

## Scouts Australia NSW

### Current policies and procedures relating to the protection of Scouts Australia NSW's Youth Members and the Association's policy of zero tolerance of abuse of any kind

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Scouts Australia NSW is passionate about empowering young people and keeping them safe from abuse. Over the years we have developed a range of policies and procedures in order to achieve this goal. Our policies and procedures govern all stages of a Leader's involvement with the Association, from application stage through to circumstances in which a Leader is the subject of an allegation of abuse.

Leaders are also referred to as "adult Members" in this document.

#### 1. APPLICATION FOR ADULT MEMBERSHIP AND APPOINTMENT – BACKGROUND SCREENING

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##### 1.a. New South Wales Working With Children Checks

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The Office of the Children's Guardian introduced the New NSW Working With Children Check in May 2013. While under the former checking system, only paid employees were required to undergo the check, the new Working With Children Check is now a prerequisite for anyone in child-related work, whether paid or unpaid.

Under the *Child Protection (Working with Children) Regulation 2013*, Scouts Australia NSW is classified as a "Club or other body providing services for children", in that we are an Association of a recreational/community service nature that provides programs or services primarily for children. The work performed by our paid employees and volunteers alike is therefore classified as child-related work under section 7 of the Act. Our workers, both paid and unpaid, require the new check.

Scouts Australia NSW is currently conducting these checks on new employees.

If the check determines that the applicant presents a serious risk to children, they will be barred from working with children and Scouts Australia NSW will prevent them from becoming a Member of the Association.

However, the new check is only phased-in for volunteers between 1st January and 31st December 2015, according to the Guardian's phase-in schedule for industry sectors.

##### 1.a.i. Statutory Declaration for Volunteers

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Up until the introduction of the New NSW Working With Children Check in May 2013, Scouts Australia NSW ensured that all of its volunteers complied with the then legislative requirement for all volunteers working with children: Scouts required every applicant Scout Leader to complete a Volunteer/Student Declaration.

*Annexure: Scouts Australia NSW Volunteer/Student Declaration [no longer applicable].*

The Volunteer/Student Declaration is no longer a requirement of the new Working With Children Check, though Scouts Australia NSW is in the process of creating its own Statutory Declaration that it will require all volunteers to sign. The Declaration will be of a similar nature to the old Declaration, in that it will require volunteers to affirm that they are not a person prohibited from working with young people, and that they have not been convicted of or are not awaiting trial for certain offences. Such offences will include, at a minimum, the disqualifying offences listed in Schedule 2 of the *Child*

*Protection (Working With Children) Act 2012*, which automatically bar an individual from working with children.

### 1.a.ii. Reporting misconduct involving children

Under clause 25 of the *Child Protection (Working with Children) Regulation 2013*, Scouts Australia NSW is a “reporting body”. As a reporting body, our legal obligations are:

- To report any sexual misconduct committed by a child-related worker (employee or volunteer) against, with or in the presence of a child, including grooming of a child and/or any serious physical assault of a child
- To investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred
- If the investigation results in a finding that sexual misconduct or serious physical assault occurred, Scouts must report this finding to the Office of the Children’s Guardian.

Scouts Australia NSW upholds its legal obligations as a reporting body.

### 1.b. Police Record Checks

All applicant Leaders undergo a Police Record Check when they apply for Leadership with Scouts Australia NSW.

When applicant Leaders complete their application for membership form, they authorise Scouts Australia NSW to undertake a check of Police records on a random and ongoing basis for the purpose of disclosure of any conviction that may be recorded against the applicant by a Court of Law. Also, for the furnishing of details concerning any matter that may be before such a Court but not yet finalised.

Scouts Australia NSW also conducts random and ongoing Police Record Checks on its Leaders.

Scouts Australia NSW obtains these checks through the Criminal Records Section of NSW Police. We have been conducting Police record Checks on Leaders since the 1950s.

*Annexure- Scout Form: Application for Adult Membership and Appointment.*

Scouts Australia NSW also conducts Police Record Checks on adults who are not Scout Leaders but who are participating in Scout meetings, activities or events.

*Annexure- Scout Form: Check Consent Authority.*

### 1.c. Referee Checks

When applicant Leaders complete their Application for Membership form, they are required to give consent for Scouts Australia NSW to make any enquiries it sees fit as to the applicant’s character, background, and suitability. The applicant is required to list the names and addresses of two responsible citizens, other than relatives or members of the Scout Association, to whom the applicant is personally known, and of whom enquiries may be made.

