



PROCEDURES

FOR COMPLAINTS OF

SEXUAL AND OTHER ABUSE

AGAINST SALVATIONISTS

AND WORKERS

**The Salvation Army, Territorial Headquarters
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INTRODUCTION

Standards to be observed by Salvationist Officers and Workers

The Salvation Army requires that its officers and workers observe certain standards of conduct and although these standards of conduct may not have been explicitly stated in any rules and regulations, it is expected that

- (a) an officer or worker must not take advantage of his or her position to gain a sexual favour from any other person. In this regard, officers and workers must display sensitivity to those to whom they minister and special sensitivity to all persons in a vulnerable state, such as the bereaved, the separated or divorced, the lonely, minors and other youth; and
- (b) an officer or worker must not sexually harrass a subordinate, an employee, a soldier or any other person.

These standards of conduct are additional to any conduct prohibited by or obligations imposed by law.

Why is this Protocol necessary?

The Salvation Army recognises that from time to time there may be cases where persons will consider themselves aggrieved by sexual misconduct of an officer or worker. This Protocol is to assist The Salvation Army to deal with the problem by setting down procedures for the making of complaints about sexual misconduct by an officer or worker and dealing with those complaints.

Some conduct may require no more than that the officer or worker recognise that he or she has caused offence and give an apology. For instance, an officer or worker who greets a soldier with a kiss may not realise the unintended emotional impact of such conduct on the soldier. It is hoped that such cases can be dealt with directly between the persons concerned and that it would not be necessary for this Protocol to apply.

However, direct conversation may not always be sufficient, appropriate or possible to resolve a case of sexual misconduct. This Protocol seeks to ensure that in such a case

- (a) a person who is aggrieved by sexual misconduct by an officer or worker is helped to make a complaint;
- (b) a complaint is communicated in an appropriate way;
- (c) a complaint is expeditiously investigated;
- (d) the investigation is fair both to the person aggrieved and to the officer or worker concerned;
- (e) the person aggrieved is informed about the outcome of a complaint; and

- (f) the person aggrieved and the officer or worker are treated appropriately and with respect.

What is "sexual misconduct"?

For the purposes of this Protocol sexual misconduct means

- (a) any form of unwanted sexual behaviour, whether by act or words, including sexual harassment;
- (b) any form of sexual behaviour involving a minor;
- (c) under some circumstances, sexual behaviour which may appear to be consensual, (if that behaviour takes place in the context of a pastoral relationship or activities of a non-pastoral nature).

The reason that unwanted sexual behaviour is sexual misconduct should not require further explanation. However some explanation may be required about why consensual sexual behaviour may be sexual misconduct.

A pastoral relationship is one where an officer or worker is explicitly or implicitly the "minister". The pastoral relationship is a special aspect of Salvation Army ministry and is characterised by an inequality of power between the parties. Any sexual behaviour by an officer or worker with a person with whom the officer or worker is in a pastoral relationship is generally unacceptable because in a pastoral relationship the factors of power, trust and dependency limit the possibility of the other person involved freely giving consent to the sexual behaviour. Sexual behaviour, whether or not consensual, in the context of an officer or worker's activities (for example, involving a Local Officer) is for similar reasons regarded as generally unacceptable.

Who is an "officer or worker"?

For the purposes of this Protocol an officer or worker is

- (a) any person who "ministers" in The Salvation Army (that is, who performs pastoral duties in The Salvation Army) at the time the complaint is made whether the person is lay or a commissioned officer or otherwise;
- (b) any person who was "ministering" in The Salvation Army at the time the alleged sexual misconduct occurred; and
- (c) any person holding or who has held a position recognised in a corps, division or the territory, whether the person is lay, or a commissioned officer, at the time the complaint is made or the alleged sexual misconduct occurred.

MAKING A COMPLAINT

What should a person do if sexual misconduct by an officer or worker occurs?

A number of independent contact persons have been identified and if a person wishes to report the sexual misconduct of an officer or worker that person should contact one of the independent contact persons either by letter or by telephone. Details of the names, addresses and telephone numbers of independent contact persons may be obtained by telephoning the Personnel Department of Territorial Headquarters.

If a person (including an officer or worker) suspects, or becomes aware of, sexual misconduct by an officer or worker, that person should encourage the person aggrieved to contact an independent contact person. If the person aggrieved is unwilling to make contact, that other person should contact an independent contact person.

Complaints of sexual misconduct involving minors

If a person suspects, or becomes aware of, sexual misconduct by an officer or worker involving a minor, the person may be required by law to notify authorities such as the police and the relevant government department of that misconduct.

