knowmore
free legal help for survivors

Submission to the Joint Select Committee

Inquiry into the implementation of the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

August 2018

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1. Introduction

knowmore welcomes the establishment of the current Joint Select Committee and its role in providing oversight of the implementation of the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is of vital importance that the Royal Commission's recommendations are implemented in a timely way and in the manner outlined by the Commission, given the courage and expectations of the thousands of survivors who came forward to share their experiences and to inform the Commission's deliberations. In implementing those recommendations, the Australian, State and Territory Governments have a unique opportunity to ensure that the errors of the past are not replicated.

Our service has always strongly supported the establishment of a national, independent redress scheme as essential in supporting survivors of institutional child sexual abuse in seeking justice for their experiences and in holding responsible institutions accountable. We commend the Australian Parliament for establishing the National Redress Scheme (the NRS).

Obviously, with the NRS commencing on 1 July 2018 we are in the early stages of the scheme's operation. While applications have been lodged with the NRS, we are yet to see outcomes and any trends around how, for example, aspects of the scheme are operating such as how determinations are made.

For those reasons, our present submission is limited in its nature; as in many areas we are not yet in possession of sufficient information to support detailed commentary about how important aspects of the NRS are operating in practice. We would welcome any opportunity to supplement this submission as such information becomes available.

Accordingly, at this stage our submission addresses issues relating to the design of the NRS, and only some limited aspects of its current operation. In that respect, the issues of concern to us around the design of the scheme generally relate to departures in that design from the detail and intent of the relevant recommendations of the Royal Commission. We have addressed these departures in our two previous submissions to the Senate Standing Committee on Community Affairs (**the Senate Committee**); first in response to its inquiry into the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and related Bill (**the 2017 Bills**); and secondly in response to its subsequent inquiry into the amended National Bills (**the 2018 Bills)**.

knowmore's submission dated 2 February 2018 (**the February Submission**)[1] addressed concerns relating to the 2017 Bills, which were further explained by knowmore's Executive Officer before the public hearing of the Committee in Canberra on 16 February 2018.

[1] Submission number 31 to the Senate Committee's inquiry into the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and related Bill.

The second submission was dated 31 May 2018 (**the May Submission**) and addressed the drafting changes proposed by the 2018 Bills.[2]

Our present submission will not repeat the detail supporting the views previously raised in our abovementioned submissions. Where the issues identified with the design of the NRS in those submissions have not been addressed in the current legislation and supporting instruments, we reiterate that those concerns remain alive and our position as set out in those submissions remains unchanged.

We thank the Joint Select Committee for the opportunity to provide our comments and welcome any opportunity to provide further information that may assist this Committee in its important work.

knowmore has no concerns about the publication of this submission.

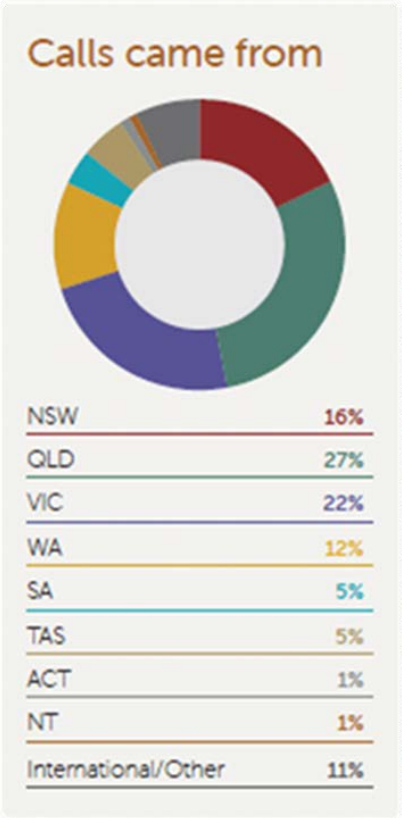
[2] Submission number 20 to the Senate Committee's inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and related Bill.

