

# Scouts Australia

## CHILD PROTECTION POLICY and PRESCRIBED PROCEDURES

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### Scouts Australia Child Protection Key Principles:

**PRINCIPLE ONE – ALL ADULTS IN SCOUTING are to report Child Abuse.**

All Adults in Scouting are to immediately report any incident concerning Child Abuse to the appropriate authority as required by the legislation in the State/Territory in which the incident occurred and in accordance with the Branch Child Protection Framework notwithstanding the wishes of the Child or any other person

**PRINCIPLE TWO – Respond positively and quickly to the person disclosing abuse and report on matters observed by you to the appropriate authority in accordance with the Branch Child Protection Framework**

**PRINCIPLE THREE - All Child Protection Reports will be attended to without delay and treated strictly in accordance with the Branch Child Protection Framework**

**PRINCIPLE FOUR – Reports and disclosures should not be internally investigated at the receiving point, or, between the receiving point and the Branch. All Reports and disclosures should be forwarded as soon as possible to the Branch and/or to the authority legislated in each State or Territory.**

## 1. OBJECTIVES AND CONTEXT

The objectives of this policy are:

- Protect all Young People in the care of Scouts in Australia.
- Ensure that allegations of Child Abuse or suspected Child Abuse are dealt with in a timely, consistent, confidential and sympathetic manner by Scouts and the appropriate authority as applicable.
- Provide a clear framework for the recruitment, training and management of Adults concerning Child Protection.
- Prevent Adults placing themselves at risk, and, to educate Youth Members about their rights to safety and ways they can help protect themselves.

Until such time as this document is incorporated into Scouts Australia's Policy and Rules (P&R), it should be read and applied in the context of P&R, with particular reference to policy P5.2 Code of Conduct. This document also prescribes certain procedures for all Branches which are deemed critical to achieve our Child Protection objectives.

This Policy provides overarching Child Protection direction for all Scout Branches and represents the minimum standard required. Branches are also to conform to the requirements of their jurisdiction. Branches are to develop their own detailed Child Protection Frameworks which reflect the requirements of their own jurisdictions and conform with this Policy. Where State-based legislation mandates prescribed actions or imposes a higher level of responsibility that legislation is to apply.

This Child Protection document has been developed in conjunction with CHILDWISE, a leading and nationally recognised not-for-profit Child Abuse prevention organisation. CHILDWISE accredits this Policy in the context of current Australian Child Protection legislation and the Royal Commission into Institutional Responses to Child Sexual Abuse. Importantly, this Policy should be regarded as a 'living' work and that from time to time, enhancements, new requirements and provisions will be promulgated by Scouts Australia in our collective effort to achieve and maintain best practise.

## 2. STATEMENT OF POLICY

The Scout Association of Australia has an overarching duty of care to Youth Members to provide a safe environment and protection from harm. The Scout Association of Australia has an additional legal responsibility to protect its Youth Members from Child Abuse. All Adults in Scouting are accountable in fulfilling that specific responsibility on behalf of the Association at all times. Branches are to ensure that this highest duty is considered above all else when recruiting and managing Adults.

The Association is committed to an environment of ZERO TOLERANCE toward bullying, neglect and emotional, physical, psychological or sexual abuse of any kind. Abuse takes many forms and can be perpetrated in many ways, as such the Association requires all Adults and Children to be aware of Child Abuse as outlined in this Policy and comply with the requirements of this Policy at all times. When an incident does occur, our absolute priority is to ensure the immediate safety and welfare of the Child.

All Adults must report any conduct directly seen or suspected that does not comply with this Policy and or the Scouts Australia Code of Conduct. Without fail, Adults must report immediately any disclosure, allegation or suspicion of abuse of Children in accordance with this Policy and in the manner specifically required by State/Territory legislation where the incident occurred and the relevant Branch Child Protection Frameworks. Children are to be encouraged to report any conduct that does not comply with this Policy and are to be regularly reminded/informed through the Scout program of their rights to feel safe and what action they can take if they do not feel safe.

Responding to allegations of abuse must be undertaken with the utmost sensitivity and confidentiality. The welfare of Children involved in Scouting is of paramount importance. Accordingly, a Branch is to terminate the Membership of (or the employment of) any Adult where an allegation or suspicion of abuse has been proven through a court of law. Additionally, Branches may terminate the Membership of any Adult even if a Child Protection matter is not concluded or ultimately resolved with certainty. Additionally, Branches are to automatically suspend the membership of an alleged abuser until the matter is resolved by the appropriate

authority. Branches are not to proceed with an application for Membership of an Adult if there is **any** doubt concerning suitability.

### 3. SCOPE

This policy (and the procedures contained herein) applies to all Members of Scouts Australia; Adult Helpers & Supporters of the program; staff; other employees and consultants/contractors, as well as Youth Members who may participate in Scout activities from time to time. Regardless of 'Membership status' within Scouts Australia, the provisions of this policy apply to any person who may have contact with Youth Members (or have access to their records).

### 4. POLICY DEFINITIONS

The following definitions apply in this Policy:

- **Adult** means a person 18 years of age or older who are Leaders, Rover Scouts, Adult Helpers, Adult Supporters, Office Bearers, Foundation & Fellowship Members and Staff.
- **Adult Helper** means an Adult holding a Certificate of Adult Membership of the Association who provides assistance to a Leader and is bound by the policies and rules of the Association.
- **Adult Supporter** means an Adult who, from time to time, assists Scouting in some way, but does not hold a Certificate of Adult Membership of the Association. An Adult supporter may have 'incidental', or very occasional contact with youth members but are generally regarded as supporters who give material, sponsorship, fundraising and other support. Parents/Caregivers can also be classed as Adult Supporters. Adult supporters are NOT to be given UNSUPERVISED contact (or access to youth member records) unless they have been formally screened under the requirements of this policy.
- **Adults In Scouting** means all Adults including volunteers, Rovers and staff (includes contractors and consultants engaged or employed).
- **Age of Consent** means that age when a Young Person is considered old enough to make a decision regarding sexual activity. The 'Age of Consent' varies from State to State. In any case, any sexual relationship between a Child and an Adult in Scouting is unacceptable and should be reported. See Attachment E.
- **Association** means the Scout Association of Australia and its constituent Branches.
- **Branch** means a State or Territory entity recognised by the Association through which the Scout Program is delivered.
- **Branch Chairperson** means the person elected/selected as the Chairperson/President of the governing body of the Branch.
- **Branch Child Protection Framework** means that framework developed by a Branch which conforms with its legislative requirements and through which, the provisions of the National Child Protection Policy are implemented.
- **Branch Council** means the governing body of a Branch. The name and form varies across Branches.
- **Branch Executive Officer** means the person employed by a Branch (or the volunteer assigned) to manage the affairs of the Branch. The designation varies across the Branches.
- **Certificate of Adult Membership** means a certificate issued to a Member binding that Member to the Policy and Rules of the Association. Certificates of Adult Membership may be issued before a Member has commenced training.
- **Certificate of Adult Leadership** means a certificate issued to a Member who has completed basic training, which includes the Association's CHILDSAFE training module.
- **Child (Children or Young Person)** means a person under the age of 18 (see 'Youth Member' below) for this policy.
- **Child Abuse** means an act or omission that endangers a Child's physical or emotional health, well-being or development and can occur as a single incident or multiple incidents over time.
- **Child Safe** means an environment that has an open and aware culture, which understands what Child Abuse and risks look like, is bound by well-known Child Protection policy and frameworks, gives a voice to Young People, manages risks associated with Child Protection; and where everyone is encouraged to report all allegations, disclosures or concerns.
- **Child Protection** encompasses the legislation, the statutory authority responsible for Child Protection, and all measures taken to minimise the risk of Child Abuse to Young people. **Child Protection Authority:** that State or Territory body legislated to receive and investigate instances of Child Abuse.
- **Code of Conduct** means the document in the Scouts Australia's Policy and Rules, P5.2 Code of Conduct that outlines appropriate conduct by all persons involved in Scouting.
- **Disclosure** means when a Young Person tells someone that he or she feels unsafe or has been harmed. A disclosure can also be made by Adults including parents, carers, or any person in contact with the Child, where that person reveals that they believe a Child has been harmed or is likely to be harmed.
- **Employee** means a person who is employed (contract or temporary) by the Association and receives financial remuneration for their services and contribution via contract or State or Federal award.

