



SCOUTS AUSTRALIA NSW BRANCH

Child Protection Procedure

1. PURPOSE AND SCOPE

- 1.1 The purpose of this Procedure is to give effect to the Scouts NSW Child Protection Policy and must be read in conjunction with that Policy.
- 1.2 This Procedure applies to all Adults in control of or in contact with Youth participating in Scouting with Scouts NSW.
- 1.3 For the purposes of this procedure:

"Adult" means any person 18 years of age or older, and includes any employee, Leader, Adult Supporter or Rover Scout who is involved in the delivery of Scouting in any form no matter the frequency, duration, formal level of authority or whether the person is or is not a registered member of the Association.

"Adult Helper" means an adult holding a Certificate of Membership of the Association who provides assistance to a leader and is bound by the policies and rules of the Association.

"Adult Supporter" means any person 18 years of age or older who, from time to time, assists Scouting in some way, but does not hold a Certificate of Membership of the Association.

"Applicant" means any person 18 years of age or older who wishes to support the Association as an employee, a Leader, Adult Supporter or Rover Scout.

"Association" means Scouts Australia and in particular, Scouts NSW.

"Leader" means an adult holding a Certificate of Membership of the Association and a Certificate of Adult Leadership who wears the Scout uniform and is bound by the policies and rules of the Association.

"Movement" means the World Organisation of the Scout Movement, of which Scouts Australia is a member.

"Police" generally means the NSW Police, although it may also mean Police from other states of Australia and other countries in cases involving other jurisdictions.

"Office Bearer" means an adult holding a Certificate of Membership who fulfils a non-uniformed, designated role in the organisation and is bound by the policies and rules of the Association.

"Policy" means the Scouts NSW "Child Protection Policy".

"Rover Scout" is a Young Adult member of the Association who is an adult by law, is registered as an adult member of the Association, and for the purpose of this procedure is an "Adult".

"Youth" means a person less than 18 years of age involved in any Scouting activity, whether or not they have formally been registered as a member

2. WHAT IS ABUSE?

- 2.1. Child abuse is generally categorised in the following five ways:

- (a) Physical
- (b) Sexual
- (c) Emotional
- (d) Psychological
- (e) Neglect

- 2.2 Understanding the nature of abuse and being able to recognise it is a crucial first step to countering the risk of abuse. A good source of **information** is the NSW Department of Family and Community Services website

(http://www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect.html).

- 2.3 For the purposes of these Procedures, "Abuse" includes "sexual misconduct" committed against, with or in the presence of a child, and which includes grooming, crossing professional boundaries and use of explicit language, further details of which appear in Attachment B.

3. **WHAT IS GROOMING?**

- 3.1 "Grooming" may be a precursor to abuse and refers to the process by which an individual manipulates those around them to provide opportunities for abuse and reduce the likelihood of being reported or discovered. While, victims are 'groomed', this preparatory behaviour may also involve a victim's family and other Adults, such as those involved in the delivery of Scouting to the victim. Attachment B provides information on Grooming.

4. **HOW CAN ABUSE BE PREVENTED?**

- 4.1 Raising awareness of the issue within the Association and ensuring that Scouting operates with defined boundaries, such as those set out in this Procedure provides a strong counter to child abuse. Ensuring that the Child Protection Policy and Procedures are distributed to Parents and all new Adults and that all Youth are reminded of their rights not to be abused and are encouraged to report inappropriate behaviour.

5. **HOW DOES SCOUTING PROTECT OUR YOUTH BY GETTING THE RIGHT LEADERS?**

- 5.1 In accordance with our Child Protection Policy, we provide a clear framework for the careful selection, recruitment, training and management of Adults concerning child protection.
- 5.2 As set out in this section of the Procedure, the Association's processes provide a 4 fold check that Leaders supervising Youth are suitable involving: screening all Applicants and performing reference checks; requiring the Applicant to disclose any past issues for consideration by senior staff of the Association; requiring Working with Children and Police Checks to be carried out; and by having clear processes governing the interaction of Adults and Youth at Scouting activities.
- 5.3 In addition we provide compulsory training to all Leaders and Adult Members by way of an e-learning module, in addition to the Code of Conduct and Scout Promise and Law, together with other ongoing training tailored to the particular role which they will be performing within Scouting.
- 5.4 Should any allegations arise, we will act immediately we are informed to protect both the Youth and the Leader by reporting such allegations to the appropriate government authorities and taking steps to suspend the Adult until such time as a decision can be made.