2. Background information

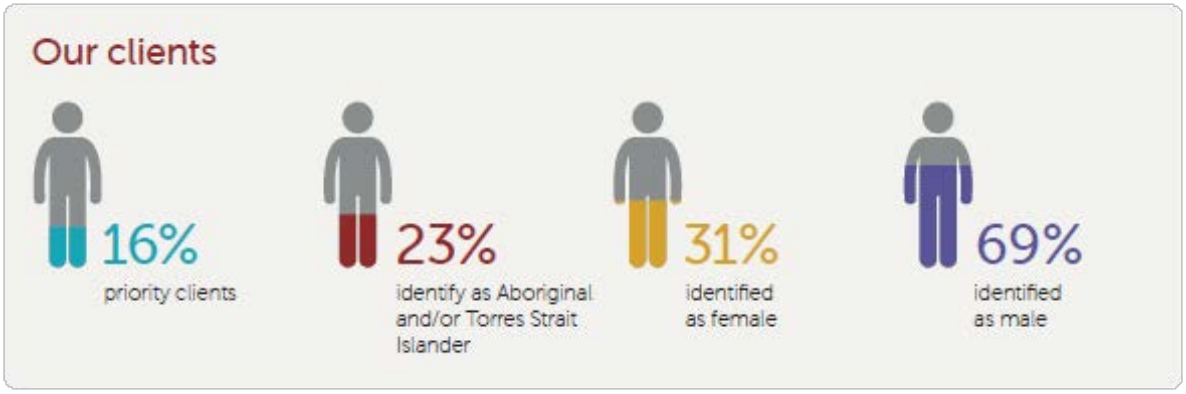
As set out in the May submission, knowmore has received funding of $37.9 million over three years to provide legal support services to assist survivors of institutional child sexual abuse to access the NRS. knowmore's role includes helping survivors by providing information and advice about the options available to them, including claims under the redress scheme, access to compensation through other schemes or common law rights and claims. Advice is also to be provided on key steps in the redress process. These key stages have been identified as:

a) Prior to lodging the application, so survivors understand eligibility requirements and the application process of the Redress Scheme and their legal options;
b) During completion of a survivor's application;
c) After a survivor has received an offer of redress or refusal and elects to seek an internal review; and
d) On the effect of signing a deed of release, including its impact on the prospect of future litigation.

On Monday 2 July 2018 knowmore commenced providing these services.[3] Below is a snapshot of knowmore's service delivery data for the period to 23 August 2018.



[3] To date we have only assisted survivors at stages a) and b) above.



Priority clients are those identified during our intake processes as clients presenting with circumstances such as:

- a diagnosis of cancer;
- other life-threatening illnesses;
- where the caller identifies serious mental health issues such as recent suicide attempts; or
- advanced age.

Given the provisions in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act) around the death of a person after making a completed claim[4] and the inability to bring a claim on behalf of a survivor who has died, it is important to identify these priority matters and to allocate those clients for urgent assistance.

3. The implementation of the scheme and its operation

Across the initial weeks that the NRS has been operational, knowmore has accumulated some information from our work with our clients that provides insight into some aspects of the scheme's implementation and where improvements might be considered.

Before outlining those areas, we would like to acknowledge the open and frank conversations which are taking place at regular meetings between our service and senior representatives of the Departments of Social Services and Human Services and other service providers. These meetings have become important forums for the sharing of information and for explanations of policy. Important practice updates are also provided during these meetings. Further, we acknowledge the extremely tight timeframes that surrounded the passage of the Act and the subordinate legislation and the inevitable impact of that upon the initial implementation of the scheme.

[4] Part 3-1, Division 2 of the Act

The initial areas identified by knowmore where the scheme might be improved in its operation are:

a. Power to Request information from the applicant

We addressed these provisions in our May submission. The relevant provisions allow the Operator to request additional information from the applicant. If an applicant fails to provide such information, the Operator is not required to make a determination.[5] We have not yet seen any such requests made to our survivor clients, and we would hope that in accordance with the intent of the scheme that an overly cautious approach will not be taken by the Operator in deciding whether to proceed to determine applications on the material submitted, or to hold off and request additional material.