- **Grooming** means the process by which an individual manipulates those around them to provide opportunities to abuse and reduce the likelihood of being reported or discovered.
- **Leader** means an Adult holding a Certificate of Adult Membership of the Association and a Certificate of Adult Leadership (and appointment) who wears the Scout uniform and is bound by the policies and rules of the Association.
- **Line Leader** means the direct supervisor of a Member.
- **Movement** means the worldwide Scouting organisation, of which the Association is a Member.
- **Mandated Reporter** means any Adult who holds the following occupations are mandated to report Child Abuse to the Child Protection authorities: Teachers, School Principal, Doctor, Nurse or Police Officer (and any other specifically mandated under State legislation). Scouts Australia specifically mandates all Members, Volunteers, Staff, consultants and contractors to make Child Protection Reports. Where Scouts Australia Members are NOT LEGISLATIVELY mandated, ONLY CHILD ABUSE MATTERS ARISING IN THE CONTEXT OF SCOUTING ACTIVITY IS MANDATED BY SCOUTS AUSTRALIA – THE SCOUTS AUSTRALIA MANDATED REQUIREMENT IS TO BE KNOWN AS “VOLUNTARY REPORTING”. See definition of **Voluntary Reporter** below.
- **Member** means an Adult who holds a Certificate of Adult Membership of the Association or a Youth Member under 18 years of age.
- **National Chief Executive (NCE)** means a person employed by the National Executive Committee to manage the affairs of the National Office.
- **National Council** means the governing body of the Scout Association of Australia.
- **National Executive Committee** means the committee of the National Council responsible for the management of the Association’s business in accordance with the Royal Charter and By-Laws.
- **National Office** means the administration office of the Scout Association of Australia.
- **Office Bearer** means an Adult holding a Certificate of Adult Membership who fulfils a designated role in the organisation and is bound by the policies and rules of the Association. Office Bearers may or may not wear uniform.
- **Procedural Fairness** is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.
- **Rover Scout** means a Member of the Association who is required to be at least 18 years of age and therefore an Adult by law, is registered as an Adult Member of the Association and is required to complete all of the required clearances for Adult Membership before being accepted as a Rover Scout.
- **Royal Charter and By-Laws** means the Charter granted by Her Majesty Queen Elizabeth II on 23 August 1967 and the By-Laws made by the National Council.
- **Scout Activity** means any activity conducted by the Association and includes, but is not limited to camps, hikes, other outdoor activities, events and meetings.
- **Scouting** means the non-formal education program delivered by the worldwide Scouting Movement, and its Members, which includes the Scout Association of Australia.
- **Scouts Australia** means The Scout Association of Australia.
- **Scout Program** means that program as amended from time to time, designed to develop Young People, physically, intellectually, socially, spiritually and emotionally.
- **Staff Member** means an employee who works at a Scout HQ, Camping Facility or other location with regular access to Young People, their records and personal information.
- **State** means a State or Territory of the Commonwealth of Australia.
- **State Authority** means the Child Protection agency and/or the State Police force in the State or Territory where Scouting is occurring.
- **Two Deep.** When Adults are supervising and conducting Scouting activities involving Youth Members, at least two Adults must be 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 as well as Adults and is referred to as “Two-deep” leadership.
- **Visitor** means a person that is not a Member who participates in, or is present at, any Scouting Activity.
- **Voluntary Reporter** means all Adults in Scouting and Youth Members who are bound by this Policy to report Child Abuse even though they may not be legislatively required to do so.
- **Volunteer** means an unpaid Member or helper delivering and/or assisting with the delivery of the Scout program and/or supporting Scouting operations in any way.
- **Young Person/Young People** means a person under the age of 18 (FOR THIS POLICY).
- **Youth Member** means a person under the age of 18 (FOR THIS POLICY).
- **Zero Tolerance** for the purpose of this Policy, means that Scouts Australia does not accept or condone under any circumstances any form of Child Abuse, and, will take all steps in its power to prevent, minimise and mitigate harm to Children.

## 5. DEFINITIONS AND FORMS OF CHILD ABUSE

Following are the definitions for Child Abuse. These definitions are not exhaustive and do not act as limitations on abusive behaviour covered by this policy (the applicability of 'neglect' and 'domestic violence' reporting to Scouting is limited to State and Territory legislated Mandated Reporters only (see SECTION NINE - REPORTING)):

- **Physical abuse** - occurs when a person purposefully injures or threatens to injure a Child. The abuse can take the form of (but is not limited to) slapping, punching, shaking, kicking, throwing, burning, biting, poisoning, shoving, pushing holding or grabbing. An injury may take the form of bruises, cuts, burns or fractures. Physical abuse may leave no physical injury. This abuse can also be the result of 'Hazing' (the practice of rituals and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group). Additionally, physical abuse can be a single incident or a number of different incidents that take place over time. The 'level of harm' occasioned is not necessarily relevant to determining that physical abuse has occurred, rather, that harm has or has not occurred. For harm to be 'significant' the detrimental effect on a child's wellbeing must be substantial or serious and be demonstrated through the child's presentation, functioning or behaviour.
- **Emotional abuse** - occurs when a Child is repeatedly rejected or frightened by threats. The abuse can involve name calling, being put down or continual coldness from a person to the extent where the behaviour of the Child is disturbed or their emotional development is at serious risk of impairment (this can include the effects of bullying). It also includes exclusion or bullying through social media. 'Bullying' is specifically and separately covered in Scouts Australia's Policy and Rules (P&R).
- **Sexual abuse** - Occurs when a Child is used by a person (being either an Adult, or another Child or adolescent) for his or her own sexual stimulation or gratification. These can be contact or non-contact acts, including grooming by perpetrators, inappropriate touching, penetrative abuse, and exposure to pornography, accessing pornography, the retention of pornography or involving a child in the making or sending of child pornography.
- **Grooming** – occurs when communication or conduct is linked to facilitating the involvement of a Child in sexual behaviour with an Adult. Children are particularly accessible through 'Social media' and this danger is specifically addressed at Section 10. Indicators of 'grooming' include but are not limited to:
  - Developing special relationships with, favouring or giving gifts to a Child.
  - Inappropriate interactions with Children either in person or via forms of media and electronic devices.
  - Asking a Child to keep a secret of any aspect of their relationship.
  - Testing of or ignoring professional boundaries or rules.
  - The coercive use of social media, texting and on-line forums to groom, or directly abuse.
- **Neglect** – occurs when there is a failure to provide the Child with the basic necessities of life, such as food, clothing, shelter, supervision, medical attention or care to the extent that the health, safety, or development of the Child is significantly impaired or placed at risk.
- **Exposure to Domestic Violence** – occurs when Children witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within a domestic relationship.

## 6. SCOUTS AUSTRALIA CHILD PROTECTION POLICY - GENERAL

Adults in Scouting must, at all times, treat all Children with dignity and respect and must endeavour to actively promote in word and deed every Child's right to feel safe and cared for and support the legislation that applies in each Australian State and Territory. The principal Child Protection Acts in Australia are listed in Attachment A [or by following this link Australia Child Protection Legislation - Australian Institute of Family Studies](#). The State and Territory Child Protection Contacts are shown at Attachment B.

Youth Members must be aware of their rights to a 'Child Safe Environment' and be encouraged to speak to an Adult if they ever feel unsafe.

The welfare of all Children involved in Scouting is of paramount importance and Scouts Australia takes a Zero Tolerance approach to all forms of Child Abuse. This means that Scouts Australia requires that a Member, Adult Supporter or Staff Member who reasonably believes that a Child is at risk of being harmed, has been harmed or is likely to be harmed must immediately follow the applicable State/Territory legislation and Branch Child Protection Reporting Procedure (Attachment C). The host Branch of a major national event is to develop a specific Child Abuse reporting procedure which conforms with its legislative jurisdictional requirements. Guidance for the evaluation of risk to a Child is contained at Attachment D (Indicators of Child Abuse and Characteristic Behaviours of Child Abusers).

Adults in Scouting (including contractors, consultants etc) must not take part in or tolerate any form of abuse of Children, or any form of behaviour which compromises the safety and wellbeing of Children. Therefore, all Adults in Scouting are to:

- make every effort to provide an inclusive and safe environment for all Children involved in Scout activities and includes providing for the care and safety of Children with physical, intellectual or sensory impairments.
- respect the cultural values of all Children and encourage and support their involvement from all backgrounds.
- adhere to this Policy and their Branch Child Protection Frameworks and any applicable Australian State and Territory legislative requirements.

Branches are to:

- develop, disseminate and conduct training for all Leaders, Adult Helpers, Adult Supporters and Staff in specific Child Protection processes which conform with this Policy and any applicable State or Territory Legislation (The national training module is to be used as the basis for training and augmented by the Branch as required to ensure compliance with particular State and Territory Legislation).
- disseminate annually and more often as required to all Adults, its latest Child Protection requirements to facilitate the handling of questions, allegations, disclosures and reports about Child Abuse.
- develop and maintain a robust and a legislatively compliant Child Protection Reporting process that is made known to all Adults in Scouting through formal training.
- mandate completion of the Association's Child-Safe training curriculum as part of the basic training requirements for all Members and renewal thereof at intervals as determined by the Association from time to time.
- ensure that Youth Members receive training/advice (through the Scout Program) of their right to feel, and be safe, and the ways in which they may help to protect themselves and their peers.
- require that every Member report any Child Abuse allegations, disclosures and concerns in accordance with the relevant Branch Child Protection Frameworks, and/or any host Branch Child Protection Frameworks in the case of a National event (Jamboree/Venture/Moot). SEE SECTION NINE – REPORTING.
- immediately suspend the membership of a person who is the subject of any allegation of Sexual Abuse and report the matter to the relevant State or Territory Authority for investigation (and provide confirmation of this to the authorities and the victim).
- terminate the membership of any Member or dismiss any Adult helper or Staff Member who has been found guilty of an offence relating to Child Protection (see Section 7).