*Refer to- Scout Form: Application for Adult Membership and Appointment.*

Scouts Australia NSW also conducts referee checks on adults who are not Scout Leaders but who are participating in Scout meetings, activities or events.

*Refer to- Scout Form: Check Consent Authority.*

## 1.d Information held by Scouts Australia NSW

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During the application process, applicant Leaders undergo a further background check with Scouts Australia NSW. The Human Resources Advisor at Scouts Australia NSW State Office checks the details of all applicant Leaders against a database, maintained by State Office, that lists all individuals about whom Scouts Australia NSW hold concerning information.

Scouts Australia NSW retains as paper records information it receives that may be of concern. For example, paper records may be kept in the following scenarios:

- To record a minor behavioural issue concerning a Scout Leader
- To record a complaint made by a Scouting parent about her local Scouting Program
- To record a criminal record of a Member, resulting from our Police Record Checks
- To record serious issues/allegations/child protection concerns concerning a current or former member or other individual connected with Scouting.

The Human Resources Advisor checks all applicant Leaders against this database. This means that where an individual who applies for Membership has a concerning history with Scouts Australia NSW, for example if that individual has been the subject of allegations relating to child abuse (including sexual assault and sexual misconduct), and/or other criminal matters, it enables the Association to duly consider this history when considering whether to accept the application of the applicant.

An individual with such a history would not be granted Membership with the Association.

## 2. THE APPOINTMENT STAGE

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Being involved as an adult in Scouting is a privilege, and is conditional on the individual's acceptance of the *Scout Promise and Law*, the *Personal Protection Policy and Procedures*, the *Code of Conduct*, Two Deep Leadership policy and the processes set out in Scouts' Behavioural Management Procedure.

Application for adult Membership requires commitment to the:

- Scout Law and Promise
- Aim, Principles and Methods of the Association
- Code of Conduct
- Adherence to the Policy and Rules of the Association and its States
- Role and responsibilities of adults in Scouts Australia
- Duty of Care
- Providing an authority for the Association to make enquiries concerning the suitability of the applicant for the appointment
- An agreement to undertake appropriate training and personal development.

A Certificate of Adult Appointment ceases to be effective on the holder discontinuing, or failing to perform the duties for which it was issued.

*Annexure- O&I Membership of Scouts NSW.*

Scouts Australia NSW's Adult Leader Appointment Procedures, and their emphasis on the initial selection of suitable persons for leadership positions, are documented in the Scouts Australia NSW Organisation & Information Handbook (O&I).

*Annexure- O&I Adult Leader Appointment Procedures.*

### 3. BEHAVIOURAL EXPECTATIONS OF CURRENT LEADERS

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Scouts Australia NSW has developed a suite of policies that outline the Association's expectations of its adult Members.

#### 3.a. The Code of Conduct for Adults in Scouting

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All adult Members of the Association are expected to abide by the *Code of Conduct for Adults in Scouting*. The Code outlines Leaders' responsibility to respect the privacy of Youth Members: "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."

It outlines the requirement that Leaders avoid situations where they are alone with a Youth Member, hence limiting the opportunity for abuse to occur: "7. Adults in Scouting avoid unaccompanied and unobserved activities with Youth Members wherever 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."

Clause 9 of the Code makes clear that the Association has a policy of zero tolerance of abuse of any kind: "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."

The Code is printed on the back of the Leader Appointment Certificate, which are awarded to adults when they first become Leaders.

The Code of Conduct is also published as a Leader Support Guide (LSG) on the Scouts Australia NSW website, in the Resources and Policies section of the website.

Breaches of the Code of Conduct result in disciplinary action under Scouts Australia NSW's Behavioural Management Procedure, discussed below at 7.

*Annexure- Code of Conduct for Adults in Scouting.*

#### 3.b. Duty of Care

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Scouts Australia NSW, in its role of the development of young people so that they may act as responsible citizens, uses the following criteria:

- Scouting Aim - To encourage their physical, mental, social and spiritual development.
- Principles - As defined by the Founder, Lord Baden-Powell, that Scouts should serve their God, act in consideration of the needs of others and develop and use their ability to the betterment of themselves and their families and the community in which they live.
- Method - There are 7 principle methods used by the Scout Movement, one of which states:

- The provision of a wide range of attractive constructive and challenging activities, including opportunities for adventure and exploring both indoors and outdoors.

Scouts Australia NSW recognises the existence of mutually intersecting obligations between itself, adult and Youth Members.