However, we are concerned as to the possible application of these provisions in practice, given the comparatively high numbers of clients that we have been assisting to date who are of advanced age and/or have life-threatening illnesses. knowmore is encouraging these clients, where they have decided to apply, to progress their applications as quickly as possible, given their circumstances. We are concerned that the numbers of such priority clients raises the possibility that should requests for additional information be made and the client is unable because of their illness to provide the information sought, or the client has since died, that their application will not proceed to a determination and will be regarded as an 'incomplete' application for the purposes of the Act, effectively denying the opportunity for the redress payment to pass to the beneficiaries of a deceased survivor.

knowmore submits the situation could be remedied by amending the legislation to provide the Operator with a discretion to proceed with the determination of an application in the absence of the information sought, as we suggested in our May submission. In practice, such a discretion should be exercised wherever possible to proceed to determine applications on the basis of material submitted where the Operator has assessed the matter as a priority case.

b. The assessment framework

Section 5 of the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* (**the Framework**) sets out how the amount of a redress payment for an applicant is to be arrived at. Note 1 to section 5 provides that:

> *"Only one item of the table can be relevant to a person. This is because an item covers all relevant sexual abuse of the person."*

[5] Section 26(1)

It has been the experience of knowmore to date that many clients struggle with the terminology used in Note 1. knowmore submits that Note 1 could be rephrased as to be more trauma informed and helpful. For example, the Note could be worded:

> *Note 1: When nominating the kind of abuse experienced under Column 1, the applicant must only nominate one type of abuse. This is because the item nominated will cover all relevant sexual abuse of the person.*

Further to this, knowmore recommends greater flexibility in determining the amount of redress payments according to the columns set out in part 5 (1) of the Framework.

Currently the 'recognition of impact of sexual abuse' in column 3 has varying fixed amounts derived directly from only one element of abuse, being the type of abuse (i.e. whether it was penetrative, contact or exposure.) knowmore submits the fixed categorisation of the impacts for these forms of abuse does not take into account other relevant elements of abuse which affect impact, in particular duration and frequency.

Additional elements which affect the impact of sexual abuse on a person were explored in the Royal Commission's findings, in Volume 3 of its Final Report:

"For many survivors we heard from, the impacts of sexual abuse are experienced as cumulative harm, resulting from multiple episodes of sexual abuse and other types of child maltreatment over prolonged periods.

During this inquiry, we heard from many survivors who were sexually abused in residential institutions – including orphanages, homes, missions and detention centres – and whose adverse life experiences before, during and following the abuse compounded its negative effects. For some, their vulnerability to sexual abuse and its adverse impacts was heightened by their loss of connection to family, culture and country. We heard that Aboriginal and Torres Strait Islander survivors have faced a heavier burden of cumulative harm due to a range of historical and contemporary factors. We also heard that because children with disability can face additional barriers to disclosure of child sexual abuse, they are vulnerable to further abuse and therefore cumulative harm.

Many complex and interconnected factors can influence the way that victims are affected by child sexual abuse. While no single factor can accurately predict how a victim will respond, some factors appear to influence either the severity or type of impacts they experience. These factors include:

- *the characteristics of the abuse (such as the type, duration and frequency)*
- *the relationship of the perpetrator to the child*
- *the social, historical and institutional contexts of the abuse*

- *the victim's circumstances, experiences and characteristics (such as age, gender, disability, prior maltreatment, and experiences with disclosing the abuse)."*[6]

In addition the Royal Commission found institutional responses to be a relevant factor in determining impact of the abuse on an individual.[7]

It is also our experience that many of our clients were affected according not only to the type of abuse experienced, but the frequency, duration, other co-existing forms of abuse and the factors outlined above.