**PRINCIPLE ONE – ALL ADULTS IN SCOUTING are to report Child Abuse.**

**All Adults in Scouting are to immediately report any incident concerning Child Abuse to the appropriate authority as required by the legislation in the State/Territory in which the incident occurred and in accordance with the Branch Child Protection Framework notwithstanding the wishes of the Child or any other person**

**The most important consideration is the immediate safety and welfare of the child**

**What should be reported and by who?** EVERY Member (adult and youth member) is to report Child Abuse. Once a Member forms a reasonable suspicion that Child Abuse has occurred, is occurring, or is likely to occur, that suspicion is to be reported immediately in accordance with the State/Territory legislation and Branch Child Protection Framework. To assist Members [Attachment D](#) of this policy outlines the 'Indicators of Child Abuse and Characteristic Behaviours of Child Abusers'. Youth Members are to be encouraged to speak with their Leader or another Adult at any time if they feel 'unsafe'.

**PRINCIPLE TWO – Respond positively and quickly to the person disclosing abuse and report on matters observed by you to the appropriate authority in accordance with the Branch Child Protection Framework**

**The most important consideration is the immediate safety and welfare of the child**

**How should it be reported?** A report should be made in accordance with the applicable Branch Child Protection Framework and directly to the State Authority as required by legislation. Attachment B of this policy contains all relevant Australian Child Protection Contacts and Attachment C contains the minimum requirements for a Branch Child Protection Reporting Process and an example Report form. In the case of a Child Protection incident occurring at a major National event, reporting should occur in accordance with the host Branch Child Protection Framework which is to be developed, disseminated to all participants, and enacted by the host Branch for the event. Where a member makes a report in the interests of Child Safety, Branches (if not already covered by State or Territory Legislation) are to ensure that the 'reporter' is supported morally, legally, and through insurances if that is required. **IMPORTANTLY, A REPORT SHOULD BE MADE QUICKLY TO THE APPROPRIATE EXTERNAL AUTHORITY WITHOUT ANY INTERNAL INVESTIGATION (unless an internal investigation is required by legislation).**

Youth Members are to be encouraged to bring any matter regarding their (or a peer's) safety to a Leader or another Adult directly. Adults are to respond to this approach in accordance with Principle Three on every occasion.

**Who will manage the report?** Once a report has reached the Branch (or the Branch has received advice from the Authorities that an investigation is underway) the matter will be managed by those nominated in the Branch Child Protection Framework.

**Unidentifiable victim.** If there is no known or identifiable victim or suspected victim, a reporter who has concerns about someone based on the characteristics outlined in this Policy or who suspects that a person's behaviour is inappropriate, are to report their observations in accordance with the Branch Child Protection Framework.

**PRINCIPLE THREE - All Child Protection Reports will be attended to without delay and treated strictly in accordance with the Branch Child Protection Framework**

**The most important consideration is the immediate safety and welfare of the child**

**Responding to a disclosure from a Child (or Adult).** Receiving a disclosure from a Child or an Adult concerning events from when the person was a Youth Member can be very difficult for the person receiving the disclosure as well as the person offering the disclosure. It is essential that Children or Adults who disclose Child Abuse are **listened to** and supported by the Adult receiving the disclosure. Where the disclosure is made, the Adult should take special care to show genuine care and concern by listening carefully and giving reassurance that they are believed and that they are not responsible for what happened. They should be thanked for sharing the information and advised that it will be necessary to report the matter so that they can be given further support (through Scouting and other appropriate agencies) and the alleged abuser can be dealt with as required by the Association and the law.

The receiver of a report must not confront a person named by the Child, Young Person or Adult making the disclosure, but should take necessary, common sense action if the Child or Young Person is in immediate danger.

Branch Child Protection Frameworks are to describe the appropriate actions by the receiver and also to make a provision of support to the Child and 'receiver of the report' if that is deemed required.

**PRINCIPLE FOUR – Reports and disclosures should not be internally investigated at the receiving point, or, between the receiving point and the Branch. All Reports and disclosures should be forwarded as soon as possible to the Branch and/or to the authority legislated in each State**

**The most important consideration is the immediate safety and welfare of the child**

**Report Storage, Confidentiality, Reporting Rights, Care.** All records concerning Child Abuse cases are to be maintained securely and confidentially. These records are to be held indefinitely by Branches and the National Office as appropriate. Access to the information is to be strictly controlled and open only to personnel authorised by the Association. Branches are to share any records they hold with the Police or other authorised investigatory body as requested by them.

Public statements at the National level regarding Child Protection are only to be made by the Australian Chief Commissioner, the Chair of the National Executive Committee or the National Chief Executive. At Branch level, the Chief Commissioner, Chair of the Branch Executive Committee and the Senior Executive Officer (or equivalent) are also authorised to make comment when necessary. In all cases, the details of reports, the names of people involved and the circumstances are to be restricted to only those who need to know.

In some States and Territories legislation may require that a Branch is to conduct an investigation into a Child protection matter. Where this is the case, Branches are to conform with those requirements. In all cases, Branches are to **firstly and closely consult with the civil authority in their State to ensure any such internal investigations or enquiries do not prejudice the investigations being conducted by the authorities.**

**An individual's right to report directly.** If, after consideration, Scouts Australia or a Branch decides that the matter does not warrant reporting to external Child Protection Authorities, the Member that raised the report retains the right to report directly to the State Authority if they believe it is necessary. This right is to be communicated to the reporter.

**Non-reportable or statutory incidents.** There are instances where Child Protection reports are made that do not meet the statutory Child Protection or State Authority requirement to act, or the Branch decides not to elevate a matter to a State Authority but feels that further administrative action should be undertaken. Where this occurs, the Branch may conduct its own investigation and make a conclusion on a matter of Child Protection. In these cases, the Branch has the authority to make decisions regarding Membership suitability at its sole discretion (this provision does not abrogate the requirement to report all cases of alleged sexual abuse to the State Authorities).

**Care and support for the people involved.** The following care provisions are to be included in all Branch Child Protection Frameworks:

- External support or counselling services for the victim and family is to be offered.
- The provision of advice (of the matter) to other Members and Parents and/or support if deemed necessary is to occur only after consultation with the Child Protection Authority in each State.
- The provision of appropriate external support or counselling services to others (including receivers of reports) in Scouting whenever this support is requested and additionally pro-actively offered by the Branch (see above).
- The victim and family are to be given a trained, senior Branch contact for the matter.
- The senior Branch nominated contact is to provide updates to the victim and the alleged perpetrator on the matter where this is possible and appropriate, and always in conjunction with the State or Territory Authority.
- Importantly, Branches are to ensure that the persons nominated to receive reports at the Branch level, are trained and that the reporting systems and ongoing care provisions are child (victim) focused.



## 7. RECRUITMENT SCREENING SUSPENSION AND TERMINATION

Preamble. When an Adult wishes to support the Association as a Volunteer or Staff Member, his/her induction is to include face to face discussion, and formal training in the Code of Conduct and this Policy, the Branch Child Protection Framework and the Policy and Rules of the Association. The person who accepts the Adult as a Member is responsible for ensuring these matters are addressed thoroughly and in accordance with this policy. Adults are to formally acknowledge that they have received this discussion/training. Adults are required to undergo a Working with Children Check or equivalent as required in each jurisdiction.

All Adult Members in Scouting must undertake a National Police Check. If deemed necessary by Branch, an additional Police Check may be requested when there is a change of appointment or location for a Member. Police Checks are to be conducted for every Adult every three years. No Adult is to be admitted to Scouting where a Police Check makes reference to any offence involving Child Abuse. The Branch may deny or limit Membership for any other offence(s) at its sole discretion. **Where there is an indication that an applicant has lived outside of Australia, the applicant must provide an international police check as part of the screening process.**

### National and International (see above) Police Checks (NPC)

- Leaders, Adult helpers and Staff Members are required to undergo a NPC as a pre-requisite to Membership or employment. If a full NPC is provided to the Branch as part of the WWCC (below) then only the WWCC or equivalent is required. Where the WWCC does NOT include the full NPC information, an NPC is to be conducted at the prospective member's expense or at Branch expense as decided by the Branch. No Leader, Adult Helper, Adult Supporter or Rover Scout is to be given UNSUPERVISED access to Youth Members (or their records) without NPC screening.
- The NPC holder is responsible for ensuring that his/her NPC check is renewed every three years. Branches are to terminate the Membership of any Member or the employment of a Staff Member who will not or cannot comply with this requirement.
- Branches are to ensure that 'reminder systems' are developed within their Branch Child Protection Frameworks to facilitate the process.
- **International Police Checks can be requested in similar fashion to NPC in each Australian jurisdiction.**

