

**THE SALVATION ARMY**

**AUSTRALIA SOUTHERN TERRITORY**

**COMPLAINTS-POLICY & PROCEDURE MANUAL**

September 1995

## COMPLAINTS-POLICY & PROCEDURE

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## **1. Introduction**

From time to time "complaints" are made against the Salvation Army. Complaints can involve a range of matters of less or greater significance. They can involve a range of unacceptable behaviour and conduct. The complaint may have arisen a considerable time ago or be more recent. It may involve allegations of sexual misconduct, sexual harassment, victim abuse, assault, or discrimination. The complaint may be made against officers, employees, volunteers, clients, or other people involved with or coming into contact with the Salvation Army and its work.

The Salvation Army considers the behaviour and misconduct leading to such complaints to be totally unacceptable.

Further, there is a need for the Salvation Army to confidentially and sympathetically investigate and respond in an appropriate way to complaints.

The Salvation Army has established a policy and procedure for receiving and dealing with complaints with the aim of ultimately resolving the complaint to the satisfaction of the complainant, the Salvation Army, and where appropriate, the persons involved in the circumstances giving rise to the complaint.

In establishing a policy for dealing with complaints, the Salvation Army is concerned to be responsive, caring, non-judgemental, and supportive.

It is fundamental to the Salvation Army's policy that any person who believes that they have been adversely affected by the Salvation Army have the right to lodge a complaint and to have it fully and properly investigated.

This manual will assist those who might receive a complaint and to guide them in how they are to respond.

It is to be stressed that where mandatory reporting of abuse is required by law (eg child abuse), then those obliged by law to notify abuse (mandated notifiers) must respond as required by law.

## **2. Complaints**

### 2.1 What constitutes a complaint?

As outlined in the introduction a "complaint" might relate to a range of events or happenings which have affected a person.

The complaint may involve some form of abuse which affects a person's health and wellbeing (physical or emotional). It might involve a single incident or numerous incidents over a long period of time.

The complaint may be quite specific. Alternatively, initially at least, it might be expressed in vague and uncertain detail.

The complaint may be made against officers of the Salvation Army, volunteers, employees, independent contractors, or clients of the Salvation Army.

It might be alleged that the circumstances giving rise to the complaint arose during the care or assistance of the complainant.

It might be alleged that the circumstances arose outside of the "normal" activities of the Salvation Army but involving Salvation Army personnel.

It is impossible to enumerate the type or nature of the complaint, the complainants or against whom the complaint might be made.

Regardless, any complaint made against the Salvation Army is to be considered a serious matter and to be dealt with pursuant to the policies of the Salvation Army and in accordance with the procedures laid down in this manual.

### 2.2 How do complaints arise?

Frequently, the first notice of complaint will be made informally to a person within the Salvation Army with whom the complainant comes into contact. The complaint may be made in writing, by telephone, or in person.

The complaint may come to your attention indirectly or via a third party.

It does not matter how the complaint comes to your attention. When it occurs it must be treated as a complaint.

## 2.3 How does the Salvation Army deal with complaints?

- 2.3.1 The first person receiving the notice of complaint must report it without delay to the executive officer of the complaints committee.
- 2.3.2 Every effort should be made to reassure the complainant that:
- The Salvation Army has a policy and procedure for dealing with complaints.
  - In accordance with that policy and procedure you will immediately notify the complaint to the relevant committee.
  - That the committee will be in touch with the complainant as soon as is reasonably practicable.
- 2.3.3 It is not your role or responsibility to comment upon the complaint, its likely outcome or in any way pass comment upon it. It is certainly not your responsibility to make a judgement on whether the complaint is justified or can be proven. Rather, it is your responsibility to report the complaint and allow the procedures outlined in this manual to occur.
- 2.3.4 Where you become aware of facts which might give rise to a complaint even where no complaint has yet been made, you should report the matter giving rise to your belief or concern in the same way as if a complaint had been made.
- 2.3.5 The Salvation Army will respond to the complaint, investigate it, take appropriate action, and will, where appropriate, keep you informed.
- 2.3.6 As referred to in the introduction, if you are a mandated notifier pursuant to the Children and Young Persons Act 1989 (Victoria), then you will be obliged to report cases where you believe a child is in need of protection because a child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse. Nothing in the Salvation Army's policy or procedures will affect your legal obligation in that regard and you ought comply with your legal obligations at the same time as complying with requirements of this manual