5.5 **What we do**

- a) When an Applicant is interviewed on behalf of the Association, by a person who will make a decision whether or not to recommend that Applicant as an Adult, meaningful discussion about the Code of Conduct, the Child Protection Policy and this Procedure is essential to ensure that the Applicant understands the obligations and responsibilities to which they are committing;
- b) No Applicant is to be recommended for acceptance as an Adult unless diligent follow-up with referees has been undertaken by the person(s) responsible for recommending that Applicant be accepted as an Adult. Failure to comply may result in the person(s) recommending the Applicant being considered for loss of membership of the Association;
- c) As from a date determined by the Office of Children's Guardian, all Adults are required to hold a current Working With Children Check (WWCC), and a Police Check carried out. While an Applicant may be provisionally accepted, they may not be permitted to be in a situation where they are unsupervised with Youth until such time as such checks have been confirmed and they are accepted as an Adult. A State or National Police Check may be carried out at any stage by the Association and at any time an issue arises, the Adult will be suspended until the issue is clarified with the relevant authorities;
- d) All Adults are required to inform the Chief Commissioner or the Chief Executive if, at any time after they become an Adult, they become the subject of any Domestic Violence or Apprehended Violence proceedings;

- e) All Adults are required to inform the Chief Commissioner or the Chief Executive if they are approached by the Police or the Department Family and Community Services or any other relevant authority in relation to any matter concerning Youth involved in Scouting or another organisation about a matter that in some way has a connection with Scouting. Failure to report such matters may result in their membership being suspended or terminated.
- f) The training and development of Adults ensures that:
 - i. The Association's expectations of Adults concerning child protection are absolutely clear.
 - ii. Participants are provided with the knowledge and experience contained within this procedure.
 - iii. Participants practice, for example through role play, responding to Youth who report abuse.
 - iv. Participants are given examples of how to report concerns of suspected child abuse.
 - v. All Adults must complete the Scouts Australia 'Child Safe' eLearning module within one month of joining the Association. The module is expected to be available in 2014 and all existing Adult members must complete it within one month of it becoming available. Failure to complete such training may result in their membership being suspended or summarily terminated.
- g) When there is a change of service or a move or transfer to another Group, the Adult must undergo refresher training in the Association's child protection policy and procedure by re-doing the Scouts Australia Child Safe eLearning module. The Code of Conduct must be reviewed with the Group Leader and a copy of it signed by the Adult and the Group Leader and placed on the Adult's record by the Group Leader.

6. HOW DOES SCOUTING ENSURE LEADERS DO NOT PUT YOUTH OR THEMSELVES AT RISK?

- 6.1 With more than 100 years of experience, the Association knows the situations that can place Youth at risk of abuse, especially sexual abuse. Therefore, there are very clear requirements that must be followed by Adults and adhering to the following will greatly reduce the risk of abuse.
- 6.2 The following are standard practice in the delivery of Scouting:
 - a) **Two Adults present** - Scouts NSW requires that when Adults are supervising and conducting Scouting activities involving Youth, at least two Adults are present, except in unexpected, unusual and unforeseen circumstances. While the minimum ratio of Adults to Youth will vary from activity to activity, a minimum of two Adults is always required. This requirement is to protect Youth and Adults and is referred to as "Two-Deep" leadership.
 - b) **Mixed-gender Groups** that do not have both a male and female Leader/Adult Helper should have a male/female parent accompanying them throughout the duration of any activity. If unavoidable, two Adults of the same gender may supervise a camp, provided that the parents of the Youth participating have been advised and have given prior approval. Such an arrangement is not encouraged and Groups should ensure that it is a rare exception, rather than the norm.
 - c) **Overnight activities** - Where no Adults are present for overnight activities (for example, a Patrol camp or some Venturer Scout events), sleeping and ablution arrangements for Youth must be separated by gender, except where impractical. In other situations, wherever possible, Youth should be separated by gender when accommodated overnight. Where this is not possible, Adult supervision by at least two Adults must be provided on-site in accordance with the mixed-gender policy, parents having been informed in advance.
 - d) **Ablutions** - Separate ablution arrangements for each gender must be available for all Youth involved in overnight activities. Only Adults of the same gender are to directly supervise the Youths' ablutions. In these circumstances, the guiding principle is that Adults must avoid placing themselves in a situation where they feel uncomfortable or compromised or where their actions could be misinterpreted.
 - e) **Travel** - On certain occasions (for example transporting youth members from venue to venue), it is likely that only one Adult will be supervising. In these circumstances, prior permission is to be

obtained from the parents of the Youth concerned. Under no circumstance should any Adult accept a third party into travel arrangements without the prior permission of parents (unless the third party is another, known Scout member). Adults should not place themselves in positions where they feel uncomfortable or compromised or where their actions could be misinterpreted.

Other than for the child of a parent/guardian or in a clear emergency, Adults must not travel alone with one child in a motor vehicle, watercraft or an aircraft (other than a two-seater glider, the use of which has the prior approval of the parent/guardian). Other than for the child of a parent/guardian, where an Adult is accompanying a Youth home on a plane from an event such as an early return from a Jamboree, the Adult and Youth when together must remain in clear view of the public/other passengers at all times. Adults must not remain alone with a Youth following a meeting or other activity. Another Adult must be present or if another Adult is not available, several other Youth members must be present.

In order to minimise the risk of misunderstanding an Adult's actions when there is a need to travel alone with a Youth other than a Youth's parent/guardian:

- i. The Group Leader (or the Adult's direct supervisor) must be informed (the Group Leader must monitor for any pattern of occurrence).
 - ii. The Youth's parents/guardians must be informed and consent obtained.
 - iii. The Adult must make a diary note of the date, time and circumstances for future reference, if required.
 - iv. The Adult must report the situation to the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au within 48 hours of the situation occurring.
- f) **Youth to Youth behaviour** - Child abuse can also occur through Youth interaction ranging from harassment and bullying to sexual contact. A formal incident report must be submitted to the Office of the Chief Commissioner in the case of sexual contact. All abuse must be stopped immediately by an Adult present. If it persists, the Adults present must protect the abused Youth. If necessary, an activity should be cancelled to protect an individual. Unacceptable behaviour must be reported by the supervising Adult present as soon as practicable.

