

PO-7

2

**2. PERSONAL PROTECTION POLICY AND PROCEDURES.
COMPLAINTS AGAINST LEADERS THAT INVOLVE ALLEGATIONS OF
A SEXUAL, PHYSICAL NATURE LIKELY TO RESULT IN A
CANCELLATION OF APPOINTMENT.**

"All investigations of an allegation that even remotely offers the possibility of being sexual, physical or mental abuse, that may lead to the cancellation of an appointment, should be handled by the appropriate Government authorities.

Ideally Groups and Region should notify Branch Headquarters before ANY action is undertaken and be guided by Branch Headquarters in the matter where youth members are at risk or there is potential risk. Where immediate suspension is necessary for the protection of members, and contact with Branch Headquarters would cause unnecessary delay, the attached template should be used by Regional Headquarters.

It would be desirable for all complaints to be direct to Branch Headquarters. In this way Branch Headquarters can assess and report to the appropriate authorities for their action. This would mean that Branch Headquarters would be kept abreast of the progress and results of such investigations in a timely fashion.

There would be occasions where a youth member could be in imminent danger and contact with Branch Headquarters would increase the risk of injury, physical and/or mental. In this case the Leader Involved should contact DoCS direct on 1800 656 463 (Child Protection & Family Crisis Service) and provide Branch Headquarters with relevant details including the time; date; person contacted and their response as soon as possible."

SUGGESTED ACTION.

1. Regions should immediately contact BHQ and seek guidance and approval to act. (Unless this would cause a delay that could have negative implications for a youth member).
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. Government bodies, such as the Education Department, require written complaints when there are accusations against people. I believe this is highly desirable but definitely not essential in our case.
5. Leader notified of actual complaint personally and suspension confirmed via a brief letter based on the attached template. ,
6. All contact with any parties must be with a witness from Region or BHQ.
7. If the leader requests to come 'and explain' again notes must be kept and a witness present. Ideally the person should be advised to wait until Region gets advice from BHQ.

The very people we don't want within the Movement are usually the last to be suspected of any wrongdoing. They invariably have strong local support with accompanying disbelief, often in face of a large body of evidence. These people protest their innocence, even after conviction and punishment. This makes it extremely difficult to identify the real from the mistaken. Hence the handling of the problem should be removed from the local scene assessed by Branch Headquarters and, where indicated, placed in the hands of the relevant authorities.

From: Warwick Bateman OAM 61+2+9411.1094 To: Peter Olaf

Date: 16/04/2000 Time: 7:50:14 PM

Page 4 of 5

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.

Some of the problems raised included:

2.a 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.

Unnecessary trauma to those being interviewed by unskilled questioners and effect of having to repeat the questioning a number of times.

2.b INTERVIEWING LEADERS, AGAINST WHO ALLEGATIONS HAVE BEEN MADE:

Recent cases have highlighted just how vulnerable we are with out 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.

THE LETTER TEMPLATE:

The attached letter is designed to be brief and is based on the one used by some of the Health Professionals Registration Boards.

It speaks of allegations and provides brief details of such allegations.

It explains the action that is required

It provides an actual reprint of the Section. (Helpful if the person seeks legal advice)

It reinforces the point that NO contact with youth members is permitted.

There is the formal suspension statement.

A statement that such suspension is temporary (It will either be lifted or become a cancellation in time)

An indication of what will be happening. (If issued by a Region option 'C' is the recommended one)

Whilst not impugning the persons legal rights by demanding an interview leaves the way open for the person to offer information should they so wish.

I am now comfortable with the approach.

Regards

Warwick

Warwick Bateman

14 April 2000

SAMPLE LETTER TEMPLATE

Dear XXXX

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 some (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 could 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 by 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 starting the suspension advise BHQ in writing.

The requirement that those whose appointment is suspended must refrain from participating in any activity connected with the Movement also means that the suspended person must not have any contact with youth members of the Movement whilst the suspension is in force.

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 raised.

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 raised.

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)