



Duplicate Allegations

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

This practice guidance supports us to understand how we recognise different experiences and allegations that happen in the same placement or by the same alleged perpetrator. This might be over different stays at the same placement or different types of abuse in that placement. The focus in managing duplicate allegations is to record the concern as accurately as possible, without making assumptions that either minimise nor elevate the claimant's reported experience.

We remain mindful of the difficulties in memory that can exist given the length of time that has often passed for some claimants since their time in care, resulting in specific incidents not being recalled. Additionally, we recognise the dynamic that abuse can be underreported, and barriers may exist that prevent claimants from disclosing some abuse experiences. Where ambiguity exists, particularly where it may have a material impact on the outcome of claim, it is important that we provide opportunity for claimants to clarify their experience so far as they wish to.

Duplicate placement type

It is not unusual for claimants to have multiple placements at the same Family Home, Care and Protection Residence, Youth Justice Residence or other type of placement. In their description of their care experience, claimants may group experiences by placement rather than by individual incidents.

For a claimant placed in Epuni Boys' Home on three separate occasions, they may say "while I was at Epuni, each time I was given an initiation beating". In this example, where the claimant has alleged an initiation beating on *each* occasion of the three stays, although we could group this as one allegation relating to initiation beatings, this has the potential to disadvantage those placed three times in the *same* residence, when compared with a claimant placed in three *different* residences. Given the specificity provided that this occurred at each Epuni placement, these should be considered as three initiation beatings (and no different than if the claimant made an allegation of an initiation beating at three *different* residences). Our focus is on understanding the care experience and reported incidents. The way in which this is reflected in an assessment may differ, though what is important is that the allegation outcome is able to be translated appropriately into any payment rationale.

Where a claimant had multiple admissions to the same placement and hasn't specified during which the abuse occurred, then we cannot assume that it occurred at each admission. In those instances, and where we are unable to ascertain further information from a claimant, this should be treated as one allegation. Where we cannot reach an understanding of which placement the abuse allegation relates to, select one placement to reflect the abuse in, taking care not to either over or underrepresent the alleged abuse (e.g. if a claimant has alleged regular, moderate physical abuse at Epuni during one placement, quantum will be affected by selecting a seven day placement as opposed to a six month placement). Where multiple instances of abuse at a placement is alleged (irrespective of whether the claimant cannot recall specific instances) then these should be assessed as such.

Duplicate abuse type

When a claimant alleges that they experienced more than one abuse *type* in a placement these are identified as separate abuse allegations. A claimant may allege that they were physically and emotionally abused by their foster mother. In this example, we respond to two allegations; physical and emotional abuse.

On the other hand, where more than one abuse type is present *within* an allegation, these will generally be addressed as one allegation, focussed on the primary issue with the other abuse type/s making up the contextual part of the recorded allegation. For further information, please see "*Practice guidance - How to identify and write an allegation*".

Mix of abuse severity

Generally, an allegation of physical abuse is described and categorised as one type of severity; low, moderate, or serious. Where the claimant alleges different severity for the same abuse type, care needs to be taken to how we respond. The following examples provide guidance about how to respond to allegations which have a mix of abuse severity within an allegation.

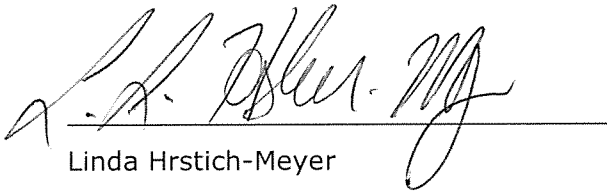
- Where abuse is described without specific incidents and covers a mix of alleged abuse (e.g. "*Over a 12 month placement I was regularly slapped, pushed, smacked and sometimes punched*"), it is appropriate to categorise these as two distinct severity levels (frequent, low level physical abuse and infrequent, moderate level physical abuse).
- If the claimant alleges being regularly slapped and shoved during a placement (i.e. low-level physical abuse), and states that on one occasion he was seriously physically assaulted with a weapon resulting in hospitalisation (serious physical abuse) it would be appropriate to record two separate allegations to allow for severity to be reflected. It also reflects more accurately the nature of their experience; not all low level abuse, and not all serious abuse.
- It is not unusual for a claimant's description of a singular abuse incident to include layers of severity, such as "*he pushed and shoved me, and then hit me so hard my head hit the wall and I got knocked out*". Though multiple severity levels are noted in this example, the incident in and of itself is responded to as one serious physical abuse allegation.

Multiple allegations about the same perpetrator

Where a range of examples of the same abuse type and severity are noted by the claimant, it is not necessary to detail each incident of abuse (e.g. *"one day, Mr Jones grabbed me by the scruff of the neck.....then about a month later he shoved me into a wall. Nothing happened for awhile, and then he started doing it basically every time he was drunk which started to be every day....this went on for months"*). These allegations can be grouped together (in this situation as *"frequent, low level physical abuse"*), as the frequency allows for the repetitive nature of the abuse to be reflected.

Approve Practice guidance – Duplicate Allegations

Approve/Decline



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26.10.2021
Date