Contact with the parents/guardians of the Youth will be managed by Leaders at Section/ Group / Region or Branch level depending on the seriousness of the behaviour.

- g) **Contact by external parties** - It is the responsibility of all Adults to ensure, as best as practicable, that while engaged in Scout activities, Youth are protected from unauthorised contact by external parties. Care is to be taken to include this consideration in the planning of activities, which includes 'remote access' by camera or recording.
- h) **Photographs** - Permission must be obtained from the parent/guardian of Youth before photographs are taken by Adults and Youth for use by the Association. This is best done by the parent/guardian ticking the appropriate box on the Youth Membership Application Y1 form at the time of joining. Where permission is not granted, Adults present at an event must take reasonable steps, in a discreet and sensitive manner, to prevent the Youth concerned being photographed.
- i) **Media access** - Media access to Youth must be authorised in advance by the relevant Regional Chief Commissioner or the Branch Chief Commissioner and the Youth's parent/guardian.
- j) **Digital recording** - Scouts NSW acknowledges the difficulty in controlling the use of digital cameras, phone cameras and similar devices. Adults should exercise judgement in this area on a case by case basis.

Non-compliance with the requirements of this procedure must be reported directly to the Chief Commissioner, the Chief Executive or the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au.

7. WHAT PRECAUTIONS SHOULD ADULTS TAKE TO PROTECT THEMSELVES?

- 7.1 Adults need protection as well. At all times, Adults must avoid placing themselves in situations where they feel uncomfortable or compromised or where their actions could be misinterpreted. Item 8 in the Scouts Australia Code of Conduct states:

Adults in Scouting, for their own protection, should avoid potentially compromising situations by

ensuring, where reasonably possible, that at least two adults are in attendance whilst supervising and/or accompanying Youth Members.

- 7.2 A review of accusations, charges and complaints against Adults reveals that Adults involved all too often have not complied with the foregoing section of the Code of Conduct, often expressing surprise about what it means. As a result, their defence is weakened significantly.
- 7.3 In short, Adults should abide by their Scout Promise, the Scout Laws, the Code of Conduct, our Child Protection Policy and this Procedure. In addition, they should report any breaches or incidents of which they become aware.

8. HOW DO YOU KNOW WHAT OUR POLICY IS AND HOW DO WE DEAL WITH CONCERNS?

- 8.1 In conjunction with the above, we endeavour to clearly explain and publish the requirements governing Adults.
- 8.2 In addition to the processes set out above Scouts NSW conduct an on-going awareness program by:
- a) Providing the Child Protection Policy and the Child Protection Procedure to the parents/guardians of every new Youth member with the application for Youth Membership and to every Adult at the outset of becoming involved in Scouting or when a person is about to become a Rover Scout.
 - b) Group Leaders ensuring that each term Section Leaders remind Youth of their right to be treated with respect and that they are told how to report any inappropriate behaviour to a responsible Adult, who will listen to them and receive their report without recrimination.

9. AS A PARENT OR LEADER, HOW DO I DEAL WITH ALLEGATIONS OR CONCERNS?

- 9.1 The Association's overriding priority is to ensure the ongoing safety of all Youth and therefore Youth must not be left in a situation of abuse or a situation that potentially risks abuse. Such a situation could be identified by an Adult or be brought to the attention of an Adult by another Adult or a Youth. The Youth might be the person who has been abused or reporting the abuse of another Youth or reporting the abuse of a 'friend' who is in fact themselves. An approach by a Youth must be taken seriously. It is important to create a supportive environment for the Youth and to listen carefully.
- 9.2 Dealing with abuse is a complex matter that requires special expertise and it is not expected that Adults will have those skills. Therefore, Adults **should not** attempt to intervene, other than to take necessary, common sense action if the Youth is in immediate danger. Where a Youth expresses concern, the Adult's role is to be supportive, listen carefully and report the as set out at paragraph 10 below.
- 9.3 Scouts primary concern is the safety of Youth. The guilt or innocence of a person accused of wrongdoing is a secondary consideration, and we presume that the person so accused is innocent until proven otherwise. When the person accused is another Youth, the accused Youth's welfare will need to be handled carefully. Again, these matters are complex and require special expertise. On becoming aware of a situation, an Adult should not confront a person named by the Youth, but should report the matter as set out below.

10. HOW DO WE ENSURE THAT ALLEGATIONS OF ABUSE OR SUSPECTED ABUSE ARE DEALT WITH IN A TIMELY, CONSISTENT AND CORRECT MANNER AND THROUGH THE RIGHT CHANNELS?