Where the independent contact person is provided with reasonable evidence of a complaint of sexual misconduct by an officer or worker involving a minor, the independent contact person will report the substance of the allegation to the police and other government agencies if required to do so by applicable law.

What is the role of the independent contact person?

Stage 1

The independent contact person will by arrangement meet with, or communicate with, the complainant and will at all times listen to the complainant in an understanding and non-judgmental manner.

All complainants shall be informed that they are free to make any decision in regard to their complaint including the right to complain to the authorities (including the Police) and to seek legal advice.

The independent contact person shall not provide advice or recommendations to the complainant but will make suggestions for the complainant's possible course of action.

In particular complainants are to be informed that The Salvation Army has a procedure and support services in place to deal with their needs and complaint and that they may avail themselves of the procedure and the support services.

The independent contact person will record a statement in writing and seek the signature to that record from the complainant. The Salvation Army may not be prepared to take any action without a signed record of the statement from the complainant.

The statement shall include as much detail as possible, including:-

1. The complainant's name, address and telephone number.
2. The complainant's date of birth (if it is appropriate when the complaint relates to a child or during the complainant's childhood).
3. Name, address and telephone number of any person to whom the initial complaint has been made.
4. The identity of the person against whom the complaint is being made.
5. The date, time and place of each incident from which each complaint arises.
6. The details of the alleged misconduct.

Stage 2

The independent contact person will advise the complainant that a copy of the statement taken from the complainant will be provided to the Chief Secretary and/or his delegated representative. The independent contact person will also seek approval from the complainant to provide a copy of the written statement to the alleged offender.

Stage 3

On request from the Chief Secretary or his delegated representative, the independent contact person may contact and offer to meet with the alleged offender and deal with this person in the same manner as prescribed for the complainant, ensuring at all times that the person is treated without prejudice or bias and is given details of The Salvation Army's procedures and offered the use of the facilities afforded by that procedure.

The independent contact person can expect that any further contact with the complainant or alleged offender required during the course of the investigation of the complaint will be made through the independent contact person.

The independent contact person may be asked to express an opinion of the veracity or otherwise of any details given and the statement taken from the complainant and the alleged offender.

DEALING WITH THE COMPLAINT

Confidentiality

The discussion with the independent contact person will be confidential, as will the written statement, except that

- (a) a copy of the written statement will be provided and the independent contact person will report on any relevant matters to the Chief Secretary or his delegated representative;
- (b) a copy of the written statement and the independent contact person's report may be provided to the Chief Secretary's confidential advisers;
- (c) the written statement and the independent contact person's report will be disclosed if required by law;
- (d) if the written statement is required by law to be notified to certain authorities (for example because it discloses serious criminal behaviour or involves a minor) due notification will be given in accordance with the law; and
- (e) for the matter to be properly investigated and appropriate action taken, the rules of natural justice may require that a copy of the written statement be given to the alleged offender.

If the Chief Secretary or his delegated representative considers that the substance of the statement should be given to the alleged offender the complainant will be given the opportunity of either consenting to this occurring, consenting to a copy of the statement being put to the alleged offender in an appropriately edited form, or alternatively, withdrawing the complaint. If the complainant does not consent to this, the matter might not be dealt with under this Protocol.

Legal Proceedings

It is the right of persons aggrieved to not only seek legal advice but to commence legal proceedings on the basis of such advice. If a person aggrieved elects to commence legal proceedings then The Salvation Army may cease to deal further with the complaint under this Protocol.

What then?

Upon receipt of a report from an independent contact person the Chief Secretary or his delegated representative will determine how the complaint is to be dealt with, including the scope of any investigation which may be required. In determining how a complaint is dealt with advice may be taken from advisers including persons with expertise in dealing with sexual misconduct matters and persons with expertise in the law.

The way a complaint is dealt with will depend upon a number of factors including

- (a) the nature of the alleged sexual misconduct;
- (b) the confidentiality required by the complainant;
- (c) whether the alleged offender is or is not still a Salvationist, living or working in the Territory; and
- (d) other relevant circumstances.

It may be necessary for further communication to be made with the complainant for the purpose of collecting further written or oral information, or both. If this is necessary, contact with the complainant will be made through the independent contact person.

Mediation

With the agreement of all persons concerned, mediation may be the most appropriate way of dealing with a complaint. The Salvation Army will not assume liability for the costs of the mediation unless special arrangements are made.

Other Interests

The making of an allegation of sexual misconduct against an officer or worker may affect others besides the persons aggrieved and the officer or worker. For example, if the officer or worker holds an appointment the making of an allegation against that officer or worker may have a significant effect on the life of the corps/centre or specific persons within it. In addition to the action contemplated elsewhere in this Protocol, consideration will be given to the needs of the corps/centre and the needs of specific persons within the corps/centre.