### Working with Children Checks WWCC (or equivalent) State-Based Screening

- Where WWCC or similar legislative screening requirements exist, Adults must undertake the screening as a pre-requisite to Membership.
- An Adult may commence as a Volunteer or as a Staff Member whilst waiting for the WWCC screening to be finalised, provided that they can show evidence of the application for the WWCC (receipts of application are provided for each application) and in such situations they are supervised by a Warranted Leader or Staff Member (as applicable) AT ALL TIMES until the screening is confirmed. Where required by State or Territory legislation, all WWCC applicants must list Scouts Australia as an associated organisation for the purposes of their WWCC. At no stage, while a person does not have, or is awaiting the confirmation of their WWCC, may they be alone with a Youth Member. Where the State WWCC legislation specifically precludes the commencement of working with Children before the Card is issued, then that legislation overrides this provision.
- Ultimately, the decision for Membership suitability will rest at the highest level of the Branch (typically the Chief Commissioner for a Volunteer and the Branch Executive Officer for a Staff Member). It is recommended that Branches adopt a "Four Eye" approach to Police Check screening which involves two senior persons at the Branch level making an independent assessment for each applicant.
- Scouts Australia requires that Adults inform their Branch immediately they become aware that they are being investigated or reported or charged by any authority concerning a Child Protection matter. Upon disclosure, the Branch is to suspend the Member, Adult Supporter or Staff Member until the matter has been finalised. Branch Child Protection Frameworks are to include this requirement for all Adult Members.
- The WWCC holder is responsible for renewing his/her WWCC (or equivalent) before it expires. Branches are to ensure that 'reminder systems' (at least three months before) are developed within their Branch Child Protection Frameworks to facilitate the process.

**Member Application Forms.** Branches are to include questions in their Branch Application for Adult Membership document which require an answer to the following:

- Have you ever been found guilty of an offence of any sexual nature committed in Australia or in any other country?
- Have you ever been charged, reported, or defended in a court of law any allegation of sexual abuse, assault or a sexual offence of any kind in Australia or in another country?
- Have you ever been (or are you currently) subject to any restrictions regarding your contact with Children in any employment, volunteer, or personal capacity (other than any Child visitation rights as part of a Divorce Agreement)?
- Have you ever been dismissed or resigned as a volunteer or employee (or reported by any authority) for improper conduct relating to Children in any jurisdiction?
- Have you been named as the defendant in an intervention order, restraining order, apprehended violence order or domestic violence restraining order, or equivalent, in any jurisdiction?

**Reference Checks.** All Adults will provide at least two names of referees for reference checking as part of their application for Membership. Branches are to ensure that Reference Checks are thoroughly completed for every Adult Member and Staff Member. Evidence that reference checks have been completed is to be recorded by the Branch.

**Training and Development.** Scouts Australia Child Protection training is mandatory and is to achieve the following outcomes:

- participants are to be able to identify the signs of Child Abuse.
- imbue participants with a strong awareness of Child Protection and Child Safe Scouting and the reporting imperative.
- practice participants through interactive 'role playing' experiences, in responding to Children who report abuse.
- practice Child Abuse incident reporting.

All Adult Members (see definitions) are to complete the 'on-line' Scouts Australia 'Child Safe Environment Training' within three months (or earlier) of being issued a Certificate of Adult Membership or becoming a Rover Scout (as applicable). The remaining Child Safe training (where applicable to Branch processes) is to be completed within six months. (Ideally, Child Safe Environments Training should be conducted prior to the submission of an application for Membership). Each Branch will determine if its Members require a Working With Children 'authorisation card' in accordance with its legislation. Additionally, every Adult not falling within the above scope who is actively involved with young people is also to complete the prescribed Scouts Australia training in Child Safe Environments within 12 months of joining. Scouts Australia requires that Child Safe training is to be completed by every Member and by Staff Members every three years. State legislation may direct a more frequent training cycle and where this is the case, the State legislation is to take precedence.

### **Sharing of information**

Branches are to keep records of all screening and regular screening updates as well as decisions taken. Branches are to provide the details of any person whose Membership has been terminated or declined by the Branch to the National Office for placement on the database maintained for the purpose of cross-checking Membership applications across Branches. Branches are to unreservedly share any information pertaining to a Child Protection matter held by them as requested by the Child Protection Authority(s) in their State and Territory. Before sharing any information to a 3rd party (other than the Child Protection authorities in each State and Territory) Branches are to consult with the investigating authority in their Jurisdiction so as not to unknowingly prejudice their investigations. For this reason also, Branches are NOT to conduct their own internal investigations.

### **Suspension or termination of membership**

- Branches reserve the unfettered right to suspend or dismiss a Member at their discretion. Branches must terminate the membership of a person where there is any doubt as to a Member's suitability, even if a matter is unsubstantiated, not concluded or not resolved with certainty and may do so even if resolved without confirmation of a wrong-doing. Where Branches are placed in this position, care is to be taken to demonstrate Procedural Fairness.
- Branches are not to proceed with an application for membership of an Adult where a doubt about suitability exists. Branches are to suspend the membership of any person when a State Authority informs the Branch that a person has been charged, reported or investigated for a Child Abuse matter or where a WWCC has been declined or cancelled. Branches are to suspend the Membership of any person who advises the Branch that he/she has been charged, reported or being investigated for a Child Abuse matter.
- The automatic suspension or termination of a Membership may be reviewed by a Branch once the matter has been concluded by the State Authority. The Branch retains the unfettered right to decline a request for reinstatement of a suspended or terminated Member. Where any doubt as to a Member's suitability exists, a Member re-application is not to be considered.
- The consequence of suspension is that the Member is not to participate in any Scouting meeting, activity or event. This is regardless of whether Children are present or not. They are not to wear uniform and under no circumstances purport to be an active Member of Scouts Australia (both domestically and/or internationally). The notice of suspension must specifically include these restrictions.
- If an allegation is substantiated, the offender's membership is to be terminated immediately and never reinstated. The National Office is to be notified of the termination of membership. Regardless of the legal outcome, the Association reserves the right to refuse the reinstatement of an alleged offender who has been cleared or not charged by the Police at its discretion.
- In the case where a Child offends against another Child, the Branch is to act in the interests of the victim and other Children at risk. Branch Child Protection Frameworks are to clearly indicate that where this situation occurs, the Branch maintains the unfettered right to limit or terminate a Youth Member's membership in the interest of the safety of others.

## **8. INDUCTION OF MEMBERS AND STAFF**

It is essential that all Members and Staff understand that Scouts Australia is committed to being a Child Safe organisation. As part of their induction, every Member and Staff Member is to be informed of this policy and the Branch's Child Protection Framework. Every Member is to be given access to these documents and be asked to acknowledge that access and their understanding. This is to be undertaken on acceptance of Membership or engagement as a Staff Member and every time a Member is appointed to a Leader or Office Bearer position.

In order to ensure that Scouts Australia maintains a Child Safe environment, Branches are to conduct an on-going awareness program by:

- Regularly communicating with the wider Membership (Leaders, Youth Members, parents, helpers, Adult Supporters and Staff) to remind all Adults and Children of the necessity to remain vigilant.
- Conducting ongoing refresher seminars, presentations, newsletter articles, Leader emails.
- Inculcate an ethos of "TWO DEEP" (definitions) and "REPORT, REPORT, REPORT" to all Members.

## **9. REPORTING**

Adult Members, Helpers, Supporters and Staff Members must immediately report to the Child Protection Authority and to their Branch, suspected, known or disclosed instances of Child Abuse (in particular those relating to Physical, Sexual and Grooming abuse). A failure to report is a breach of this Policy and the Scouts Australia Code of Conduct. This section presents the minimum standard required by all Branches in terms of reporting. These reporting principles are to be reflected in Branch Child Protection Frameworks and be reinforced during induction and training programs in each Branch. Branches are required to use the Report Form shown at Attachment C. The Identities of all persons involved, including the 'reporter' are to remain confidential and shared only in the interests of the Child.

Where a member (who may or may not be mandated by State law to make a report) makes a report in the interests of Child Safety, Branches are to ensure that the 'reporter' is supported in every way. The Scout Association will maintain an open and cooperative relationship with all State Authorities and is to unreservedly provide information in its possession to those Authorities in their investigations.

Adults who, by virtue of their employment or by State legislation are required by law to report Child Abuse are to follow the mandatory reporting requirements prescribed under state law for reportable situations that occur in Scouting whether within their State or other jurisdictions. In some cases, State legislation directs that Scout Adults are 'Mandated Reporters'. This means that, by law, Adult Members must make a report direct to the relevant authority and this can be made anonymously. Where this occurs, Members are required to also make the report to the relevant officer at Branch HQ so that the Branch can take action in accordance with its Child Protection Framework. Notwithstanding legislation, this Policy prescribes that all Adults in Scouting are 'voluntary reporters'. **GIVEN THIS POLICY PRESCRIPTION (AND WHERE ADULTS IN SCOUTING WOULD NOT OTHERWISE BE 'MANDATED REPORTERS' UNDER A STATE OR TERRITORY LEGISLATION) UNDER THESE SCOUTS AUSTRALIA MANDATED REPORTING REQUIREMENTS – CHILD ABUSE MATTERS ARISING IN THE CONTEXT OF SCOUTING ACTIVITY IS MANDATED FOR REPORTING. THIS INCLUDES THE SITUATION WHERE A CHILD DISCLOSES OR IS AT RISK OF ABUSE IN SITUATIONS OUTSIDE SCOUTING ACTIVITY (eg: HOME).** This Policy does not alter the requirement for legislated 'Mandatory Reporters' to report all matters of Abuse in accordance with State and Territory law.

