

Appendix 6
Government Response to DLA Piper Recommendations

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RECOMMENDATIONS – DLA PIPER REPORT	
<p>Recommendation 1</p> <p>We recommend that, for people whose detailed further information has not been received or fully considered before Volume 2 is delivered:(i) any further detailed information which the Review receives should be considered and reported on in a supplementary report to the Minister and Secretary; and(ii) the supplementary report should report on whether the preliminary assessment and recommendations which went into Volume 2 need to be changed.</p>	<p>Agreed.</p> <p>The Taskforce will examine additional allegations concerning incidents to 11 April 2011.</p>
<p>Recommendation 2</p> <p>The Review recommends that Phase 2 undertake discussions with Defence as a matter of urgency with a view to the clarification and, if necessary, amendment of DI(G) PERS 35-4 to permit administrative action to be taken in respect of actions which may constitute sex offences under applicable criminal law. The other DI(G)s that seem to be relevant to these issues should also be examined. Consideration should be given to having a DI(G) which directs the relevant Commanding Officer to consider taking administrative action even though the same incident has also been referred to civilian police and to review the status of the matter at regular intervals to see whether administrative action should be taken. Regard should be had to the desirability of Defence procedures following the APS model for running administrative processes during or after criminal processes for the same facts. A broader examination should be undertaken of the management of actions which may be sexual offences under applicable criminal law and ‘unacceptable behaviour’ and the relevant DI(G)s redrafted to provide simpler and appropriate advice and guidance to management.</p>	<p>Agreed.</p> <p>The Taskforce will examine these matters in the course of its work.</p>
<p>Recommendation 3</p> <p>If a new complaint resolution scheme is established, it should not be limited to people who have come to this Review but should be open to people who have not raised matters with this Review.</p>	<p>Agreed.</p> <p>The Taskforce will examine additional allegations.</p>
<p>Recommendation 4</p> <p>If a new complaint resolution scheme is established, each allegation reported on within Volume 2 should be reviewed to see if the allegation is suitable for the new scheme. This is particularly important to allegations identified in Volume 2 for ‘no further action’. That recommendation is based on the remedies currently available for the members concerned. If new remedies are put in place, some of the ‘no further action’ matters may be suitable for reparations under the new system.</p>	<p>Agreed.</p> <p>The Taskforce will directly handle resolution of complaints to DLA Piper.</p>
<p>Recommendation 5</p> <p>There should be further investigation of matters identified during Phase 1 as raising real concerns as to the occurrence of abuse and/or mismanagement by Defence of reports of abuse.</p>	<p>Agreed.</p> <p>The Taskforce will gather additional information as appropriate and report to the Minister on implications for ‘Pathways to Change’.</p>

<p>Recommendation 6</p> <p>Further investigations to be made during Phase 2 should be conducted by an external review body. A body similar to that which has conducted Phase 1 of the Review should be established for this purpose.</p>	<p>Agreed.</p> <p>The Taskforce is oriented towards the resolution of cases.</p>
<p>Recommendation 7</p> <p>Consideration should be given to establishing a capped compensation scheme for the victims of abuse within Defence. During Phase 2 a detailed proposal for a capped compensation scheme could be developed for the Government's consideration at the end of Phase 2.</p>	<p>Agreed.</p> <p>A capped compensation scheme will be administered by the Taskforce.</p>
<p>Recommendation 8</p> <p>Consideration should be given to establishing a framework for private facilitated meetings between victims, perpetrators and witnesses of abuse within Defence. During Phase 2 a detailed proposal for such a framework could be developed for the Government's consideration at the end of Phase 2.</p>	<p>Agreed.</p> <p>Restorative justice is one of the options open to the Taskforce to resolve individual complaints.</p>
<p>Recommendation 9</p> <p>Special counselling and health services in place for the duration of this Review should be extended into Phase 2 of the Review whilst a plan for providing health services to victims of abuse is prepared. Thereafter, the plan should be implemented such that victims of abuse within Defence have access to counselling and health services.</p>	<p>Agreed.</p> <p>The Taskforce will be funded to provide additional counselling and will also liaise with and provide referrals to existing services.</p>
<p>Recommendation 10</p> <p>A suite of options should be adopted to provide means for affording reparation to persons affected by abuse in Defence comprising:- public apology/acknowledgements;- personal apology;- capped compensation scheme;</p> <ul style="list-style-type: none"> - facilitated meeting between victim and perpetrator; - health services and counselling. <p>A body or team should be tasked to develop detailed proposals for the suite of options, so that they may be presented for a decision on implementation.</p> <p>While the suite of options are being developed, there should be further external investigation of matters recommended in Volume 2 for further external investigation. There could be referral of matters recommended for internal/external referral. Volume 2 recommendations are limited to existing options. Accordingly, matters recommended for 'no further action' in Volume 2 should be 'held', pending the development of the proposals and then – where appropriate – considered for possible action under any new processes adopted. There should be appropriate communication to complainants as to what will happen during the transition stage and into Phase 2.</p>	<p>Agreed.</p> <p>The Government response is based on a similar suite of options. The Taskforce will be responsible for an expanded role than that recommended by DLA Piper and is strongly oriented towards the resolution of cases.</p>

