

PO-7

Dr Warwick Bateman OAM.
BRANCH COMMISSIONER (SPECIAL PROJECTS)

UPDATE:

TO: Chief Commissioner and CEO.
FROM: Warwick Bateman

RE: 1. TRAUMA MANAGEMENT PLAN
2. PERSONAL PROTECTION POLICY AND PROCEDURES (COMPLAINTS AGAINST LEADERS)

Both these tasks have serious legal ramifications and require more than a quick fix, especially as it involves policy and procedures that will influence what we do and how we react for some years to come. Any plan should have a long life.

1. TRAUMA MANAGEMENT PLAN:

I have looked at a number of trauma plans including one outline by IPS and also one in use for public schools.

It is important to have more than a policy, we must have a total plan that is shown to be effective and able to be implemented speedily yet adaptable to meet the varying needs of the Association.

After investigating a number of possibilities it would appear that ideally we should have resource people in each Region who are able to initiate appropriate action.

THE RESOURCE PEOPLE:

These people would be those with the appropriate professional skills who may, or may not, have leader appointments. *(There could be a number of professionals who are prepared to be involved on an as needed basis, and who knows could take out other appointments in time).*

They would keep up to date with the local referral and support systems.

They would understand that they would only have a need maintain their professional skills and perhaps attend a 1 day gathering each year or two.

They would form into a body in a similar way to the Training Team

They would have regular contact with the Branch Commissioner responsible.

They would know the communication lines for ensuring Branch Headquarters and those concerned received the appropriate notifications of incidents.

Where to refer media requests etc.

THE TRAUMA PLANS:

Should be flexible so that the basic plan address all types of incidents and the resulting potential for problems.

In step form, with greater detail in accompanying documentation.

Readily adaptable for everything from an incident at a hall through to an International Jamboree.

Needs to show that we meet our obligations under the duty of care.

Requiring each Region and major event to have its own trauma plan in place. This would come from basic documentation that was user friendly.

I am currently looking at the problems and hope to speak to George Kolsky this weekend to flush out problems he might envisage from a Region that is wide spread. In addition the means of identifying the appropriate people to be coerced into being involved.

2. PERSONAL PROTECTION POLICY AND PROCEDURES (COMPLAINTS AGAINST LEADERS).

I have been using a number of resource people in attempting to put together a plan to handle complaints against leaders. It has taken a time as each person I have consulted brought up new legal problems.

I have decided to push forward with a plan that minimises our risk *(gives us the maximum minimum risk didn't read right).*

Until this has gone through the consultation and checking phase and then put in place I have prepared a simple plan that should meet our needs and again meet our responsibilities as to duty of care.

Some of the problems raised included:

...2

REDACTED

MB 20/10/99

INTERVIEWING YOUTH MEMBERS:

The Mr Bubbles case and others where well meaning people, including police officers 'tainted' the evidence when interviewing young people.

Ensuring only people with appropriate skills interview young people so as not to taint the evidence; avoid further traumatising the interviewee; and to be able to handle any emotional problems during the interview.

Someone aware of the legal ramifications of conducting such an interview.
Possibility of an innocent action negating a possible prosecution.

Proposed Solution : Identify and utilise professionals in the group mentioned in 1 above. Provide training in the skills needed with regular updates in information sharing.

INTERVIEWING LEADERS, AGAINST WHO ALLEGATIONS HAVE BEEN MADE:

Recent cases have highlighted just how vulnerable we are with our present system.

The persons rights under law are very important and again it is easy to transgress and again negate a possible prosecution.

Following too closely the 'letter of the law' could alienate a leader and even result in a civil action against us.

Place ourselves outside the law.

Proposed Solution : Identify and utilise professionals in the group mentioned in 1 above. Provide training in the skills needed with regular updates in information sharing. However this should be accompanied by or hold a Regional Appointment or higher.

TEMPORARY PLAN :

Use of a letter template (see attached) with ALL complaints involving youth members or those of a sexual harassment nature to be actioned by Branch Headquarters.

Ideally Region should notify Branch Headquarters before ANY action is undertaken and be guided by BHQ. In the matter where youth members are at about to happen risk and an immediate suspension is necessary the attached template is to be used.

UNTIL ADVISED OTHERWISE.

1. Regions should immediately contact BHQ and seek guidance and approval.
2. Regions should not call upon the leader to explain.
3. Full notes showing time, date and place together with statements must be kept
4. Leader notified of actual complaint personally and suspension confirmed via attached letter.
5. All contact with any parties must be with a witness from Region or BHQ.
6. If the leader requests to come 'and explain' again notes must be kept and a witness present. Ideally he should be advised to wait until Region gets advice from BHQ.

If this is satisfactory I will work with Hilton to draw up an appropriate draft document for the comment/ approvals.

W. Warwick

Wednesday, 20 October 1999

As advised in my telephone call on Thursday 14th October 1999 an allegation has been made concerning your conduct whilst acting as an Adult Leader at a camp held at Grong Grong on the weekend of 24th & 25th August 1999

OR

As advised in my telephone call on Wednesday 14th October 1999 an allegation has been made concerning your conduct whilst acting as an Adult Leader over a period of time covering a period of same (weeks/months/years)

As I explained this is considered "an alleged Breach of the Code of Conduct" and the procedure for dealing with this is covered, in part, by 3.4 in the Organisation and Information Handbook on page 41.

3.4 Procedure for Suspension

In circumstances where the conflict, dispute or situation is such that it is alleged that an individual by his/her actions:

- has infringed the Association's "Duty of Care" to one of its members or a member of the public,
- committed a significant breach of the "Code of Conduct", and or
- is considered to have brought the Association into disrepute,

the RC or his/her delegate upon receipt of advice of such allegation will immediately suspend the appointment of the Adult Leader concerned.

The Leader must be advised in writing of this suspension, which must be regarded as a temporary measure. A person thus suspended must refrain from participation in any activity connected with the Movement, and must not wear uniform or badges. Any appointment held in the Movement by such a person is to be considered vacant for the time being. Any case of difficulty arising in this regard should be referred to BHQ.

The RC shall immediately upon enacting the suspension advise BHQ in writing.

Accordingly, as is required, I must inform you that your Leader Appointment is hereby suspended, but must emphasise that the suspension is of a temporary nature.

INSERT A OR B OR C AS APPROPRIATE

A.

As this matter is currently a police matter, we must now wait until they have completed their inquiries. Once the police have made a determination we will review the suspension following clarification of the concerns raise.

OR

B

As this matter is currently in the hands of the Authorities, we must now wait until they have completed their inquiries. Once they have made a determination we will review the suspension following clarification of the concerns raise.

OR

C

I will now contact Branch Headquarters and seek their advice as to the necessary steps to take to clarify the concerns that have been raised and have the suspension reviewed as expeditiously as possible.

If at any time you wish to discuss this further, feel free to contact me (here insert contact details.)

Yours in Scouting
Regional Commissioner (XXXX)