IMPORTANTLY, Youth Members are to be encouraged to report any instance in which they feel 'unsafe' or in danger. Youth Members are to receive regular reminders through the Scout Program of their rights to feel, and be safe, and in the ways in which they may help to protect themselves and their peers. The Child Protection Practices at SECTION 10 explain many of the 'rights' of Youth Members and these should be communicated with them regularly.

In dealing with a report:

- Branches are to ensure all reports of a Child Abuse nature are forwarded to the relevant State or Territory Authority for investigation without delay. BRANCHES ARE NOT TO CONDUCT THEIR OWN INVESTIGATIONS (other than checking the elements of a report – scout membership etc) unless required to do so under State or Territory legislation. Attachment C refers.
- When an alleged perpetrator is an Adult in Scouting, the Branch is to make direct contact with that person immediately that an allegation of abuse has been made and that the Member is suspended. A formal letter and email confirming this suspension from all Scouting activities is to be sent to the Member immediately (SECTION 7 Refers). If the person is an employee, the employee will be suspended immediately by formal instrument at the Branch's sole and absolute discretion until the matter is finalised to the satisfaction of the Branch.
- Where the alleged perpetrator is a Youth Member, the same principles in this Section apply. Branches should consult with the authorities in each State to determine the requirement for a formal report on a person under the age of 18. The first requirement for action is to ensure that the victim is safe and that others are not at risk. Branch Child Protection Frameworks are to specify the need for Leaders to act in the victims' interest by removing the alleged perpetrator from the scene and suspending membership until the matter is resolved to the satisfaction of the Branch.
- Where sexual abuse is alleged and a report has been made to the Authorities, the Branch is to cooperate fully with the investigating body and allow and assist to conduct its investigation. For other forms of abuse, the Branch will determine how the matter is raised with the alleged perpetrator after consulting with the relevant Authorities.

**Disclosure.** An Adult in Scouting who is approached by the Police or any other relevant authority in relation to any matter concerning Child Protection must inform the Branch Headquarters in accordance with the Branch Child Protection Framework. Branch Frameworks are to include this disclosure requirement for all Adults in Scouting. If an Adult discloses abuse received as a Child the matter must be reported in accordance with Branch Child Protection Framework.

## 10. PROCEDURES: CHILD PROTECTION PRACTICES IN SCOUTING

**“TWO DEEP” No Leader, Helper or Staff Member should be alone with a Child.  
The only exception is in a case of an unavoidable emergency.**

The following is to be adopted by all Branches as standard practice:

- **Two Adults present:** The Association’s preferred standard is when Adults are supervising and conducting Scouting activities involving Children at least two Adults are present, except in unforeseen circumstances (such as an emergency). While the minimum ratio of Adults to Children will vary from activity to activity, a minimum of two Adults is always **the preferred minimum** required – this known as a **TWO DEEP** procedural requirement. The failure to achieve this standard should not preclude the Scout Activity from occurring but, the situation and details of all attendees, is to be recorded by the Leader in Charge.
- **Overnight Scout activities:** For every camp or overnight Scout activity, each person must sleep in a separate bed. Adults are not to sleep in a room or camp with a Child alone.
- **Changing and bathing (washing) arrangements:** Provision is to be made for private changing facilities and separate showers for male and female Youth Members and Adults involved in overnight activities. Only Adults of the same gender as the Children can supervise bathing. In these circumstances, the guiding principle is that the Child feels safe and has a sense of privacy. Adults are to avoid placing themselves in a situation where Children feel uncomfortable or compromised or where Adults actions could be misinterpreted.
- **Travel:** On certain occasions (for example transporting a Child from venue to venue) it is likely that only one Adult will be supervising. In these circumstances, prior informed consent (this may be verbal) is to be obtained from the parent(s)/guardian(s) of the Child concerned. In this situation, care should be taken that the Adult is not alone with only one Child (that is, the Child is in the company of another Child).

Under no circumstance should any Adult accept a third party into travel arrangements without the prior informed written consent of parents (unless the third party is another Scout Member). A Child must feel safe and comfortable with the arrangements. Adults are to avoid placing themselves in a situation where Children feel uncomfortable or compromised or where an Adult’s 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, or two seat powered aircraft, land yacht or equivalent - the use of which has the prior approval of the parent/guardian). In order to minimise the risk of misunderstanding an Adult's actions when there is an urgent and unavoidable requirement to travel alone with a Child or Young Person:

- The Group Leader (or the Adult's direct supervisor) must be informed and the Group Leader/supervisor must monitor for any pattern of occurrence.
  - The Child’s parents/guardians must be informed and consent obtained (to be recorded in the post incident report).
- **Contact by external parties:** It is the responsibility of all Adults to ensure, as best as practicable, that while engaged in Scout activities, Children are protected from unauthorised contact by external parties. Each Branch is to introduce security procedures as it deems necessary to protect Children and their personal data. This may include ‘signing-in’ processes at Scout HQ locations and the site of a Scout activity by third parties or ‘visitors’. Consideration to unauthorised remote access to Youth Members (camera, internet, remote device) is to be undertaken when planning events. Branches are to ensure, as best as practicable, that there is no UNSUPERVISED (one-on-one) contact by any Adult in Scouting who has not yet completed NPC/WWCC screening or by any non-Member at any scout activity with a Youth Member.

- **Social media and electronic communication:** Child Abuse and grooming, can and does occur on-line. It is important that Adults do not place themselves in situations where their actions and communications could be misinterpreted. Adults should always include another Adult (or indeed a parent of the Child) when communicating with Children on-line. This includes all forms of social media and emails. Children are also to be reminded of the Scout Law and Promise regarding 'respect' for others when on-line. Youth Members are to be regularly reminded of the dangers of sharing personal information with persons only known on-line.
- **Photographs:** Adults in Scouting should refrain from taking photographs of Youth Members unless they are intended for use by the Association. Written permission must be obtained from the parents/guardians of Children before photographs are taken by Adults and Youth for use by the Association. This is best done by the parent/guardian approving the appropriate field on the membership application 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 Child concerned being photographed. No Branch will adopt an "opt-out" clause in their Membership Form. All responses will require the positive approval of the parent/Guardian to the taking of photos.
- **Digital recording:** The Association acknowledges the difficulty in controlling the use of digital cameras, phone cameras and similar devices. Adults should exercise good judgment in this area on a case by case basis and always keep the rights and safety of the Child at the center of any decisions. Adults and Youth Members should not use recorders of any kind in sleeping, changing or bathing (washing) areas.
- **Media access:** Where possible planned media access to Youth Members must be authorised in writing by the parent(s)/guardian(s) in advance of any event, in accordance with Branch Child Protection Frameworks. Where this is not possible (unplanned) every effort is to be made to contact parents/guardians to seek permission by the fastest means possible. If permission cannot be obtained, media access is not to be given.
- **Youth to youth behaviour:** Child Abuse can occur through youth interaction ranging from harassment and bullying to sexual contact. Social media (above) can also be a vehicle for such abuse. Scouts Australia requires that all Adults in Scouting and parents be vigilant for this abuse. There are numerous situations involving sexual relations between consenting Youth that might occur and each must be dealt with differently as follows:
  - Any form of sexual activity between a Child and an Adult in Scouting is unacceptable (notwithstanding if the Child has reached the age of consent or not) and must be reported to the Branch immediately in accordance with State/Territory legislation and Branch Child Protection Frameworks. Branches are to notify the State Authority on every occasion. The individuals concerned should be advised of the breach of law and the Adult in charge of the activity or event must remove the 'offender' from the Scouting event or activity.
  - Sexual activity involving consenting Children who have reached the legal age of consent is not unlawful and therefore is not reportable. Such activity is not condoned during Scouting activities or events. The Children concerned should be counselled to desist from such behaviour and, at the discretion of the Adult in charge of the activity or event, may be removed from the Scouting event or activity and returned to their home (or other nominated place of residence), the cost of which will be met by the parent(s)/Guardian(s).
  - Any form of sexual activity between young people in which one or both have not reached the legal age of consent is a criminal offence and must be reported in accordance with the legislative requirements of each State and Territory jurisdiction (and as directed through the Branch Child Protection Framework). Branches are to notify the State Authority on every occasion. In consultation with the State Authority, the young people concerned are to be counselled to desist from such behaviour and, at the discretion of the Adult in charge of the activity or event, may be removed from the Scouting event or activity and returned to their home (or other nominated place of residence), the cost of which will be met by the parent(s)/Guardian(s).