10.1 Reporting Abuse

- a) Scouts NSW maintains an open and cooperative relationship with the Police, the Department of Community Services, the NSW Office of Children's Guardian, and other relevant authorities to address any child protection concerns and will provide information in its possession to authorities to assist in their investigations.
- b) **All suspicions, concerns or allegations about criminal matters or child protection matters should be reported directly to the Chief Commissioner, the Chief Executive or the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au**

- c) Although neither Scouts NSW, nor its Leaders are Mandatory reporters for the purposes of the Children and Young Persons (Care and Protection) Act 1998, once we receive a notification, the Association will make an **immediate** report to the relevant authorities.
- d) If an individual has made a report to NSW Police, NSW Department of Community Services, or another relevant authority, they should also report the matter to the Chief Commissioner, the Chief Executive or the Child Protection Officer. The Association will then make direct contact with the relevant authority about the matter.
- e) Reporting to the Association enables the Association to work directly with the authorities in managing the matter. It enables the Association to take immediate action under its Behavioural Management Policy, in consultation with the authorities.

10.2 Imminent Danger

If a young person is in imminent danger, the matter should be reported directly and immediately to NSW Police on 131 444.

10.3 What do I do if I have concerns, but no evidence?

You should report your concerns to the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au who will assist you with it. Certain behaviours (as described in Attachment C) are cause for concern and should not be ignored.

10.4 General Obligations and Reporting processes

Whether within NSW or elsewhere (e.g. interstate on a Jamboree) Adults must report incidents of abuse or suspected abuse to the directly to the Chief Commissioner, the Chief Executive or the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au.

10.5 In dealing with a report:

- a) If an alleged perpetrator is an Adult and the matter involves sexual abuse, in collaboration with the relevant authority, the Branch Chief Commissioner or delegate will advise the person by telephone immediately that a serious accusation has been made about the person and that they have been immediately suspended from any involvement with Scouting activities (including the wearing of the Scout uniform and attending any Scout premises) and within seven days send formal, written advice of their suspension.
- b) If the person is an employee and the matter involves sexual abuse, the Chief Executive will immediately suspend the employee with or without pay at the Chief Executive's sole and absolute discretion until the matter is finalised to the satisfaction of the Chief Commissioner.
- c) If an Adult discloses having been abused when a Youth, the matter must be reported directly to the Chief Commissioner, the Chief Executive or the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au.
- d) Where sexual abuse is alleged, details of the accusation will be managed and, if necessary, advised to the alleged perpetrator by the relevant authority and not by the Association. For other forms of abuse, the Chief Commissioner will determine how the matter is raised with the accused, after consulting with the relevant authorities.
- e) In the case of a report involving abuse of a non-sexual nature, the matter will be dealt with under Scouts Behavioural Management Policy as a Major Behavioural Issue which may result in cancellation of membership.
- f) If an allegation is substantiated to the satisfaction of the Chief Commissioner, the offender's membership and role with Scouts NSW may be revoked immediately and the person's membership record endorsed such that the person will never be readmitted. Scouts Australia national office will be notified of such a dismissal.
- g) Regardless of the outcome of any complaint of criminal behaviour, Scouts NSW reserves the right to refuse the reinstatement of an alleged offender who has been cleared or not charged by the Police at its sole discretion, under delegation to the Chief Commissioner.

If you or your child has ANY concerns that these processes are NOT being followed, we ask that you speak to another Leader at the Group (such as the Group Leader) or that you contact your Region Office (details can be found on the Scouts NSW website <http://www.nsw.scouts.com.au/contact-information>) or that you contact the Child Protection Officer at State office 9735 9000 or at ChildProtection@nsw.scouts.com.au.

10.6 HISTORICAL COMPLAINTS - WHAT IS DONE WHEN AN ADULT REPORTS HAVING BEEN ABUSED WHEN A YOUTH MEMBER?

- a) A complaint by a victim who was abused as a Youth but discloses the abuse after reaching the age of 18 years should be reported to Scouts NSW who will raise such a disclosure with the Police on the understanding that the decision to make a formal report to the Police rests entirely with the victim disclosing the abuse.
- b) Given that an alleged perpetrator might have ongoing involvement in Scouting, the notification may assist the authorities in gathering a complete picture of the alleged perpetrator and, importantly, alert Scouts NSW to the potential for ongoing risk to young people. In such circumstances Scouts NSW will take steps to suspend the perpetrator as it would with any complaint concerning a current Youth member.

10.7 WHAT SHOULD BE DONE ABOUT SEXUAL RELATIONS BETWEEN CONSENTING YOUTH?

The Association does not condone sexual relations occurring at any Scouting events or activities and is of the view that such behaviour may, at the very least, involve a breach of the Scout Law by not being respectful to others who are at that event. Because of the complex legal issues which can arise, particularly in determining whether consent has effectively been given, ALL such issues should be reported to the Chief Commissioner or the Chief Executive for consideration.

11. HOW DO WE ENSURE THE POLICY AND PROCEDURE REMAIN RELEVANT AND EFFECTIVE AND CAN BE IMPROVED WHERE NECESSARY?

- 11.1 Each 6 months the Child Protection Officer and the Assistant Chief Commissioner, Issues Management will review a proportion of complaints lodged and report to the Chief Commissioner on any issues which have arisen and suggested improvements which can be made to our procedure.
- 11.2 Every 3 years, or earlier if directed by the Chief Commissioner, this Procedure and the Child Protection Policy will be reviewed by a committee consisting of the Assistant Chief Commissioner, Issues Management, the Child Protection Officer and one uniform member appointed by the Chief Commissioner. That committee will provide a report to the Chief Commissioner, together with any recommendations arising from the review.