### **3. Complaints Committee**

#### 3.1 Function/Aims

The complaints committee is a committee established by the Salvation Army and charged with the responsibility of investigating and, where possible, resolving complaints, levelled against the Salvation Army, its officers, employees, volunteers and clients and to determine and advise on the course of action to be taken. The aim of the committee is to develop expertise in dealing with complaints and to attempt to resolve them where possible to the satisfaction of the complainant and the Salvation Army. The committee is empowered to make recommendations as to strategies for dealing with complaints, to collate data relating to complaints, and to develop a network of internal and external providers who can assist in dealing with and resolving complaints.

#### 3.2 Membership

- 3.2.1 The Territorial Commander of the Salvation Army Australia Southern Territory shall establish a complaints committee.
- 3.2.2 The complaints committee shall comprise not less than 5 members appointed at the discretion of the Territorial Commander. In addition to appointees who are members of the Salvation Army, the committee shall also comprise at least 2 lay person.
- 3.2.3 The term of office of members of the complaints committee shall be for a period of no less than 2 years.
- 3.2.4 The committee shall from its members elect a chairman and vice chairman.
- 3.2.5 The Territorial Commander shall also appoint an executive officer who shall service the committee and carry out its policies and directions.

#### 3.3 Guidelines for Operation

- 3.3.1 The committee shall meet as and when required.
- 3.3.2 A quorum will consist of 3 members.
- 3.3.3 Investigation.

Subject to the provisions of the Salvation Army (Victoria) Property Trust, the by-laws and regulations of the Australia Southern Territory Command the

complaints committee may regulate its own procedures as it thinks fit.

The complaints committee may:

- (a) Inform itself of the matters giving rise to the complaint in whatever manner it deems fit.
- (b) Consult with Salvation Army officers and staff.
- (c) Request and receive advice from internal and external sources as it deems fit.
- (d) Direct or employ any person or organisation to make enquiries on its behalf.
- (e) Call for and receive any files, documents or records in the control of the Salvation Army.
- (f) Interview the complainant, the alleged offender and any other witnesses.

#### 3.3.4 Privacy

All complaints, documents, reports, minutes of committee meetings, evidence provided or received by the committee shall be held in strict confidence except where:

- (a) It is necessary to advise the complainant of receipt of the complaint, the investigation of it, or the outcome; or,
- (b) The complainant and the Salvation Army agree to its release.

#### 3.3.5 Advice

Following the investigation of any complaint, the committee may in its absolute discretion, submit advice to the Territorial Commander as to the complaint, the investigation, and proposals as to the manner of dealing with it. The committee may also provide advice generally with respect to complaints, recommendations as to implementation or development of policies to deal with complaints and their disposition.

3.3.6 With the consent of the complainant, the committee may refer the complainant to counsellors or other external providers in order to provide advice and assistance to the complainant on a confidential basis.

3.3.7 The committee shall provide an annual report to the Territorial Commander outlining the scope of its operations, recommendations as to future strategies and any other matters that it considers appropriate.

#### 4. Complaints Committee-Procedures

- 4.1 Any complaints shall be notified to the executive office of the complaints committee. As soon as it is practicable upon receipt of the complaint, the executive officer shall:
- (a) Refer the complaint to the committee.
  - (b) Provide an initial acknowledgement of receipt of the complaint to the complainant in accordance with Form 1.
- 4.2 In its absolute discretion, and when, and if considered appropriate, by the complaints committee, the executive officer shall provide an initial advice to any person or persons affected by the complaint in accordance with Form 2.
- 4.3 Where considered appropriate and with the consent of the complainant, the committee may seek clarification of the complaint.
- 4.4 Provided the complainant consents, the committee may interview the complainant in whatever manner and by whatever means it deems appropriate.
- 4.5 The committee shall have the power to interview such other person or persons as consent to be interviewed in order to obtain a fuller understanding of the complaint and the matters giving rise to it.
- 4.6 The committee may, with the consent of any person or persons affected by the complaint, interview such person or persons.
- 4.7 In conducting its investigations, the committee shall assess the complaint and then determine to:
- (a) Accept the legitimacy of the complaint and recommend a course of action.
  - (b) Deny the complaint.
  - (c) Determine that the complaint requires further investigation.
  - (d) Refer the complaint and the results of their investigation to external legal advisors for further advice and recommendations.
  - (e) Report the results of their investigations to the Territorial Commander.
  - (f) Categorise the complaint.
- 4.8 In investigating a complaint and recommending a course of action, the committee shall determine whether the complaint is a:
- 4.8.1 Category A complaint  
Inadequate or unprofessional conduct or standard of behaviour by Salvation Army personnel.
  - 4.8.2 Category B complaint.  
A breach of employment conditions such as to require

consideration of the future employment of a person.