- **Social Media.** Youth Members are to be regularly reminded of the importance of respectful communications when using Social Media. Importantly, Youth Members are to be reminded about the dangers of befriending strangers and sharing details about themselves on-line. Adults are to assist in this through mentoring the issue with Youth Members and acting as positive role models. Importantly, the topic of 'on-line' safety is to be incorporated into the youth award scheme at all levels in a manner appropriate to the age range of the section.
- **Youth Member Child Protection education:** The Child Protection practices contained in this Section are to be regularly communicated to all Youth Members (as appropriate for age) together with a clear message that it is their right to feel safe at all times, and that if they do not, they are encouraged to share that feeling with their Leader or another Adult immediately.
- **Visitors at Scout activities:** All Visitors (including parents) to a 'closed' Scout activity (for example a major National event) are to:
  - Sign in and out with an accompanying Adult Member or Staff Member (this does not apply to Parents and guardians delivering and collecting Children to/from Scout halls or major camps).
  - Wear a badge clearly labelled VISITOR.
  - Be accompanied by an authorised escort at all times.
  - Be briefed on, and follow the Scouts Australia Code of Conduct per the authorised escort.
  - Comply with the accompanying Member's requests, including leaving if asked to do so. Exceptions to this process may be granted by the "Camp Chief" of the event where the nature of the event (example: Jamboree) has determined special arrangements for the attendance of Visitors at the event.
- Additional care and vigilance is to be incorporated in the risk management planning for 'Open Scout Activity' (such as activity at school fetes, Royal shows and in other public places). This may require additional Adults keeping watch over activities.

## 11. REVIEW

Scouts Australia and all Branches are to undertake periodic and independent (external) reviews of this Child Protection Policy, as well as Branch Child Protection Frameworks at every level of the Association. The intention of the review system is to ensure that the Association's Policy and Child Protection Frameworks are legally compliant, reflective of community expectation and are implemented (living) throughout the organisation. The results of these reviews are to be tabled at the appropriate senior executive meetings at the National, State and Territory levels (NEC and BEC).

## 12. FURTHER ASSISTANCE

Any Member requiring assistance in understanding or interpreting this policy or its application, should first consult their Line Leader.

This Policy is Approved by Scouts Australia Executive Committee on XXXXXXXX  
And has been reviewed and amended as at XXXXXXXX

## ATTACHMENT A – Australian Child Protection Legislation

The principal legislation underpinning this Policy includes:

### **National Framework for Protecting Australia's Children 2009-2020**

The National Policy for Protecting Australia's Children 2009-2020 was developed by the Council of Australian Governments and uses a public health approach to place Children's interests at the centre of all policy and legislative development. The National Framework and associated documents can be accessed online [here](#).

While Child Protection legislation is the jurisdiction of State and Territory governments, the National Framework is a cooperative document that aims to provide a shared, national agenda for change in the way Australia manages Child Protection issues. The Government Framework seeks to resolve the differences that exist across State and Territory jurisdictions, some of which are outlined above. While there has been no nationally consistent legislation implemented at the State or Territory level, there is work at a policy and practice level that aims to address these discrepancies.

### **United Nations Convention on the Rights of the Child (1989)**

- The UN Convention is the foundation for Child Protection and safety across the globe.
- The fundamental principle is the recognition of Children's rights as human rights.
- The Convention sets out a framework of minimum standards for the protection and wellbeing of Children.
- Article 19 states "Parties shall protect the Child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation including sexual abuse".

### **Charter of Human Rights and Responsibilities Act 2006 (Vic)**

- Article 17 outlines "Protection of families and Children".
- States every Child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a Child.

### **Australian Legislation**

Australia is a signatory to the United Nations Convention on the Rights of the Child (1989) and many of the principles within the Convention are embedded within Child Protection legislation. Together with policy frameworks, which depict the nature, extent, and fashion in which services and interventions are to be provided, legislative principles reflect the service goals to which governments aspire.

Australian State and Territory governments are responsible for the administration and operation of Child Protection Statutory services. Acts of Parliament in each State and Territory govern the way such services are provided.

In Australia, State and Territory governments are responsible for the administration and operation of Child Protection services. Legislative Acts in each State and Territory govern the way such services are provided. The principal Child Protection Acts in each Australian State and Territory are listed in Table 1. The table also outlines other Acts of Parliament pertinent to the operation and delivery of various services to Children and families across Australia (see below table which outlines the applicable legislation).



| Child Protection Legislation in Australian States and Territories |  |   |
|---|--|---|
| Jurisdiction  | Principal Act  | Other relevant Acts/Legislation   |
| <a href="#">Australian Capital Territory</a>                      | <i>Children and Young People Act 2008 (ACT)</i>                        | <i>Adoption Act 1993 (ACT)</i><br><i>Human Rights Act 2004 (ACT)</i><br><i>Human Rights Commission Act 2005 (ACT)</i><br><i>Public Advocate Act 2005 (ACT)</i><br><i>Family Law Act 1975 (Cth)</i><br><i>ACT Working with Vulnerable People (Background Checking) Act 2011</i>  |
| <a href="#">Northern Territory</a>                                | <i>Care and Protection of Children Act 2007 (NT)</i>                   | <i>Information Act 2006 (NT)</i><br><i>Disability Services Act 2004 (NT)</i><br><i>Criminal Code Act 2006 (NT)</i><br><i>Family Law Act 1975 (Cth)</i>  |
| <a href="#">New South Wales</a>                                   | <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> | <i>Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)</i><br><i>Child Protection (Offenders Registration) Act 2000 (NSW)</i><br><i>Crimes Act 1900 (NSW)</i><br><i>Commission for Children and Young People Act 1998 (NSW)</i><br><i>The Ombudsman Act 1974 (NSW)</i><br><i>Family Law Act 1975 (Cth)</i><br><i>Children and Young Persons (Care and Protection) Amendment Bill 2009</i> |
| <a href="#">Queensland</a>  | <i>Child Protection Act 1999 (Qld)</i>                                 | <i>Working With Children (Risk Management and Screening) Act 2000 (Qld)</i><br><i>Commission for Children and Young People and Child Guardian Act 2000 (Qld)</i><br><i>Education (General Provisions) Act 2006 (Qld)</i><br><i>Public Health Act 2005 (Qld)</i><br><i>Adoption Act 2009 (Qld)</i><br><i>Family Law Act 1975 (Cth)</i>   |
| <a href="#">South Australia</a>                                   | <i>Children's Protection Act 1993 (SA)</i>                             | <i>Young Offenders Act 1994 (SA)</i><br><i>Adoption Act 1988 (SA)</i><br><i>Children's Protection Regulations 2006 (SA)</i><br><i>Family Law Act 1975 (Cth)</i><br><i>Family and Community Services Act 1972 (SA)</i>   |
| <a href="#">Tasmania</a>  | <i>Children, Young Persons and their Families Act 1997 (Tas.)</i>      | <i>The Family Violence Act 2004 (Tas.)</i><br><i>Family Law Act 1975 (Cth)</i><br><i>Children, Young Persons and their Families Amendment Act 2009 (Tas.)</i>   |
| <a href="#">Victoria</a>  | <i>Children, Youth and Families Act 2005 (Vic.)</i>                    | <i>Working with Children Act 2005 (Vic.)</i><br><i>Child Wellbeing and Safety Act 2005 (Vic.)</i><br><i>The Charter of Human Rights and Responsibilities Act 2006 (Vic.)</i><br><b><i>NEEDS UPDATING BY VIC BRANCH 2014 and 2015 VIC LEGISLATION</i></b><br><i>Family Law Act 1975 (Cth)</i><br><i>Commission for Children and Young People Act</i>   |
| <a href="#">Western Australia</a>                                 | <i>Children and Community Services Act 2004 (WA)</i>                   | <i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i><br><i>Family Court Act 1997 (WA)</i><br><i>Adoption Act 1994 (WA)</i><br><i>Family Law Act 1975 (Cth)</i><br><i>Child Care Services Act 2007</i>  |

## ATTACHMENT B – Australian Child Protection Contacts

If there is an immediate threat to a Child contact your local police on 000.