We acknowledge the current matrix recognises institutional vulnerability as a factor in awarding redress; however, we believe the scheme should have further flexibility in categorising severity of impact. We agree with the Royal Commission's conclusion that there should be *"… capacity to recognise individual experiences in each of the factors under the matrix, particularly in severity of impact."*[8]

knowmore submits column 3 should be changed to reflect a minimum amount and have the flexibility to be up to $20,000, regardless of the type of abuse in column 1.

c. *People in gaol – special circumstances – review provisions*

Section 63 of the Act provides for 'special assessment' procedures to be adopted in situations where the applicant has been:

"sentenced to imprisonment for 5 years or longer for an offence against a law of the Commonwealth, a State, a Territory or a foreign country."

Section 63(2) provides that such a person will not be "*entitled"* to redress unless there is in force a declaration by the Operator under Section 63(5) that providing redress to the person would not *"bring the scheme into disrepute or adversely affect public confidence in, or support for, the scheme."*

We are assisting some survivors facing this special assessment process. These matters have not yet proceeded to a determination by the Operator as to eligibility. However, we remain concerned that there is no right in the legislation to review any such declaration which is adverse to an applicant. We explained these concerns in our May submission.[9]

Sections 29 and 73 of the Act set out the review procedures in relation to applications which have been approved or not approved. The provisions in relation to review do not apply when a declaration is made about 'entitlement' to apply for redress. knowmore submits such an

[6] Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Impacts, Volume 3, p. 9

[7] *Ibid*, at p.11

[8] Royal Commission into Institutional Responses to Child Sexual Abuse, Redress and Civil Litigation Report at p. 234

[9] At pp. 7-8

omission is to deny procedural fairness to people who find themselves in this situation. Given that applications from relevant survivors are now progressing, this omission needs to be addressed as a matter of some urgency.

d. Revocation

Section 29(4) of the Act provides that the Rules may allow the Operator to revoke a determination which has been made. We raised concerns about this provision in our May submission,[10] noting that the Rules (the content of which was then unknown) may make provision to require or permit the Operator to revoke a determination. Section 17 of the Rules does provide details of the circumstances when a determination "may" be revoked (where information is received that was not available at the time of making the determination) and where it "must" be revoked (under section 74 of the Rules where a payment for the abuse by an institution has been ordered by a court). Sections 38 and 39 also provide for revocation in circumstances involving security notices.

Section 29 and 73 of the Act do not make any provision for the review of a decision to revoke a determination once made.

Again, knowmore submits such an omission is to deny affected people procedural fairness.

e. Disclosure of protected information to the responsible institution

Section 92(2) of the Act defines 'protected information' as being:

(a) information about a person or institution that
- *i. was provided to, or obtained by, an officer of the scheme for the purposes of the scheme; and*
- *ii. is or was held in the records of the Department or the Human Services Department; or*

(b) information to the effect that there is no information about a person or an institution held in the records of a Department referred to in subparagraph (a)(ii)."

The redress application form advises on page 5 that information from Parts 1, 2 and 3 will be shared with the responsible institution/s. Under Section 41(1) of the Act written notice of the offer is also to be forwarded to the responsible institution/s.

knowmore notes sections 37, 105(1) and (6) of the Act provide that certain documents created for redress (for example the application and attached documentation) and 'protected

[10] At p. 5

information' cannot be used in evidence in civil proceedings in a court or tribunal. This is a use indemnity, rather than a derivative use indemnity.

Accordingly, there is a serious concern that should an applicant for redress,

i. after information has been provided to the responsible institution/s, decide to withdraw their application; or
ii. decide not to accept the offer of redress,

but in turn decide to proceed with civil litigation, that the institution will have information which in other circumstances it would not have had, or had at that time. The institution's access to this information may seriously impact the survivor's rights in bringing a civil claim against the responsible institution.

Further consideration needs to be given to this issue.

knowmore submits that applicants should also be given a choice in the application form to consent (or not) to the information about impact (Part 3) being provided to the responsible institution/s. Providing the information about the impact of abuse to institutions will not assist in reviewing their records for dates and individuals involved. We have difficulty in understanding how access to such material would advance an institution's consideration of disciplinary action (an example often quoted as justification for compelling the disclosure of this material to the institution). Disciplinary action will only be an outcome in a limited number of cases. If thought relevant, other avenues exist to engage with the survivor for the purpose of obtaining such evidence.

