



The Salvation Army

Australia Southern Territorial Headquarters

7 March 2013

Family & Community Development Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

BY EMAIL: fcdc@parliament.vic.gov.au

Dear Ms Crozier

PARLIAMENTARY INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER ORGANISATIONS

We refer to your letter dated 5 September 2012 and our previous submission made to the Inquiry dated 17 September 2012.

The Salvation Army further respond to your specific questions as follows:

The number and dates of complaints that have been received

To date approximately 421 complaints have been received by our lawyers from complainants who were residents at Salvation Army institutions within Victoria.

By date that the complaint was received, these claims can be broken down as follows:

1997	1 complaint
1998	No complaints
1999	2 complaints
2000	3 complaints
2001	2 complaints
2002	1 complaint
2003	17 complaints
2004	14 complaints
2005	41 complaints
2006	179 complaints
2007	50 complaints
2008	20 complaints
2009	18 complaints
2010	39 complaints
2011	19 complaints
2012	15 complaints

In addition to the above, 53 further claims involving children at Victorian institutions have been dealt with internally by The Salvation Army.

The manner in which the complaints were or are treated or the processes, if any, put in place to deal with complaints.

Processes to deal with incoming historical complaints of abuse of children at Salvation Army institutions have been developed over the course of time in response to the increasing number of complaints received.

The general process of having each claim reviewed by our external lawyers has remained consistent since complaints were first received in the late 1990's.

Where complainants approach The Salvation Army or one of their representatives without legal representation, The Salvation Army have instructed that any reporting of complaints be directed to the Professional Standards Section of the Personnel Department at Territorial Headquarters. This section comes under the authority of the Secretary for Personnel.

In a small number of instances complaints have been dealt with internally. This process involves obtaining a statement from the complainant, meeting with the complainant to better understand their complaint, investigating the complaint, and making a preliminary decision as to compensation amount or further conduct of the matter.

The majority of complainants that approach The Salvation Army directly, however, are directed to our lawyers.

Where the complainant is self represented, our lawyers go through a similar process of obtaining a detailed statement, medical reports and historical records from the Department of Human Services. They establish whether initial counselling should be offered, investigate the claim, make a recommendation to The Salvation Army, and then attempt to resolve the claim with the complainant.

Whether dealt with internally, or by our lawyers, an unrepresented complainant is encouraged to seek assistance from lawyers to assist with their claim. This is done to ensure the complainant is afforded independent legal advice.

In Victoria, the majority of care leaver claims are received through lawyers representing the complainants. These claims are also directed to our lawyers.

Where the complainant has legal representation, our lawyers receive the relevant documentation from the complainant. They then investigate the matter, make a recommendation to The Salvation Army, and then attempt to resolve the claim with the complainant. This usually involves conducting an informal settlement conference with the complainant and their legal representative.

The Salvation Army do not require complainants to issue formal proceedings in order for their complaint to be considered in a civil sense.

While The Salvation Army do engage lawyers for the purpose of assessing these matters, they are instructed to act independently in investigating each claim, and reaching a proper view as to liability and quantum of compensation.

The processes do change if legal proceedings are issued by the complainant. It is, however, The Salvation Army's policy to attempt to settle matters without the complainant needing to resort to lengthy court proceedings.

For more details regarding this process, we attach for your consideration copy of Care Leaver Complaint Process.

The level within your organisation that was/is responsible for the handling of complaints.

Within The Salvation Army complaints are handled in the Professional Standards Section of the Personnel Department. This sits directly under the Secretary for Personnel who is a member of the Executive Leadership and a Trustee of The Salvation Army (Victoria) Property Trust.

Recommendations about reparation and compensation are approved and endorsed by the Territorial Finance Council which includes in its membership all the Trustees of The Salvation Army (Victoria) Property Trust..

Complaints against Salvation Army officers can be referred to the Officers Review Board which has wide ranging responsibility available including termination of Officership.

Was there any change in the process if the person the subject of the complaint had previously been the subject of another complaint.

The process of having a claim investigated by our lawyers does not change if the perpetrator had previously been the subject of another complaint.

Referral of matters to police and facilitating police inquiries

Due to the historical nature of these claims and the age of the complainant today, the proper person to report these incidents to police are the complainants. The Salvation Army and their lawyers encourage the complainant to make a formal complaint to the police if that is what they wish to do.

The Salvation Army's policy is to assist and cooperate with the police and Department of Public Prosecutions in all criminal investigations.

Generally any enquiries by the police and Department of Public Prosecutions are directed to our lawyers, who assist them any requests they may have regarding their investigation. This may include record searches and interviews with personnel.

What process is in place in your organisation if a complaint is rejected

As stated above, the majority of the complainants are independently represented by their own lawyers. If a complaint is rejected the reason for that rejection is communicated to their lawyer who will then advise their client as to future options available to them. This may include issuing civil proceedings against The Salvation Army.

If the complainant is dealing directly with our lawyers, again the reason for such rejection will be communicated. At that time the complainant is encouraged to seek independent legal advice as to their options to take the matter further should they not accept The Salvation Army's decision.