12. PRIVACY

- 12.1 Scouts NSW maintains a Privacy Policy that clearly defines the circumstance in which any information it maintains on members and staff may be used. Scouts NSW recognises the sensitive nature of reporting and responding to child abuse and therefore will protect, as far as is practicable, information pertaining to victims, the people who report and alleged offenders. Importantly, it should be remembered that legislation protects a person who reports child abuse or suspected child abuse. A person can make a report anonymously.
- 12.2 Generally, a person accused of child abuse who becomes aware of the identity of the person who made the report must not disclose the identity of that person to anyone else. The exception being when the disclosure is made to a person acting in the course of official duties, or is made with the consent of the person who made the complaint. In this context, Scouts NSW will share information with the Police, the Department of Family and Community Services and Scouts Australia, the World Organisation of the Scout Movement, at its discretion in accordance with its duty of care to the interests of protecting Youth, or as required by law.

- 12.3 Confidential records concerning abuse cases will be maintained in a secure environment and retained indefinitely by the Scouts NSW. Access will be strictly controlled, with approval to access the files resting with the Chief Executive, the Branch Chief Commissioner, Assistant Chief Commissioner, Issues Management and the Board Chair, any one of whom may approve access.
- 12.4 The Privacy and Confidentiality provisions of the Child Protection Procedure must be observed. Only the Board Chair, Chief Commissioner and Chief Executive of Scouts NSW or their delegates are authorised to comment on child protection issues to the public or to the media. A breach must be reported to the Chief Commissioner, the Chief Executive or the Child Protection Officer at State Office on 9735 9000 or at ChildProtection@nsw.scouts.com.au.

13. RELATED POLICY AND PROCEDURE DOCUMENTS

- 13.1 The following Scouts NSW documents should be read in conjunction with this document:
- Working With Children Check Policy
 - Privacy Policy
 - Code of Conduct, Scout Law and Promise

Attachment A

Definitions of Abuse and Possible Indicators

The Children and Young Persons (Care and Protection) Act 1998 (**NSW**) defines the extent of abuse and neglect in which the state has authority to intervene. While not necessarily an exhaustive list, child abuse is categorised in five ways. Adults in Scouting will not necessarily be in a position to be aware of all forms of abuse, especially those of a more intimate nature, and they are not expected to be so.

Physical Abuse

Physical abuse is when someone is deliberately hurt, or is at serious risk of being physically hurt, by their parents or carers. This can include punching, kicking, shaking or throwing, scalding/burning, strangling, or leaving a child alone in a car. It can also be from excessive physical discipline, or by being given drugs including alcohol. These injuries are not treated as accidental. Possible signs of physical abuse:

- Broken bones or unexplained bruises, burns or welts in various stages of healing.
- The child or young person can't explain an injury, or the explanation is inconsistent, vague or unlikely.
- The parents saying that they're worried that they might harm their child.
- Family history of violence.
- Female genital mutilation.
- Delay between being injured and getting medical help.
- Parents who show little concern about their child, the injury or the treatment.
- Frequent visits to health services with repeated injuries, illnesses or complaints.
- The child or young person seems frightened of a parent or carer, or seems afraid to go home.
- The child or young person reports intentional injury by their parent or carer.
- Arms and legs are kept covered by clothing in hot weather.
- Ingestion of poisonous substances including alcohol or drugs.
- The child or young person avoids physical contact (particularly with a parent or carer).

Sexual Abuse

Sexual abuse is children and young people being exposed to inappropriate sexual activity. This includes being involved in sexual acts (masturbation, fondling, oral sex or penetrative sex); or witnessing sexual activity either directly or through pornography. Possible signs of sexual abuse:

- Inappropriate sexual behaviour for their age and developmental level (such as sexually touching other children and themselves).
- Inappropriate knowledge about sex for their age.
- Disclosure of abuse either directly, or indirectly through drawings, play or writing.
- Pain or bleeding in the anal or genital area, with redness or swelling.
- Fear or being alone with a particular person.
- Child or young person implies that they have to keep secrets.
- Presence of sexually transmitted infection.
- Sudden, unexplained fears.
- Bed wetting and soiling.

Emotional Abuse

Emotional abuse is being treated in ways that damages a child's ability to feel and express a range of emotions. This can be caused by behaviours that occur over time, such as verbal abuse and teasing, rejection, physical or social isolation, threats and bullying. Possible signs of emotional abuse:

- Parent or carer constantly criticises, insults and puts down, threatens, or rejects the child or young person.
- Parent or carer shows little or no love, support, or guidance.
- Child or young person shows extremes in behaviour from aggressive to passive.
- Physically, emotionally and/or intellectually behind others of the same age.
- Compulsive lying and stealing.
- Highly anxious.
- Lack of trust.
- Feeling worthless.
- Eating hungrily or hardly at all.
- Uncharacteristic seeking of attention or affection.
- Reluctant to go home.
- Rocking, sucking thumb or self-harming behaviour.
- Fearful when approached by someone they know.