|                                  |   |                            |                      |
|----------------------------------|---|----------------------------|----------------------|
| <b>Police/Ambulance/Fire</b>     | <b>000</b>  | <b>Child Wise Helpline</b> | <b>1800 99 10 99</b> |
| <b>Australian Federal Police</b> | (02) 6223 3000<br><a href="#">AFP website</a>         | <b>Parentline</b>          | 13 22 89             |
| <b>Kids Helpline</b>             | 1800 551 800<br><a href="#">Kids Helpline website</a> | <b>Life Line</b>           | 13 11 14             |

| National Statutory Child Protection Authorities |  |   |
|---|--|---|
| Reporting authority                             | Further services / information   | Contact   |
| Australian Capital Territory                    | <p><b>Office for Children, Youth and Family Support</b> The Office for Children, Youth and Family Support contracts a range of services from the non-government sector to meet the needs of young people.</p> <p><a href="#">Office for Children, Youth and Family Support</a></p> <p>GPO Box 158<br/>Canberra City ACT 2601<br/>Ph: 132 281</p>   | <p><b>To report instances of Child Abuse:</b><br/>Ph: 1300 556 729<br/>If you are a <a href="#">mandatory reporter</a>:<br/>Ph: 1300 556 728<br/>Fax: 6205 0641<br/>Email: <a href="mailto:Childprotection@act.gov.au">Childprotection@act.gov.au</a></p> |
| New South Wales                                 | <p><b>Department of Family and Community Services</b> The Department of Family and Community Services provides services across three key program areas—prevention and early intervention, Child Protection and out-of-home care.</p> <p><a href="#">Department of Family and Community Services</a></p> <p>Head Office 4-6 Cavill Ave<br/>Ashfield, NSW 2131<br/>Locked Bag 4028<br/>Ashfield, NSW 2131<br/>Ph: (02) 9716 2222 Child</p> | <p><b>Child Protection Helpline:</b><br/>132 111 (TTY 1800 212 936)<br/>for the cost of a local call 24 hours a day, 7 days a week.</p> <p>If you are a <a href="#">mandatory reporter</a>, you can call the Child Protection Helpline on 132 111.</p>    |
| Northern Territory                              | <p><b>Department of Children and Families</b></p> <p>The NT Department of Children and Families provides or funds the following range of services to support Children, youth and families. <a href="#">Department of Children and Families</a></p> <p>PO Box 40596<br/>Casuarina NT 0811<br/>Ph: (08) 8999 3737</p>  | <p><b>To report instances of Child Abuse:</b><br/>(24 hours) 1800 700 250</p>   |
| Queensland                                      | <p><b>Department of Communities Child Safety and Disability Services - Child Safety Services</b> Child Safety offers the following range of services to support Children, youth and families</p>   | <p><b>To report instances of Child Abuse:</b><br/>South East: 1300 679 849<br/>South West: 1300 683 390<br/>Far North QLD: 1300 684 062<br/>North QLD: 1300 706 147<br/>North Coast: 1300 703 921</p>   |

|                   |   |  |
|-------------------|---|--|
|                   | <p><a href="#">Child Safety Queensland</a><br/>PO Box 806<br/>Brisbane QLD 4002</p> <p>If you aren't sure who to call, or for assistance to locate your nearest Child safety service centre call Child Safety Services' Enquiries Unit on:<br/><b>1800 811 810</b></p>  | <p>Brisbane: 1300 682 254<br/>Central QLD: 1300 703 762</p> <p>After hours (all areas): 1800 177 135</p>   |
| South Australia   | <p><b>Department for Education and Child Development - Families SA</b><br/>Families SA provides support and assistance to the community, especially those experiencing disadvantage or who are in need of care and protection. Services assist young people who offend or are at risk of harm and families and Children at risk</p> <p><a href="#">Families SA</a><br/>Level 7, 108 North Terrace<br/>Adelaide SA 5000<br/>Phone: (08) 8124 4185</p>  | <p><b>To report instances of Child Abuse:</b><br/>131 478</p> <p><b>After hours crisis care:</b><br/>131 611</p>   |
| Tasmania          | <p><b>Department of Health and Human Services - Child Protection Services</b> The role of Child Protection Services is to protect Children and young people who are at risk of abuse or neglect. Child Protection Services offers intake, response, case management and out of home care and adoption services.</p> <p><a href="#">Child Protection Services</a><br/>GPO Box 125<br/>Hobart, TAS 7001<br/>Ph: 1300 135 513</p>  | <p><b>To report instances of Child Abuse:</b><br/>Ph: 1300 737 639 at any time<br/>Online notification is also available<br/><a href="#">Child Protection Services</a></p>   |
| Victoria          | <p><b>'Failure to Disclose Legislation' requires reporting to VICPOL. Vic Branch to update details.</b></p> <p><b>Department of Health and Human Services – Children, Youth and Families</b> The Child Protection Service is specifically targeted to those Children and young people at risk of significant harm.</p> <p>The Child and Family Information Referral and Support Teams (Child FIRST) initiative provides access to integrated family services has ensured that vulnerable families and Children receive early intervention and support services before statutory involvement.</p> <p><a href="#">Department of Health and Human Services – Children, Youth and Families</a><br/>Level 9, 50 Lonsdale St<br/>Melbourne VIC 3000</p> | <p><b>To report instances of Child Abuse:</b></p> <p><b>Metropolitan</b><br/>Eastern: 1300 360 391<br/>Southern: 1300 655 795<br/>North &amp; West: 1300 664 977</p> <p><b>Rural</b><br/>Barwon S/West: 1800 075 99<br/>Gippsland: 1800 020 202<br/>Grampians: 1800 000 551<br/>Hume: 1800 650 227<br/>Loddon Mallee: 1800 675 598</p> <p><b>All regions after hours</b><br/>Ph: 131 278</p> |
| Western Australia | <p><b>Department for Child Protection</b> The Department for Child Protection offers a range of services including:</p>   | <p><b>To report instances of Child Abuse:</b></p>  |

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>▪ Adoption services</li> <li>▪ Case management &amp; co-ordination</li> <li>▪ Counselling services</li> <li>▪ Child migrant services</li> <li>▪ Child advocacy services</li> <li>▪ Homelessness services</li> <li>▪ Parenting support</li> <li>▪ Out of home care placement services</li> <li>▪ Intensive in-home Family support services</li> </ul> <p><a href="#">Department for Child Protection:</a><br/>Central Office<br/>PO Box 6334<br/>East Perth WA 6892<br/>Ph: (08) 9222 2555<br/>TTY: (08) 9325 1232</p> | <p>(08) 9222 2555 or<br/>1800 622 258</p> <p><a href="#">Department for Child Protection:</a></p> <p>After hours:<br/>(08) 9223 1111 or<br/>1800 199 008</p> <p>If you are a <a href="#">mandatory reporter</a>:<br/>Ph: 1800 708 704 (24 hours)<br/>Fax: 1800 610 614<br/>Email: <a href="mailto:mrs@dcp.wa.gov.au">mrs@dcp.wa.gov.au</a></p> |
|--|--|

| Hospitals in each Major Australian City                                     |   |   |   |
|---|---|---|---|
| <b>Sydney<br/>NSW<br/>West<br/>Mead<br/>Children's<br/>Hospital</b>         | Hawkesbury Rd &<br>Hainsworth St, Westmead,<br>Sydney<br>(02) 9845 0000 | <b>Melbourne Vic</b> Royal<br>Children's Hospital                   | 50 Flemington Road, Parkville 3052<br>(03) 9345 5522            |
| <b>Brisbane<br/>Qld Royal<br/>Children's<br/>Hospital</b>                   | Surgical Building, Herston<br>Rd, Herston 4006<br>(07) 3646 8111        | <b>Adelaide SA</b> Women's<br>and Children's<br>Hospital            | 72 King William Road, North Adelaide<br>5006,<br>(08) 8161 7000 |
| <b>Perth WA<br/>Princess<br/>Margaret<br/>Hospital<br/>for<br/>Children</b> | Roberts Rd, Subiaco 6008<br>(08) 9340 8222                              | <b>Darwin NT</b><br>Royal Darwin Hospital                           | Rocklands Dr, Casuarina 0810<br>(08) 8920 6011                  |
| <b>Hobart<br/>TAS<br/>Royal<br/>Hobart<br/>Hospital</b>                     | Liverpool Street, Hobart<br>TAS 7000<br>(03) 6222 8308                  | <b>Canberra ACT</b><br>Centenary Hospital for<br>Women and Children | Hospital Road, Garran ACT 2605<br>(02) 6244 2222                |

