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Melbourne

13 September 1995

Mr Graham R Sapwell  
Industrial Relations Officer  
The Salvation Army  
Australia Southern Territorial Headquarters  
GPO Box 1287K  
MELBOURNE 3001

Dear Graham

### **Complaints**

I confirm the meeting between Philip Brewin, myself and yourself on Friday 7 July 1995.

First, I apologise for the considerable delay which has elapsed. Frankly, the task proved more difficult than I first envisaged.

It may be as well to summarise your instructions and our recommendations:

#### **1. Complaints**

- There has been an increase in complaints against the Salvation Army.
- Complaints include allegations of victim abuse, child abuse, assault, sexual assault, sexual harassment and misconduct.
- Complaints can be recent in origin or may relate to events which have occurred over a period of time and, in many cases, first occurring many years ago.
- Complaints can be made against not only officers of the Salvation Army but also employees, volunteers, independent contractors to the army, and clients of the army.
- The Salvation Army is dealing with the complaints at present but is keen to develop an overall strategy for dealing with such complaints. Specifically, the Salvation Army would like to establish procedures and perhaps empower a specialist committee to assist in the process.

## **2. Examples of complaints**

During our conference you provided illustrations of complaints which have arisen including:

- A claim of criminal sexual assault against a member of the church.
- Sexual harassment in the workplace.
- Child abuse of a former "ward of the state" in a children's home under your care.
- A complaint against a local officer carrying out his ministry at a worship centre.
- Sexual abuse involving clergy.
- Offences committed against members of the public by "clients" of the Salvation Army.

## **3. Issues**

A number of issues emerged during the conference including:

- The need to establish guidelines and protocol for staff as to how to deal with complaints.
- Education of staff generally with respect to complaints, abuse, and mandatory notification in the case of child abuse.
- The establishment of a committee charged with the responsibility of investigating complaints and taking action to resolve them.
- The composition of such a committee.
- The need to ensure support to the process by the complainant, their family and the wider community.
- The need to consult with outside agencies including Community Services Victoria, police, external lawyers etc.
- The need to respect privacy.
- The need to develop appropriate behavioural standards.

- The importance of the committee developing "expertise" over a period such as to enable it to render more broad advice to the Salvation Army.
- The need for the community to see that the Salvation Army has policies and procedures in place to deal with complaints and the publication of those procedures to Salvation Army personnel and to the wider community.

#### **4. Recommendations**

As I indicated at the outset, I have had some difficulty in addressing the issues.

Ideally, the question of how and in what manner the Salvation Army ought attempt to deal with the various issues might be better developed by a committee who could develop an appropriate system and model. Such a committee could draw upon the expertise within the Salvation Army and from the wider community. It would be preferable for the ultimate policy and procedure to be developed by such a committee in consultation rather than seeking to "impose" some solution without adequate consultation.

In an effort to assist the process I decided that it might be useful to establish as a draft a "manual" of policy and procedure which might form the basis for future deliberation. I stress that it should be seen as merely one input into the process and ought not be seen as binding upon any deliberations that the committee might make.

Some of the "essential" elements upon which the draft is predicated include:

- The process where by complaints are received and dealt with ought be removed from the Salvation Army's current structure.
- The committee should operate with as much freedom and independence as possible.
- The committee should be reflective of the wider community and consist of representatives of the Salvation Army and also lay people. Ideally, the committee should also have gender balance.
- The committee itself should develop its own procedures as it experiences the process.
- The executive officer appointed to service the committee should be a person experienced in human relations, and ideally have some experience of dealing with complaints.
- The "lay" people on the committee ought include someone like a retired judge or magistrate. Other members might include people experienced or involved in social work, counselling, etc.

- The committee ought not be seen as some form of quasi judicial body which will conduct a hearing into a complaint but rather gather information concerning the complaint from those involved (if they consent) and then develop and implement appropriate remedial action.
- The committee ought not see its role as attempting to "protect" the Salvation Army from the possibility of litigation but rather be seen to promote and enhance the airing of complaints and hopefully, in so doing, complaints that might otherwise lead to litigation might be resolved by mediation, negotiation or counselling to the ultimate benefit of the complainant and the Salvation Army. The committee could not allow itself to be seen as attempting to protect the Salvation Army as otherwise its capacity for assisting victims would be very much reduced.
- The advantage of a centralised committee would mean that some consistency in approach would develop rather than the ad hoc response to complaints as may currently occur. With experience, the committee would be able to properly categorise complaints and provide recommendations as to how they ought be dealt with. Clearly in some cases, they will determine that they cannot be involved in attempting to resolve a complaint, if for instance, legal proceedings have already been issued. Even in those circumstances, however, the committee will still play a valuable role in monitoring the progress of the complaint, providing instructions to lawyers and provide recommendations as to offers of settlement etc that might need to be made.
- We have recommended that an independent panel of counsellors be established and be available as a referral network for complainants. Complainants would need to be satisfied that whilst the Salvation Army established the panel and would pay the costs of their consultations, the confidentiality of the consultations would remain. If necessary, the counsellor would be available to give evidence and support to the complainant should they desire to take legal action.
- The committee would need to work closely with and may have representation from other areas within the Salvation Army but particularly the personnel department and yourself in the context of industrial relations issues.
- The executive officer might also have delegated authority to settle claims and also be a spokes-person for the committee should the need arise to brief or respond to media enquiry.

I suggest that we meet again once you have had an opportunity of digesting this advice and the draft manual.

Yours faithfully

**NEVETT FORD**

Peter Wilson  
Partner

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