary claims (for example, a written apology, site visits and Direct Personal Responses).
11. Provide a claimant with a selection of suitably qualified counselling and psychological support providers - with experience in the effects of child sexual abuse.
12. Not rely on a claimant's delay or the effluxion of time as a reason why a proceeding should be stayed unless there is a real prospect of unfair prejudice.
13. Not to ordinarily require confidentiality clauses in the terms of settlement. In the event a confidentiality clause is used, it should not restrict a claimant from discussing the circumstances of their claim or their experience of the claims process.
14. Pursue a contribution to any settlement amount from alleged abusers, where possible.
15. In appropriate matters, suggest to claimants a range of potential experts, being both acceptable to the State and providing genuine choice to claimants, and, where appropriate, facilitate agreement on the use of a single expert.

16. Ensure that legal practitioners, acting on behalf of the State of Tasmania, receive training the effect of child sexual abuse on complainants, and in utilising trauma-informed frameworks.