It recognises that a Duty of Care exists, which can easily be stated as “a duty to take reasonable steps that a reasonable person would expect to take to remove or minimise any risk of injury that can reasonably be discovered”.

Scouts Australia NSW accepts the primacy of its Duty of Care towards Youth Members and, in circumstances where an apparent conflict exists between a duty towards an adult Member and towards a Youth Member that conflict will, in the first instance, be resolved (at least until any formal assessment has been made) in favour of protecting the interests of the Youth Member.

Scouts Australia NSW’s recognition of its Duty of Care is published as a Leader Support Guide on the Scouts Australia NSW website, in the Resources and Policies section of the website.

*Annexure- Leader Support Guide 5 Duty of Care.*

### 3.c. Personal Protection Policy & Procedures

Scouts Australia NSW recognises that the way an organisation is managed can create opportunities for child abuse offending to occur. Conversely, by conducting its business differently, an organisation can reduce risk significantly.

Scouts Australia NSW developed its *Personal Protection Policy & Procedures* to foster a safe and secure environment for our Youth Members and to guide our adult Members in adopting behaviours that are consistent with the Association’s expectations and *Code of Conduct*.

The *Personal Protection Policy & Procedures* outline the Association’s expectations of its adult Members and their behaviour. They include rules regarding:

- Respecting Youth Members’ privacy
- Separate Accommodation for Male and Female Youth Members
- Separate Bathroom Facilities for Male and Female Youth Members
- Separate Accommodation for Leaders and Youth Members
- Open Door policy
- Addressing inappropriate behaviour
- Addressing abusive behaviour.

Scouts Australia NSW’s *Personal Protection Policy & Procedures* is published as a Leader Support Guide on the Scouts NSW website, in the Resources and Policies section of the website.

*Annexure- Leader Support Guide 17 Personal Protection Policy & Procedures.*

### 3.d. Two Deep Leadership Policy

The Association’s Two Deep Leadership Policy requires there to be at least two adults in attendance whilst supervising and/or accompanying Youth Members. This is one of Scouts Australia NSW’s core policies, created to afford maximum protection for our Members by limiting opportunities for child abuse offending and by maximising Leaders’ protection from a misconstrued act.

*Annexure- Leader Support Guide 28 Understanding Two Deep Leadership.*

Scouts Australia NSW recognises that abuse can take many forms and can be perpetrated through various mediums, including through technology.

The expectation that adult Members always observe Two Deep Leadership extends to interactions with Youth Members electronically, both online and via telephone.

Scouts Australia NSW's Social Media Guidelines stipulate that adult Members should not engage in one-on-one discussions with Youth Members online or via telephone, for example through emails or Facebook messaging, instant chatting, Skyping, texting or telephone conversations.

*Annexure- Social Media Guidelines*

### 3.e. Other Leader Support Guides

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Some other Leader Support Guides that address the Association's expectations of its Leaders and their behaviour are *Leader Support Guide 1 Avoiding Abuse in Scouting* and *Leader Support Guide 13 Guidelines for Physical Contact in Scouting*.

*Annexure- Leader Support Guide 1 Avoiding Abuse in Scouting.**Annexure- Leader Support Guide 13 Guidelines for Physical Contact in Scouting.*

## 4. PERFORMANCE REVIEWS

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At the conclusion of each three year period, the performance of an adult Member is reviewed by the District Commissioner in consultation with the Member's Group Leader, Region Commissioner's delegate or Chief Commissioner's delegate and the appointment is either renewed, reassigned or retired. This process provides further opportunity for the Association to address any behavioural concerns with the adult Member.

*Refer to- O&I Membership of Scouts NSW.*

## 5. ZERO TOLERANCE OF ABUSE OF ANY KIND

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The *Scouts Australia National Policy & Rules* has been adopted by the National Council of the Scout Association of Australia as a statement of policy and practice for the conduct of Scouting in Australia. It is binding on all formations, Members and supporters of the Movement.

Policy 5.2 of the *National Policy & Rules* enshrines Scouts Australia's policy of zero tolerance of abuse of any kind. The policy states that "Adults in Scouting are committed to providing, to the best of their ability, a safe environment for youth members participating in the Scout program, their parents or guardians and visitors. That safe environment must be in accordance with Scouts Australia's policy of zero tolerance toward bullying, neglect, emotional, physical or sexual abuse of any kind."