Generally speaking, a claim is only rejected if the facts do not support the allegations (for example if it can be shown that the alleged perpetrator was not at the institution during the relevant period) or there is other evidence to suggest serious doubt about the veracity of the complainant.

Financial compensation

The Salvation Army's policies provide for counselling and/or monetary compensation.

To date, approximately 306 complainants who were residents at Salvation Army institutions in Victoria have received financial compensation from The Salvation Army.

Following resolution of the matter, the complainant is required to sign a Deed of Settlement.

A confidentiality clause is included in our release.

The form of the confidentiality clause is as follows:

CONFIDENTIALITY

The parties agree that the fact of and the terms of this settlement and deed shall remain strictly confidential and shall not be disclosed to any person including the electronic and print media without the consent in writing of the other party save that each party may make such disclosure as is required by law.

Were there any instances where a person's conduct was the subject of more than one confidentiality clause.

No.

When, if at all, was insurance taken out by your organisation to cover liability arising from a complaint

The Salvation Army has never taken out insurance to cover liability arising from a complaint.

Whether your organisation has set up its own process for claiming and determining compensation as a consequence of a complaint.

Yes, The Salvation Army has set up a process for claiming and determining compensation as a consequence of a complaint.

This process, involving our lawyers, is detailed above.

If your organisation has set up a process for compensation, does that preclude a complainant applying for compensation elsewhere.

The Salvation Army's release prevents victims from pursuing further compensation from The Salvation Army relating to the incident which forms the basis of the complaint.

The release does not prevent the victim from making a Victims of Crime Application, or to seek compensation from other bodies such as the State of Victoria or other organisations who may have been responsible for the victim's mistreatment.

If your organisation has set up a process for compensation, is the process conducted by an external body, an external body appointed by your organisation or an internal body of your organisation.

The Salvation Army policies encourage external investigation and resolution of these matters.

The compensation paid is based on recommendations by lawyers who are instructed by The Salvation Army to investigate each matter, make an independent recommendation and attempt to negotiate resolution of the claim with the complainant and/or their legal representative (if applicable).

What supports, if any, including counselling, was or is a complainant offered once a complaint is made.

Victims can have independent support and are encouraged to obtain independent legal advice.

Generally reasonable counselling is offered to complainants at The Salvation Army's expense and in addition to compensation.

When compensation amounts are calculated, the issue of ongoing counselling or psychological assistance is taken into account when determining an appropriate figure.

What procedures are adopted in respect of the person the subject of a complaint.

Due to the historical nature of these complaints it is, at times, difficult identifying or locating the person who is the subject of a complaint.

Due to the age of the victims at the time of the abuse, the perpetrators are sometimes unable to be identified. And in cases where the perpetrator was an employee or volunteer, we often do not know the current whereabouts of the perpetrator, or whether they are still alive.

In circumstances where identification is possible, and the perpetrators are alive and have the mental capacity to assist with a civil investigation, The Salvation Army consider it important that any allegations be put to the perpetrator for their response. Disciplinary procedures however cannot be applied by The Salvation Army against ex-employees or volunteers, regardless of the outcome of the investigation.

In cases where a complaint has been made against current serving The Salvation Army clergy, the victim is again encouraged to go to the police. Where a civil complaint has been made, investigation of such matter is given the highest priority.

With any complaint, if the alleged offender is a current serving Salvation Army clergy, he or she may be suspended immediately with or without pay and benefits pending the outcome of any investigation. Suspension or termination will be considered on completion of an investigation. Where there is an admission of guilt, immediate termination may occur rather than suspension.

Investigations in the civil sense are generally undertaken by our lawyers. However, as stated above, the victims are encouraged to report the complaint to police, who are the appropriate body to investigate such allegations.

Whether your organisation or an external agency is responsible for any disciplinary action being taken against the person the subject of a complaint.

Complaints against current or living retired Salvation Army officers can be referred to the Officers Review Board, which has wide ranging responsibility available including termination of Officership.

Whether the details of a complaint and the person the subject of a complaint are recorded and available to others in the organisation or to the public.

Records of all complaints are held by both The Salvation Army and our lawyers.

Due to privacy reasons, records of individual complaints are not available to the public.

Within The Salvation Army the records of claims are kept confidential, accessed only by Professional Standards staff and available to Senior Executives if requested.

The Council that approves payments of compensation is given a summary with the name of the complainant excluded.

What procedures or processes if any are adopted to reduce the risk the person the subject of the complaint will re-offend.

The Salvation Army, as a 'non conforming' part of the protestant church, does not have religious laws as understood in the Catholic or Anglican traditions. It does have Orders and Regulation and Policies which cover this behaviour as far as The Salvation Army clergy and full members are concerned.

The import of both is to indicate zero tolerance on the part of The Salvation Army clergy, employees and volunteers to abusive behaviour of any description.

What, if any accountability mechanisms apply to your organisation's policy/process and are they open to outside scrutiny or review.

The Salvation Army's policy is under constant scrutiny both internally and by virtue of the involvement of external lawyers representing both The Salvation Army and the complainants.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Malcolm J. Roberts', written in a cursive style.

Malcolm J. Roberts

Territorial Legal Secretary |

The Salvation Army | Australia Southern Territory