The Committee will be aware of concerns that have been aired already in the media by some survivors and support services about the disclosure to institutions of this information. While knowmore understands these concerns and supports them, we are of the view that they are best addressed through affording choice to the applicant survivor about whether this information should be disclosed. We have worked with some survivors who were strongly of a wish to ensure that the institution responsible for their abuse knew the full details of the adverse impacts upon those survivors' lives.

These concerns could be addressed if the application form included a separate consent form, seeking specific consent from the applicant to the sharing of information regarding the impact of the abuse.

An alternate approach could be to forward the applicant's details (name/s and date of birth), to the relevant institution first, so that the institution would be able to respond with whatever information it had about the applicant. This may avoid the need for the applicant to go through the additional trauma of recounting their abuse (for instance, in matters where there has already been a relevant prior payment made by the institution to the survivor). If the institution was unable to substantially respond due to a lack of records, the scheme, with the

applicant's specific consent, could provide further details of the abuse to the institution. This would facilitate the institution's review of their records while ensuring the applicant's well-being had been considered in the process.

f. Review of a determination

Section 75(2) of the Act provides:

> *(2) The person reviewing the original determination must:*
>
> *(a) Reconsider the determination; and*
>
> *(b) make a determination (the **review determination**) doing one of the following:*
>
> *(i) affirming the original determination;*
>
> *(ii) varying the original determination;*
>
> *(iii) setting the original determination aside and substituting a new determination."*

This means that an applicant for redress who requests a review, may in fact be in a worse situation after the review has taken place. As the review is internal and essentially done 'on the papers', there is no opportunity for the survivor to be given an indication of a possible adverse outcome and afforded the opportunity to withdraw their review. This is the usual position in, for example, the hearing of sentence appeals, where in determining an appeal against the severity of sentence a court would ordinarily indicate its intention to increase the sentence should the appeal proceed to judgment, effectively allowing the appellant the opportunity to withdraw and avoid that adverse outcome.

The Royal Commission noted in its report that *"*{R}*edress scheme processes, and the way in which the scheme is administered, must be sensitive, transparent and survivor centred so that they minimise any risk of re-traumatisation and maximise the benefit of redress."*[11]

Given that this legislation is beneficial legislation, knowmore submits that the Rules should be amended to the effect that anyone who requests a review will not be in a worse situation after making that request if the independent decision maker decides that the redress payment offered was in fact higher than that which he or she considers should be awarded upon review. It will inevitably be extremely distressing for a survivor, who already perceives their offer of redress to be inadequate, to learn upon review that it has been further reduced. The Operator of the scheme should bear the onus of getting determinations right in the first instance and should carry the consequences in the expected very small number of cases where there is an error on quantum made in favour of a survivor.

[11] Royal Commission into Institutional Responses to Child Sexual Abuse, Redress and Civil Litigation Report, at p. 269

g. Who is participating in the scheme

i. Barriers to participation

knowmore is concerned that the legislative framework does not go far enough to encourage non-government institutions to opt in. We note some institutions such as the Catholic Church, Scouts Australia, the Anglican Church, Uniting Church, Salvation Army, YMCA, Barnardos, Jewish Care and Yeshiva have announced their intention to join the Scheme.

The pre-requisite that to be a participating institution there must be reasonable grounds to expect that an institution will be able to meet their liabilities under the Act has added to existing uncertainty about which institutions will ultimately join the Scheme. While various non-government institutions have publicly announced their support for the Scheme, it is not public knowledge as to whether those institutions will be able to meet their financial obligations under the Scheme.

It is possible some non-government institutions will not be able to meet the requirements to join the Scheme. This information may be unknown to survivors of abuse committed within those institutions. In this situation, survivors may be required to wait up to two years (the deadline under the Act for institutions to opt-in)[12] before knowing whether or not they can apply for redress.