## 6. REPORTING CHILD ABUSE

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In accordance with its policy of zero tolerance of abuse of any kind, Scouts Australia NSW works with NSW Police, NSW Community Services (formerly DoCS), the NSW Office of the Children's Guardian, the NSW Ombudsman and other relevant authorities to address any child protection concerns.

The Association requires that all suspicions, concerns or allegations about criminal matters or child protection matters be reported directly to the Chief Commissioner, the Chief Executive or the Child Protection Officer at State Office. Once we receive a notification, the Association will make an immediate report to the relevant authorities.

If an individual has made a report to NSW Police, NSW Community Services, or another relevant authority, the Association requires that they 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.

Reporting to Scouts Australia NSW 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 Procedure, in consultation with the authorities, including suspending the adult Member the subject of the allegations while the investigation occurs.

Scouts Australia NSW has created a specific email address to which allegations/complaints of abuse can be directed. This email address - [ChildProtection@nsw.scouts.com.au](mailto:ChildProtection@nsw.scouts.com.au) enables individuals with suspicions/allegations to put their concerns in writing. Emails sent to this address are received by the members of Scouts Australia NSW's Child Protection Team, which currently includes:

- The Chief Commissioner
- The Chief Executive
- The Assistant Chief Commissioner (Issues Management)
- The State Commissioner (Members Support)
- The Human Resources Advisor.

Anonymous complaints are taken seriously.

Scouts Australia NSW's reporting procedure is outlined in *Fact Sheet 1 Reporting Child Protection Concerns*, published on the Scouts Australia NSW website, in the Resources and Policies section of the website.

[Annexure- Fact Sheet 1 Reporting Child Protection Concerns.](#)

Scouts Australia NSW provides a *Child Protection Guide* to all parents when their child first becomes a Youth Member. This Guide outlines the Association's commitment to child protection and details the Association's child protection reporting procedure.

[Annexure- Parents' Child Protection Guide.](#)

## 7. BEHAVIOURAL MANAGEMENT PROCEDURE - RESPONDING TO ALLEGATIONS OF ABUSE

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The Association has a documented procedure for handling major behavioural issues including misdemeanours, infringement of the *Code of Conduct* and matters where the Association's Duty of Care is infringed or actions bring or are likely to bring the Association into disrepute (including child protection concerns).

The procedure is documented in the O&I Handbook in the Behavioural Management Section.

It should be noted that the use of the suspension/dismissal process is seen as a process of last resort. However, according to Scouts Duty of Care, Scouts Australia NSW acts to protect the interests of its Youth Members, and where that requires the suspension of a Member, that will occur until such time as the matter can be properly assessed by the Authorities or Scouts Australia NSW.

Scouts Australia NSW also retains a right to summarily dismiss its members in circumstances where there is an infringement of the Duty of Care or for actions which bring or are likely to bring the Association into disrepute (including child protection concerns). The State Executive Committee may determine adult appointments and Membership at any time, at the discretion of the SEC, which shall not be under any obligation to state the reasons for such actions. Such determinations include the withdrawal or cancellation of Membership.

When Scouts Australia NSW suspends an adult Member the subject of a complaint/allegation, it assesses on a case by case basis the level of involvement required from the Region Team in enforcing the conditions of the adult Member's suspension. The Region Commissioner is often advised of the suspension and asked to monitor, at the Group level, that the suspended adult Member is adhering to the conditions of his suspension and not participating in Scouting or having contact with any Youth Members. The Region Commissioner would advise Scouts Australia NSW State Office were he to become aware of any such breach. A failure to adhere to the conditions of a suspension constitutes grounds for immediate cancellation of the adult Member's Membership with the Association.

Further, there are circumstances in which a concern or suspicion has been raised about an adult Member but that adult Member has not been immediately suspended, for example where NSW Police have requested that Scouts do not suspend at that time. In such cases, Scouts is still committed to keeping our young people safe and we take steps to monitor and supervise that adult Member's behaviour until we are able to take action under our Behavioural Management Procedure. This includes requesting that the Group Leader or Region Commissioner monitor the adult Member's behaviour, conducting discrete enquiries as to their performance, sending general reminders to all Groups in the Region about the importance of Scouts' Two Deep Leadership and other child protection policies, making regular visits to the individuals' Scout Group to observe their behaviour, and ensuring there are no upcoming overnight or other "higher risk" Scouting activities involving that individual. We stay in regular contact with NSW Police during this period to ensure that we are informed as soon as we are permitted to take further action.

*Annexure- O&I Behavioural Management.*

*Annexure- Leader Support Guide 6 Dealing with a Suspension.*