



POLICY AND PROCEDURE FOR HANDLING OF ALLEGATIONS OF INAPPROPRIATE BEHAVIOUR

STATEMENT OF CURRENT PRINCIPLES

1. That complaints and allegations be investigated and dealt with in a manner that is separate from the line management process. This will allow centre managers and DCs to be free to provide pastoral care, unhindered by the need to conduct the investigatory process or resolve the complaint.
2. That we will assist a complainant who comes forward, to articulate and frame their complaint in a way which provides sufficient detail for the complaint to be properly investigated.
3. That a respondent to a complaint is entitled to know with some precision, the details of the complaint – and to be given every opportunity, and sufficient time to respond.
4. That we will assist a complainant, if they so wish, in reporting matters to the police where criminal allegations are involved. We are not equipped to investigate allegations of criminal behaviour, nor do we need to be. Therefore we will use the assistance of the Army's legal advisors, where considered desirable, in cases alleging criminal assault and where the complainant does not wish the police to be involved, so that these matters are handled in a legally safe environment.
5. That where a police investigation is known to be underway or pending, the Army will not conduct any internal enquiry in parallel.
6. That we will cooperate with the police in their investigations into allegations of inappropriate behaviour. For example, under current policy, we do not require a warrant or subpoena for the police to have access to records (such as they exist) of former childrens' homes.
7. That we will not necessarily impose a standard pro-forma response to a complainant, to be applied in every case. Flexibility in approach has served us well.
8. That we remain open to the diverse range of settlement components when working towards closure – using external assessors, both medical and legal in framing settlement offers. The use of joint criteria such as "severity" and "impact" means that proper rationale is applied to settlement offers.
9. That we commit to confidentiality as an organisation, and allow a complainant to choose for themselves, whether they wish to be bound by confidentiality provisions, which bind them.



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10. That we reserve the right to avail ourselves of statute barred limitations, in cases where settlement is unable to be achieved, and a matter proceeds to a court.
11. That we will advise the Australia Eastern Territory and New Zealand, Fiji & Tonga Territory when any matter is likely to attract public media attention.
12. That we will not necessarily rely on legal defences that may be available to us, where it is not entirely clear in an individual case, whether the Army is actually legally liable for the mis-behaviour of an individual within the organisation.
13. That, where appropriate, an offender will be invited to contribute to counselling and compensation costs.

Approved ► Territorial Policy Council 23 September 2003