4.8.3 Category C complaint.

Allegations of breach of law including assault, sexual assault, sexual harassment, child abuse etc.

4.9 Procedure for Category A Complaints

- 4.9.1 If in the opinion of the committee the complaint is well founded, then the committee shall make recommendations to the Territorial-Commander as to appropriate action to be taken to counsel, retrain, reprimand or discipline the person or persons concerned or recommend action to be taken to rectify work practices, staffing issues, procedures or policies.

When the committee is satisfied that its recommendations have been considered and implemented and a satisfactory outcome achieved, it shall advise the complainant in writing of the recommendations made and the outcome.

If the committee is of the opinion that a satisfactory outcome has not been achieved, then it may determine that the matter be reclassified as a Category B complaint.

4.10 Procedure for Category B Complaints

- 4.10.1 The committee shall prepare a written statement of complaint specifying the allegations of misconduct or non-compliance with contracts of employment or other expected minimum conditions of employment and provide the affected personnel with the opportunity of obtaining advice and/or representation with respect to the allegations, provide an opportunity for them to respond to the allegations, and an opportunity to be heard.

- 4.10.2 In addition to providing the statement of complaint to the affected personnel, they shall also be provided with appropriate notes as to the procedures to be followed, a summary of their rights, to obtain advice, to make representations, and to be heard in respect of the allegations.

4.11 Procedure for Category C Complaints

- 4.11.1 The committee and executive offer shall take not action nor do anything which would impede the due process of law.

- 4.11.2 Where the committee is of the opinion that the complaint

made may involve breaches of law, the committee may:

- (a) Obtain legal advice as to whether the committee ought continue to investigate the complaint or obtain such other advice as to the future disposition of the complaint.
- (b) Advise the complainant of other avenues for addressing the complaint including referral to the police, the opportunity for obtaining independent legal advice, etc.

4.11.3 Where the committee determines to continue with its investigation it shall otherwise deal with the complaint in the same manner as referred to for Category B complaints.

## **5. Counsellors**

- 5.1 The committee shall establish a panel of independent trained counselors sensitive to the issues and matters likely to be complained of and available to assist complainants on referral from the Salvation Army.
- 5.2 When dealing with a complaint, the complainant shall be offered the opportunity of consulting a counselor from the panel so appointed.
- 5.3 Where a complainant accepts that opportunity, the costs of counseling shall be borne by The Salvation Army.
- 5.4 The complainant will be advised that in accepting a referral to such counselor that the counselor shall be precluded from divulging any information received from the complainant to the committee or to the Salvation Army and that the counsellor's services are exclusively for the benefit of the complainant.

**6. Forms**

Form 1 (Initial acknowledgement to complainant)

Dear

I have been directed by the complaints committee of the Salvation Army to write to you.

I have been asked to acknowledge the complaint that you have made.

The complaints committee is established by the Salvation Army with the express purpose of investigating complaints such as yours.

The committee will investigate the complaint and the matters giving rise to it.

If you have any additional information which may help the committee, would you please forward it to me within 7 days.

If you are prepared to be interviewed to provide additional information, would you similarly advise me within 7 days.

Yours sincerely

.....

Executive Officer (on behalf of Complaints Committee)

Form 2 (Initial advice to affected person(s))

Dear

The complaints committee has asked me to write to you.

A complaint has been made to the Salvation Army which affects you.

Brief details and background to the complaint are attached.

The complaints committee is established by the Salvation Army with the express purpose of investigating complaints and with the aim of resolving the complaint to the satisfaction of the Salvation Army, yourself, and the complainant.

At this stage, the committee is obtaining information which would assist them in dealing with the complaint.

The committee embarks upon this course at this stage without in any way accepting the truth or otherwise of the complaint.

If you wish to assist the committee by providing evidence or being interviewed with respect to the complaint, would you please let me know within 7 days.

Yours sincerely