Psychological Abuse

Psychological abuse is being treated in ways that damages a child's self-esteem, personal and moral development and intelligence. This can be caused by behaviours that occur over time, for example, belittling, threatening, isolating and causing the child to feel worthless. Possible signs of psychological abuse are similar to the ones for emotional abuse.

Neglect

Neglect is not providing enough care or supervision so that the child is injured or their development is damaged. It includes lack of food, shelter, affection, supervision, untreated medical problems and abandonment. Possible signs of neglect:

- Signs of malnutrition, begging, stealing or hoarding food.
- Poor hygiene: matted hair, dirty skin, or body odour.
- Untreated medical problems.
- Child or young person says that no one is home to look after them.
- Child or young person always seems tired.
- Frequently late or absent from school.
- Clothing not appropriate to the weather.
- Alcohol and/or drug abuse in the home.
- Frequent illness, minor infections or sores.
- Hunger,

Source: Department for Child Protection and Family Support

Attachment B

Sexual Grooming

[The first part of this guide is an extract from a Network of Community Activities (Surry Hills, NSW) publication.]

A lot of information exists about how to respond to sexual abuse once it has been discovered. But the best way of protecting children from harm is to be aware of the behaviours that can lead to sexual abuse before it occurs. These behaviours are called 'grooming'. Organisations with unclear boundaries around contact with children can be magnets to people who wish to 'groom' children for sexual abuse¹. By learning about the strategies used to 'groom' children and their families and recognising them as inappropriate behaviours in your service you create an environment that will deter infiltration by sexual abusers².

Sexual abuse thrives in secrecy and ignorance. By being alert to potential danger signs, we are better able to understand the steps we can take to keep children as safe as possible.

What is "Grooming"?

Sexual abusers are often people we know; more than 8 out of 10 children³ who are sexually abused know their abuser. They may hold responsible positions in their local community, and can be personable or charismatic. Abusers come from all classes, ethnic and religious backgrounds and may be heterosexual or homosexual. Whilst a high percentage of abusers are men, some are also women⁴. You cannot pick an abuser out in a crowd, however you can identify behaviour that precipitates abuse. This behaviour is known as 'grooming' and research shows us that it can occur for up to 12 months before the actual sexual abuse take place⁵.

Grooming is defined as communication with a child where this is an intention to meet and commit a sex offence⁶. More generally it can be seen as the process by which an individual manipulates those around them – particularly, but not exclusively, the child – to provide opportunities to abuse and reduce the likelihood of being reported or discovered.

Research suggests that this process can be very deliberate, and while it can occur over a long period of time, sometimes this period of time is much shorter; there may not be any conscious motivation to sexually abuse a child until just before the abuse occurs. In both cases, there are often opportunities to observe and intervene, even before the would-be abuser is fully aware of what may become sexual intentions.

Unfortunately, identifying sexual grooming of children isn't always straightforward. Sometimes sexual abuse occurs as part of a pre-existing relationship in which there is genuine affection, which makes it a complex issue. But there are often clear signs that can be detected before the abuse occurs.

How do people "groom" children for sexual abuse?

- By getting close to children – child sex offenders will often seek out adults and groom them in order to get access to their children. The sex offender can create a relationship built on trust or dependency and gain access to the children through it. Some befriend parents or carers who are facing difficulties or who are vulnerable themselves.
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- By silencing children – people who want to sexually abuse children may:
 - offer them gifts or treats, and sometimes combine these with threats about what will happen if the child says 'no' or tells someone
 - threaten them with exclusion from their peer group or loss of favour if they do not comply
 - make the child afraid of being hurt physically, or threaten what may happen to other people if the child tells
 - play on the child's embarrassment or guilt about what is happening, perhaps convincing them that no one will believe them
 - make the child believe he or she wanted it to happen.

Signs an adult may be grooming a child for sexual abuse

There may be cause for concern about the behaviour of an adult or young person if they:

- Exhibit frequent physical affection such as kissing, hugging, stroking hair or wrestling even when the child clearly does not want it or it is not required.
- Encourage child or particular children to sit on their lap and offer regular physical comfort or reassurance to a particular child without a recognised cause.
- Seek out opportunities to be alone with a child with no interruptions.
- Spend most of their spare time with children and have little interest in spending time with people their own age.
- Solicit invitations to sports, events or parties where a child will be.
- Frequently arrive uninvited to places where the child or their family will be in a series of 'coincidences'.
- Spend a lot of time around places like arcades, playgrounds, parks and sports venues to get to know children so they are not seen as strangers.
- Regularly offer support to the family members of the child such as offering to babysit children for free, transport children to events, help out at social occasions involving the child or take children on outings alone.
- Offer to drive children home or collect children from events on a regular basis.
- Frequently walk in on children in the bathroom or their bedrooms.
- Treat a particular child or group of children as favoured, making them feel special compared with others in a group.
- Find out as much as possible about the child and use that information to engage the child and drive a wedge between the child and any protective adults, e.g. parents, teachers or coaches.
- Purchase gifts or collect items of interest regularly for a specific child or group of children.
- Tell secrets to a child and encourage the keeping of secrets.
- Display ambiguous sexual behaviour, e.g. showing the child pictures of other children wearing swimsuits or less.
- Display clearly inappropriate sexual behaviour, e.g. showing the child pornographic pictures, using explicit sexual language around children.