We acknowledge that the requirement serves a legitimate purpose – to ensure that the Australian Government receives the necessary funding contributions to make monetary payments. We are supportive of the position taken in the Explanatory Statement, that the Minister can be satisfied if another institution agrees to provide sufficient financial assistance.

We submit that it would be beneficial for survivors if there is an open dialogue between non-government institutions and the Minister about what evidence is needed to satisfy the Minister under this section and any alternative arrangements that could be made to facilitate participation, and transparency around the outcomes, so that survivors can be made aware, for example, that an institution is not participating in the scheme as it is unable to satisfy this requirement.

iii. Measures to encourage participation

It is concerning that there are some institutions who have not yet given any indication about whether or not they will be joining the Scheme. For example, we know of no indication as to whether the Jehovah's Witness institution intends to participate in the scheme or not. Any ultimate decision by this institution not to participate would be very concerning to our client group, particularly in light of the finding made by the Royal Commission that it did *" … not*

[12] Section 115(4)(a).

consider the Jehovah's Witness organisation to be an organisation which responds adequately to child sexual abuse".[13]

The Royal Commission also found:

> *"The organisation's internal disciplinary system for addressing complaints of child sexual abuse is not child or survivor focused in that it is presided over by males and offers a survivor little or no choice about how their complaint is addressed.*
>
> *The organisation relies on outdated policies and practices to respond to allegations of child sexual abuse. Also, those policies and practices are not subject to ongoing and continuous review. The policies and practices are, by and large, wholly inappropriate and unsuitable for application in cases of child sexual abuse. The organisation's retention and continued application of policies such as the two-witness rule in cases of child sexual abuse shows a serious lack of understanding of the nature of child sexual abuse."*[14]

These findings reflect that at the time of the Commission reporting the internal avenues for redress within the Jehovah's Witness organisation were inadequate, and illustrate the importance of an inclusive National Redress Scheme accessible by survivors of abuse for which this institution is responsible.

knowmore is highly supportive of the steps taken so far by State and Territory governments to influence non-government institutions to join the scheme, and we commend the actions of those that have announced their intent to do so and which have followed up such announcements with positive action. However, knowmore is of the view that the current legislative framework could be amended to further and appropriately encourage participation by non-government institutions.

We support the following:

- Participation in the scheme to be part of any decision-making matrix of whether an organisation is a child-safe organisation. This measure was considered by the Senate Committee in its Report into the 2017 Bill.[15]
- The appropriateness of government funding, contracts or financial concessions being provided to non-government institutions that are delivering child-related services, but do not participate in the Scheme.[16]

[13] Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 29* (2016), at p. 77

[14] Ibid.

[15] Senate Community Affairs Legislation Committee, Commonwealth Redress Scheme for Institutional Child Sex Abuse Bill 2017, Report (2018), at p. 17

[16] Ibid.

4. Addressing the extent to which the redress scheme is consistent with the redress related recommendations of the Royal Commission

knowmore relies on its prior submissions in relation to the departures from the recommendations of the Royal Commission in the design of the NRS, including (but not solely) in relation to the following issues:

a. *the cap of $150,000 and non-indexing of the cap over the life of the scheme*
b. *requirement of being an Australian citizen or a permanent resident*
c. *person in gaol not being able to make an application unless there are special circumstances*
d. *requirement of a statutory declaration*
e. *period of acceptance of six months*
f. *counselling component*
g. *funder of last resort arangements*

knowmore takes this opportunity to provide further submissions in relation to the extent to which the counselling component of redress has changed from the recommendations of the Royal Commission.

The counselling component of redress under the scheme consists of access to counselling and psychological services, which are delivered either through a direct payment or through state and territory based services.

The method of how this redress is delivered is based solely on where the person lives. If a person entitled to redress does not live in a participating jurisdiction, that is, a declared provider of the services under the Scheme, then they are paid a counselling and psychological services payment. This payment, in accordance with the Rules, must be paid as a lump sum value into the applicant's bank account; the value of which is based under the Framework on the kind of sexual abuse suffered by the person ($5,000 for penetrative abuse, $2,500 for contact abuse and $1,250 for exposure abuse).

