



Assessing frequency

Last review date: October 2021 (new practice guidance)
Approved by: Linda
Owner: General Manager Historic Claims

When considering Historic Claims payment categories and associated guidance, we look to understand a claimant's experience and the seriousness of that experience. This enables us to translate allegations into the payment categories and to be as fair and consistent across claims as possible. Frequency (i.e. the alleged regularity of occurrences of abuse) is an important aspect of this, and one factor that helps us to understand the seriousness of the claimant's reported experience of their time in care or involvement with Child, Youth and Family or its predecessors.

All abuse is unacceptable; both isolated incidents as well as abuse that occurs with higher regularity. The categorisation of frequency is not intended to minimise a person's experience, but rather to support us to apply an objective, consistent and fair approach across claims when considering frequency of alleged abuse.

Frequency levels

There are three levels of frequency relating to how often abuse was alleged to have occurred.

- Acute/Infrequent abuse: Refers to one-off incidents, or other infrequent, low instances and more variable abuse, to the level described (low, moderate or serious). This is days or weeks / months, not years. Where abuse is unspecified it could default as low.
- Frequent/repeated abuse: Refers to abuse that has a pattern of regularity to it, recurrent but not to the level of chronic or prolonged. This can be a high number of months, to several years.
- Chronic/prolonged abuse: Refers to persisting, repetitive or recurring, long-lasting abuse, to the level described (low, moderate or serious). This is a number of years.

Referring solely to a time period does not necessarily reflect the seriousness of the experience in terms of how often abuse is alleged to have occurred during this period. This practice guidance supports us to approach frequency considering both the length of the time period and how often the alleged abuse occurred during the time period. Where ambiguity exists, particularly where it may have a material impact on the outcome of a claim, it is important that we provide opportunity for claimants to clarify their experience.

How frequency may be described by claimants

There are two main ways frequency of alleged abuse is expressed to us by claimants:

- Through a count (e.g. "twice", "five times", "only once")
- Through describing language (e.g. "happened regularly", "every day", "often", "multiple times", "sometimes")

When describing language is used, it is important to factor in the duration of their placement to assess frequency.

"I was regularly beaten for wetting my bed while living with Mr and Mrs X¹". Consider how long the claimant lived with Mr and Mrs X. While the alleged abuse might have happened frequently in that placement, it might not be considered frequent for the purpose of our model when we consider the relative context of their childhood or time in care (e.g. length of placement). The payment framework translates the frequency in the context of their time in care; a higher regularity of abuse over a longer time results in a more significant abuse experience (in relation to frequency). Note that this does not change the abuse *severity*, only the *frequency*.

"I was hit every day, and told I would never amount to anything...an unwanted brat...while I stayed at the Family Home". Consider how long the claimant stayed at the Family Home. There is a difference between being physically abused every day for two weeks vs every day for eight years. We can immediately recognise that these are substantially different experiences. Although the regularity of abuse within each placement was the same, the first scenario would be considered infrequent abuse and the second scenario would be considered chronic abuse, due to the length of the experience.

Examples
<ul style="list-style-type: none">• Regularly abused (placement duration was two months) is frequent <i>in that placement</i> but infrequent in the relative context of their care experience.• Occasionally abused (placement duration was five years) is infrequent <i>in that placement</i> though it could be infrequent or frequent depending on whether it was consistently 'occasional' over that period or on one or two occasions.• Abused every day (placement duration was two weeks) is chronic <i>in that placement</i> but infrequent in the relative context of their care experience.

When a claimant uses a count of incidents to express frequency of abuse, judgement will be required. Low numbers could be considered to be infrequent, noting that a claimant is more likely to revert to describing words when the times they were abused was high (e.g. a claimant is unlikely to say "27 times"; instead they are likely to say "multiple" or "a lot" of times).

The table below starts with the language that may be used (on the left-hand column) and considers the frequency indicated in that specific placement, then the duration of the placement is overlaid to understand how frequency should be determined for our model. To reiterate; it may appear frequent *in that placement* but if the placement duration is

¹ These are fictional examples. For the purpose of this practice guidance, surnames of either fictional claimants or alleged perpetrators are not used to prevent a person from incorrectly identifying themselves in drafted examples in the event they coincidentally share the same name.

short, then it becomes infrequent in terms of how the payment framework is constructed.

Guidance for identifying frequency of abuse in the context of care experience							
LANGUAGE USED	FREQUENCY IN THE PLACEMENT		DURATION OF PLACEMENT				
			Low duration (i.e. days/weeks)	→			High duration (i.e. a high number of years)
Once, sometimes, at times	Acute, Infrequent	→	Infrequent	Infrequent	Infrequent	Infrequent/Frequent	Infrequent/Frequent
Regularly, multiple times	Frequent, repeated	→	Infrequent	Infrequent	Infrequent/Frequent	Frequent	Chronic
All the time, every day, always	Prolonged, chronic	→	Infrequent	Infrequent/Frequent	Frequent	Chronic	Chronic

Note: This table provides a visual tool to support Claims Assessors to understand the concept of frequency of abuse in the context of care. It does not prescribe outcomes, but supports us to understand how frequency is considered in assessment.

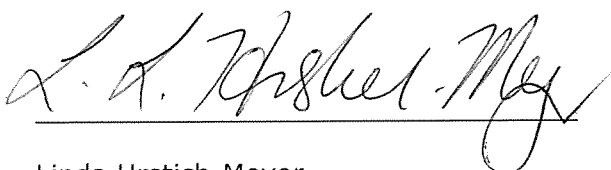
Where there are two options in the box, that is to allow for the specifics of the allegations to be taken into account. After careful consideration, if on balance the allegation could fall into either frequency category because it potentially straddles two definitions, generally it will be appropriate to select the more frequent definition.

The severity of the allegation is also factored in separately to frequency, and therefore the frequency definition on its own does not solely determine the seriousness of the experience.

If frequency is unknown, and the context does not provide a reasonable basis to determine frequency and may have a material impact on the outcome of a claim, consider whether seeking further clarification about this from the claimant would assist.

Determining frequency in this way is not a judgement of the impact of abuse on a claimant. Rather, assessing frequency by considering both the length of placement as well as the regularity of the alleged abuse during this placement supports us to be objective, consistent and fair in our response to claimants.

Approve practice guidance – Assessing frequency



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Approve/Decline
26.10.2021

Date