Key Points

- Child sexual abuse thrives in secrecy.
- People who abuse children may spend up to 12 months 'grooming' a child before they commit a sexual act with them⁷. However, the period of time spent grooming can also be short, with the impulse occurring not long before the abuse happens.
- People do not just 'groom' children, they also 'groom' the adults around them.
- Environments that have defined boundaries in regards to appropriate behaviour are less likely to attract sexual abusers⁸.
- Staff, volunteers and visitors should follow defined protocols for appropriate behaviour or be excluded.
- Identification of sexual grooming of children can be a complex issue. The challenge is to be vigilant without creating a siege mentality.

¹ *Understanding the Grooming or Entrapment Process, CPSU briefings*

² *Wortley and Smallbone 2006*

³ *(ABS, 1996, 2004a)*

⁴ *Pritchard, 2004*

⁵ *Wortley and Smallbone 2000*

⁶ *Understanding the Grooming or Entrapment Process, CPSU briefings*

⁷ *Child Sexual Abuse in Queensland: Offender Characteristics and Modus Operandi*

⁸ *Understanding the Grooming or Entrapment Process, CPSU briefings*

Extract from the Office of the Children's Guardian Fact Sheet on Reportable Workplace Conduct 2013
Sexual misconduct involving a child

The term '**sexual misconduct**' includes sexual offences.

The term 'sexual offence' encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- indecent assault,
- sexual assault,
- aggravated sexual assault,
- sexual intercourse and attempted sexual intercourse
- possession/ dissemination/ production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children under the age of 16 years for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships.

All cases involving a sexual offence would also involve sexual misconduct.

What is sexual misconduct?

The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence (for example, criminal proceedings may not have been commenced or proceeded to a finding of guilt by a court). For sexual misconduct to be reportable to the Office of the Children's Guardian, the alleged conduct must have been committed against, with or in the presence of a child.

There are three categories of sexual misconduct in addition to sexual offences:

- crossing professional boundaries
- sexually explicit comments and other overtly sexual behaviour and
- grooming behaviour.

Crossing professional boundaries

Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- relationship with
- conduct towards or
- focus on; a child or young person, or a group of children or young persons.

Particular care should be exercised before making a finding of sexual misconduct for 'crossing professional boundaries'. Persistent less serious breaches of professional standards in this area, or a single serious 'crossing of the boundaries' by an employee, may constitute sexual misconduct, particularly if the employee either knew, or ought to have known, that their behaviour was unacceptable.

The Code of Conduct and Leader Support Guides, (particularly LSG 28 explaining Two Deep Leadership) outlines the nature of the professional boundaries which should exist between Adults and children/young people. For Adults who either intentionally breach the Code and Guides or have demonstrated an inability to apply them appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour.

Grooming behaviour

Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. However, Schedule 1(2) of the Act also recognises grooming as a form of sexual misconduct.. As an alternative to grooming, in many cases it will be more appropriate to consider whether there has been a 'crossing of professional boundaries' (see above) and/or other more overt sexual behaviour. Grooming behaviour is explained above.

The types of behaviours that may lead to such a conclusion are set out previously.

Sexually explicit comments and other overtly sexual behaviour

Sexual misconduct includes a broad range of sexualised behaviour with or towards children. While it is not possible to provide a complete and definitive list of unacceptable sexual conduct involving children, the following types of behaviour give strong guidance:

- sexualised behaviour with or towards a child (including sexual exhibitionism)
- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching involving a child
- personal correspondence and communications (including emails, social media and web forums) with a child or young person in relation to the adult's romantic, intimate or sexual feelings for a child or young person
- exposure of children and young people to sexual behaviour of others including display of pornography
- watching children undress in circumstances where supervision is not required and it is clearly inappropriate.

Characteristic Behaviours of Child Abusers Attachment C

It is important that Adults exercise appropriate vigilance to identify potential perpetrators. The list below represents certain behaviour characteristics that often apply to a person who is engaging in, or who intends to engage in, child abuse. **It is important to understand that, in the Scouting context, one or two of these behaviour characteristics on their own do not necessarily indicate that a person is an abuser or a potential abuser. Ongoing behaviour that involves several characteristics together might provide reason to raise concern.** Such a person should be observed closely, but discreetly, for a brief period before reporting the concern, if the concern remains. Even where there is no known victim or suspected victim, an Adult who has concerns about someone, must report their observations as set out in 10.3 of this Procedure.