A concern remains as to the inadequacy of the support that is available under the Scheme. The Royal Commission Recommendation 11(c) provides that in the administration of such support:

> *Redress should fund counselling and psychological care as needed by survivors rather than providing a lump sum payment to survivors for their future counselling and psychological care needs.*

This recommendation clearly aligns with the Commission's findings in Volume 3 of the Final Report; that no single factor can accurately predict how a victim will respond but rather there are many complex and interconnected factors that can impact the way the victim is affected by the child sexual abuse. The Commission in its findings provided that these factors can

include the characteristics of the abuse (such as type, duration and frequency); the relationship of the perpetrator to the child; the social, historical and institutional contexts of the abuse; and the victim's circumstances, experiences and characteristics. Supported in these findings is how the type of abuse suffered comprises one of the many factors that may influence the impact the child sexual abuse may have on a person and subsequently the level of counselling and psychological care they may require.

Furthermore, the Royal Commission recommended that counselling should be provided in accordance with the principle that counselling and psychological care should be available throughout the survivor's life and that "there should be no fixed limits on the counselling and psychological care provided to a survivor". The fixed limits on the amount of care that can be received under the Scheme, which are capped at $5,000 and will obviously often be less, are insufficient to enable survivors to access sufficient and adequate support throughout their lives where that is necessary.

The current Framework for determining the amount of the counselling and psychological services payment is inconsistent with the Royal Commission's recommendations and inadequate in determining the level of support required and the monetary value for a particular individual. We note that the Royal Commission's Recommendation 16 provides a matrix for assessing and determining monetary payments that has regards to the severity of abuse, the impact of the abuse and additional elements.

Our second concern with the counselling and psychological services component of the scheme is the potential removal of the support for an existing therapeutic relationship to continue. The Royal Commission Recommendation 66 provides that:

> *… the scheme should fund counselling provided by a therapist of the applicant's choice if it is specifically requested by the applicant and in circumstances where the applicant has an established relationship with the therapist and the cost is reasonably comparable to the cost the redress scheme is paying for these service generally.*

We note that this was previously supported in the 2017 draft bill, which expressly provided that one of the three general principles guiding counselling and psychological services was that *"[s]urvivors should be supported to maintain existing therapeutic relationships to ensure continuity of care."*

We also note that the Royal Commission recommendation that the scheme should offer and fund a limited number of counselling sessions for the survivor's family members, if reasonably required, has not been adopted.

We remain of the view that the provision of counselling should be aligned to the Commission's well-founded recommendations.

5. Review of the scheme

Section 192(1) of the Act provides that the NRS will be reviewed as soon as possible after the second anniversary of the scheme's start day or at a date specified in the Rules, where this is done before the second anniversary and specifies a date after the second anniversary.

Section 192(2) of the Act specifies that the review must include consideration of a number of factors, including:

- the extent to which the States, participating Territories and non-government institutions have opted into the scheme, including key facilitators and barriers to opting in (Act, s 192(2)(a));
- redress payments (Act, s 192 (2)(e));
- access to counselling and psychological services under the scheme (Act, s 192(2)(f));
- the operation of the funder of last resort provisions (Act, s 192(2)(k)); and
- the impact and effectiveness of section 37 (which is about the admissibility of certain documents in evidence in civil proceedings) (Act, s 192(2)(n)),

knowmore supports the intent to conduct a thorough review of the NRS at a relatively early stage of its life, when sufficient data and information is available to properly inform such a review. To a large extent the NRS is embarking on uncharted territory as the largest scheme of this nature ever implemented in the world, and inevitably issues and improvements will be identified as it unfolds. We expect it will be preferable to start this review before the second anniversary.

We have identified above some issues that we consider require urgent attention, such as the impact and effectiveness of section 37. These issues require attention ahead of the second year anniversary of the scheme start date and this comprehensive review – they should be actioned as soon as possible.