

Guiding Principles for responding to civil claims of child sexual or physical abuse

The Salvation Army Australian Southern Territory Principles and Guidelines
for its lawyers in responding to civil claims of child sexual and physical abuse.

1. The Salvation Army Southern Territory (TSA) understands and accepts the need to have guidelines and principles that apply to dealing with care leavers/survivors of child sexual and physical abuse.
2. These principles are modelled on the principles established by the Victorian Department of Human Services (DHS).
3. TSA have settled upon guiding principles which are non-binding upon the TSA to apply to responses to civil claims involving allegations of child sexual and physical abuse in connection with TSA.
4. Such principles and practices are set out as follows:
 - (i) TSA understand and acknowledge that victims/care leavers of child sexual and physical abuse face a traumatic experience in pursuing a claim of compensation for such abuse.
 - (ii) TSA understand that unless it faces severe or financial prejudice it will not rely on a defence that the limitation period has expired in either formal legal proceedings or informally during settlement negotiations. In circumstances where a limitation defence is relied upon, it will only oppose an extension of the relevant time period in circumstances where the prejudice to the TSA substantially outweighs any potential injustice to the care leaver/survivor
 - (iii) TSA will not ordinarily require a care leaver/survivor to agree on a confidentiality clause in the terms of settlement,
 - (iv) Where practicable, TSA should seek contribution from any alleged abuser,
 - (v) TSA will endeavour to ensure that negotiations and/or an early settlement conference is convened.
 - (vi) TSA should offer a written apology in all cases where appropriate.

- (vii) TSA should ensure that its lawyers minimise the potential for further trauma to care leavers/survivors and that claims are dealt with in a caring compassionate manner.
- (viii) TSA should ensure that its lawyers do not take an unnecessarily adversarial response to claims and litigation.
- (ix) TSA should endeavour to ensure that where possible a response is consistent as between care leavers/claimants in similar circumstances.

5. These guidelines do not preclude TSA from taking all proper and legitimate steps to defend claims, including claims that appear to be vexatious or unmeritorious.