Possible general indicators of an offender include:

- When the majority of a suspected abuser's relationships are with children (some abusers don't relate well to people of their own age).
- Is over friendly/familiar with children.
- Describes children as angelic or pure.
- Has low self-esteem, poor self image (possibly due to emotional deprivation or sexual abuse as a child).
- May remove himself/herself mid-way through an activity to have time with children who may be in the toilets.
- Gives articles of his/her clothing to a child as gifts, e.g. a cap, a jacket, footy-shirt etc. This is an attempt to demonstrate ownership of the child.
- Carries photos of children other than his/her own, often indicating that these children love him/her.
- Gives extreme affection to children, e.g. front-on close hugging, always touching or flirting.
- Flatters children and boosts their egos.
- Has favourites to whom gifts are given.
- Pays special attention to sad, isolated or lonely children and those in single parent families.
- Displays withdrawn, placid demeanour.
- Can be single or married. Some reports show that 47 per cent of child abusers are married. May be experiencing marital problems, but not necessarily.
- Over emphasis upon morality – are legalistic and inflexible. Could well be a reflection of his/her own bad actions.
- Strong denial of offence or any intention to offend.
- Convincing in protests of innocence – has developed this as a defence mechanism. May be very outspoken about child sex offenders.
- Avoids screening processes, or attempts to do so.
- Attempts to engineer opportunities to be alone with a child, e.g., babysitting, targets single parents, child minding, etc.
- Offers to take or takes child home, shopping or on an outing. Offers to collect child from school.
- Dislikes submission to authority, prefers to work alone, and is negative (or dismissive) when sexual abuse topics are raised.
- Spends considerable time with children.
- Voices opinion on sex education, suggesting that children are not taught properly.
- Can be any personal or social make-up, e.g. extrovert, introvert, married, single, old, young, rich or poor. While the majority of abusers are male, they are not necessarily always so.

Possible indicators of an offender in the family context include:

- Shows improper behaviour.
- Showers with children.
- Expects an open door policy in the bathroom.
- Attempts to sit children on lap, even when child or adolescent resists.
- Exhibits inappropriate hugging and/or kissing.
- Attempts to shut down spouse/child communications.
- Children don't want to be home alone with the person.
- Is jealous of child's boyfriend/girlfriend.
- Child is treated like a spouse in conversation or decisions.

[Source: Scouts SA Policy document]

Attachment D

Guidelines for Responding to a Youth Who Discloses Abuse

One way in which a member, supporter or staff member may become aware of abuse is through disclosure by the victim. When a child under 18 years of age begins to share with you an experience of abuse, please apply the following guidelines:

- Listen to the child carefully, but **do not press the child for details. It is not your role to conduct an investigation. Asking leading questions may in fact prejudice any subsequent investigations.**
- Be clear that you believe the child. It is essential to understand that rarely do children fabricate allegations of abuse and therefore all disclosures of abuse should be taken seriously.
- Reassure the child that what happened is not the child's fault. Children are never responsible for violence or sexual misbehaviour inflicted on them by other people.
- Reassure the child that it is right to tell someone and that you are pleased that the child has shared this with you. Perpetrators often threaten a victim in an attempt to ensure silence.
- Acknowledge that it is hard to talk about these issues.
- Do not make promises that you cannot keep (e.g. confidentiality). Reassure the child that certain adults who can give protection need to know so that the abuse can be stopped.
- Never say, "I don't believe it". Do not show emotions such as disgust, horror, disbelief or panic in front of the child. This risks making the child feel ashamed and helpless, adding to the abuse inflicted by the abuser. If a child senses that you cannot cope with the information, the child will likely lose confidence in you and withdraw, thus enabling the abuser to continue the abuse.
- Make notes of the conversation immediately while the facts are still fresh in your mind for reporting purposes. The HS-5 Incident, Accident, Near Miss Form available from the Scouts NSW Website should be used to make a report to Branch, in accordance with Section 10 of the Child Protection Procedures, as applicable.
- **Remember, the alleged abuser must not be approached.**

Finally, where a child is accused of inflicting abuse on another child, it may well be the child is an abuse victim. This is a very sensitive issue and must be handled by a person with professional qualifications.

Attachment E**CODE OF CONDUCT FOR ADULTS**

This Code of Conduct is expected of all adults, members and Associates, uniformed and non-uniformed, who work within the Movement, recognising that at all times they should act responsibly and exercise a Duty of Care.

1. Adults in Scouting respect the dignity of themselves and others.
2. Adults in Scouting demonstrate a high degree of individual responsibility, recognising that at all times their words and actions are an example to other members of the Movement.
3. Adults in Scouting act at all times in accordance with Scouting Principles, thereby setting a suitable example for all.
4. Adults in Scouting do not use the Movement to promote their own beliefs, behaviours or practices where these are not compatible with Scouting Principles.
5. Adults in Scouting act with consideration and good judgement in all interpersonal relationships both inside and outside Scouting.
6. Adults in Scouting respect everyone's right to personal privacy at all times. They take special care where sleeping, changing of clothing, bathing and ablutions are associated with any Scouting activity.
7. Adults in Scouting avoid unaccompanied and unobserved activities with Youth Members where possible.
8. Adults in Scouting, for their own protection, should avoid potentially compromising situations by ensuring, where reasonably possible, that at least two adults are in attendance whilst supervising and/or accompanying Youth Members.
9. Adults in Scouting realise that bullying, physical or verbal abuse, neglect or any other type of abuse, is unacceptable conduct by any Member of the Movement.
10. Adults in Scouting must report any conduct seen or heard that does not comply with this Code of Conduct.

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ATTACHMENTS

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