OUTCOME

What will be the outcome?

The outcome of a complaint will depend on the circumstances but it could include one or more of the following -

- (a) if appropriate, the complaint will be reported to the police or other authorities in accordance with applicable law;
- (b) a written response may be provided to the complainant;
- (c) a written apology from the alleged offender may be provided;
- (d) the complainant may be directed to counselling or further resources for help;
- (e) the alleged offender may be referred to counselling;

- (f) mediation and reconciliation may be sought through the independent contact person;
- (g) if the alleged offender is an employee, he/she may be warned, suspended or have his or her employment terminated;
- (h) In the case of an officer, local officer or soldier, formal disciplinary proceedings may be commenced against him or her under the Orders and Regulations of The Salvation Army;
- (i) no further action may be taken in respect of the complaint;
- (j) other persons affected by the making of the complaint may be referred to counselling or other resources for help.

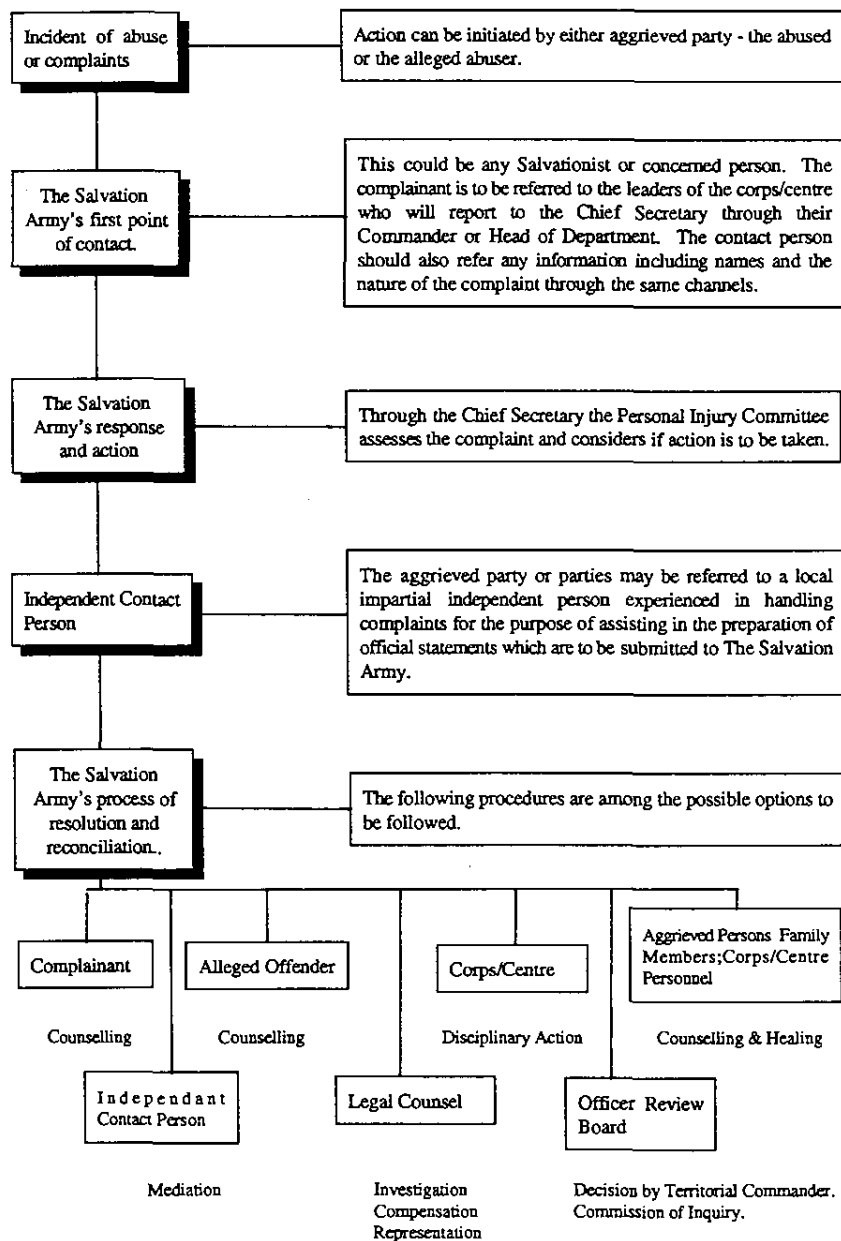
The person aggrieved will be advised about the outcome of a complaint.

Salvation Army Disciplinary Procedures

Various Orders and Regulations of The Salvation Army specify the procedures for the commencement of formal disciplinary proceedings against an officer, local officer or soldier and the conduct of those proceedings.

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