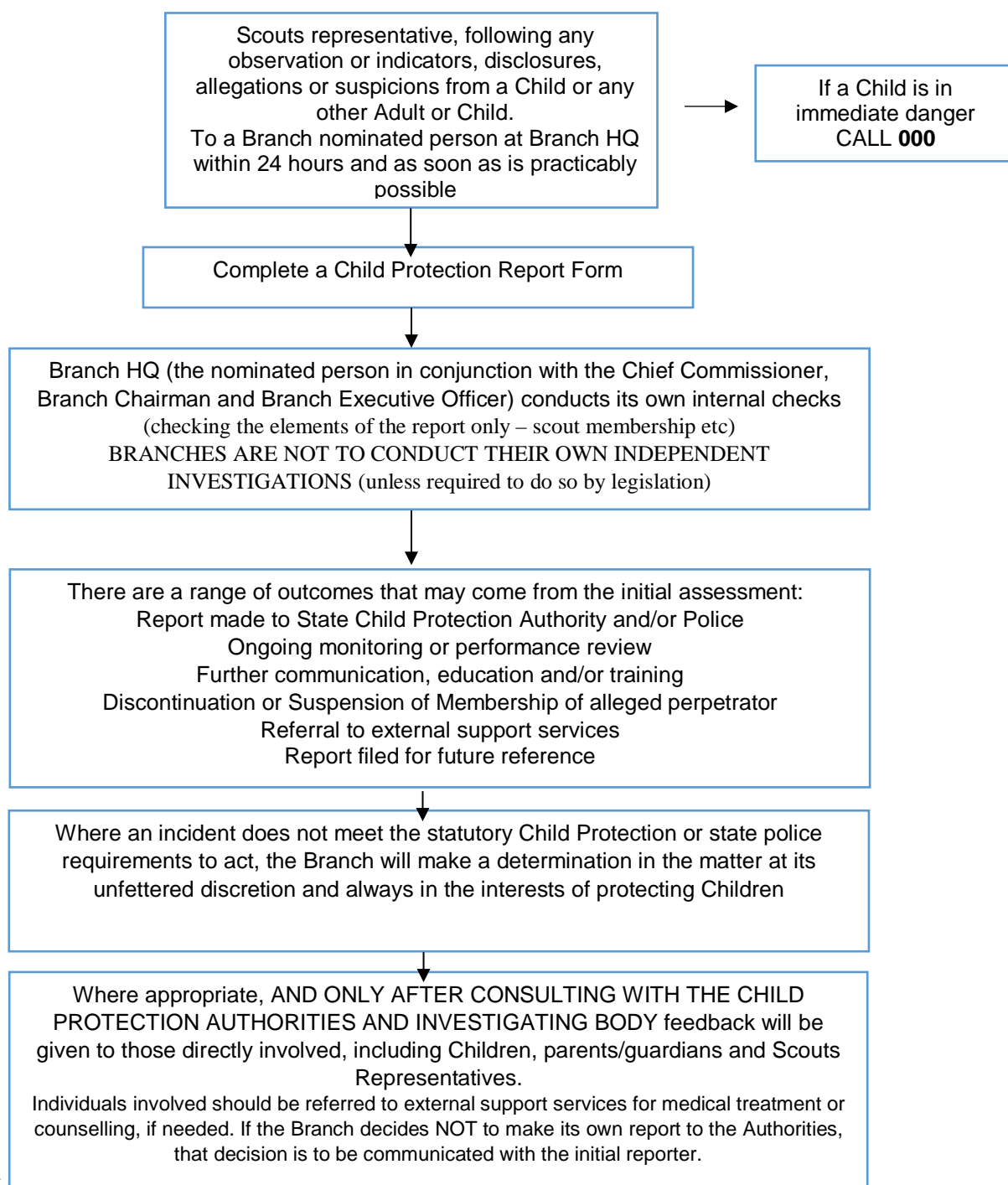
## ATTACHMENT C – Minimum Requirements for a Scouts Child Abuse Reporting Process

### Purpose

The purpose of the reporting process below and the attached example 'Scouts Child Protection Report Form' is to provide the minimum detail and information required to enable Scout Members to make a Child Protection Report to their State/Territory Branch, and/or to the relevant Authorities per the individual requirements of each State and Territory Legislation. Each Scout Branch is to formalise its own Child Abuse Report form for dissemination through the Branch as part of its own Child Protection Framework. For major National events, the host Branch is to develop a reporting process conforming with its State/Territory legislation for that event.

### Report Process

Members may lodge a Child Protection Report Form for reasonable concerns relating to indicators, disclosures, allegations or suspicions of Child Abuse or grooming and breaches of the Scouts Code of Conduct.



**EXAMPLE**

Report and Membership information may be shared with any State Authority and with Scouts Australia National Office at Branch discretion.

**SECTION 1****To be completed by the Scout Reporter**

| Details of Child  |                                |
|---|--------------------------------|
| Name:   | Date of Birth or Age:          |
| Contact Phone:  | Address:                       |
| Parent/Guardian/Carer 1 Name:   | Parent/Guardian/Carer 2 Name:  |
| Details of the alleged perpetrator (if known)   |                                |
| Name:   | Relationship to Child:         |
| Contact Phone:  | Other Identifiers if Possible: |
| Details of any witnesses  |                                |
|   |                                |
| Type of report  |                                |
| <input type="checkbox"/> Child Abuse indicator/s <input type="checkbox"/> Grooming indicator/s <input type="checkbox"/> Breach of Code of Conduct |                                |

|  |                                 |
|--|---------------------------------|
| <b>Scouts Activity details:</b>  | Location/Area:                  |
| <b>Date of observation/disclosure:</b>   | Time of observation/disclosure: |
| <b>Details of observation/disclosure</b><br>Include quotes of conversation, descriptions of observations, patterns of behaviour, etc.<br>Attach additional pages, if required. |                                 |

**Additional pages attached?**    **Yes**       **No**

|  |                    |
|--|--------------------|
| <b>Name of Scout Representative making report:</b> | Contact Phone:     |
| <b>Signature:</b>                                  | Membership Number: |
| <b>Name of Scouts Executive receiving report:</b>  | Date:              |
| <b>Signature:</b>                                  | Contact Phone:     |
|  | Date:              |

Reports should be lodged with your Scouts Branch office as soon as is practicably possible and reports should be made within 24 hours.

**SECTION 2****To be completed by the nominated person to receive at Branch HQ****Action Taken**

- Referred immediately to Child Protection and/or State Police
- Interviews with relevant and appropriate people
- Discussed with National Committee Members
- Advice sought from external professional organisations
- Assist with external investigation by the authorities

Notes:

**Outcome of the action:**

- Report made to the Child Protection Authority and/or Police
- Suspension pending outcome
- Termination of Membership with the organisation
- Written warning
- Performance review
- Further education and training
- Report filed for future reference

Notes/details:

**Notifying Parties**

It is important that the person making the report be informed of the outcome of their report **(ONLY AFTER CONSULTING WITH THE INVESTIGATING AUTHORITIES)**.

How has the person making the report been informed of the outcome?

- By Phone                       In person                       In writing (hard copy or email)

Date of contact:

How has the person against whom the report was made been informed of the outcome?

- By Phone                       In person                       In writing (hard copy or email)

Date of contact:

Please attach notes applicable to this communication.

**Record of report to Child Protection and/or Police**



|   |
|---|
| <input type="checkbox"/> A Child Protection Authority report<br><input type="checkbox"/> Police report<br>Was/were made by ..... on the ...../...../..... to .....<br><br>Advice provided to Scouts included: |
|---|

**Record of why the report to Child Protection and/or Police was not made**

Where a report to the Child Protection Authorities or Police **is not made by Scouts Australia**, please complete:

- The person who made the internal report has re-evaluated their assessment and opinion and supports the decision by Scouts Australia not to make a report. Please attach email or written communication from the person.
- The person who made the report is still of the opinion that the harm (or risk of harm) is significant and that the parents/guardians are unwilling or unable to protect that Child. The person has received email or written communication informing them of their personal options for reporting to Child Protection authorities.
- The incident did not meet statutory Child Protection or police requirements. Support has been provided to the Child and the family. Please attach an outline of the communication to the Child and/or family about the supports provided and any other actions taken.

|  |                       |
|--|-----------------------|
| <b>Name of nominated person at HQ handling report:</b> | <b>Contact Phone:</b> |
| <b>Signature:</b>                                      | <b>Date:</b>          |

## ATTACHMENT D – Indicators of Child Abuse and Characteristic Behaviours of Child Abusers

### Indicators of Child Abuse

- Any expression of concern from a Child regarding their personal safety; or remarks or testimony from a Child that a responsible Adult could interpret as a threat to the Child's safety. This should always involve direct and immediate attention.
- Any report from a Member who has formed a reasonable suspicion that Child Abuse has, is or is likely to occur.
- Suspicious physical injuries, bruising, cuts, fractures, burns or marks.
- Lack of food, clothing, place to sleep, which is impacting the Child's ongoing health or wellbeing and the parents/guardians are unwilling or unable to provide for the Child.
- Regular and/or severe negative self-talk, unusually aggressive, overly compliant and fearful, overly anxious, regressive behaviour.
- Persistent or significantly inappropriate discussion or writing about sexual activities, particularly sexual interest or information that is age inappropriate.
- Ongoing and unexplained health or wellbeing concerns such as stomach aches, headaches, crying and/or heightened sensitivity.
- Disclosure of suicidal thoughts or plans made by a Child.
- Observations or disclosures relating to the Grooming behaviour of any Adult in contact with Children, including any combination of; special gifts, secrets, time alone together, special names, online contact.
- Concerns about the actions or behaviour of any Member, including suspected or confirmed breaches of the Code of Conduct.

### Characteristic Behaviours of Child Abusers

The list below represents behaviour and characteristics that often apply to a person who is engaging in, or who intends to engage in, Child Abuse. Child Abuse can be intra-familial (perpetrated by a family Member) or extra-familial (perpetrated by another known person).

It is important to remember that perpetrators can be of any social group or behavioural type (eg. extrovert, introvert, married, single, old, young, rich or poor). While the majority of abusers (95%) are male, females also perpetrate abuse against Children. 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. Behaviour that involves several characteristics together or ongoing behaviour might provide reason for concern. Such a person should be observed closely, but discreetly, for a brief period before reporting the concern, if the concern remains.

| Behavioural Indicators      |  |   |
|-----------------------------|--|---|
| <b>Extra familial abuse</b> | <ul style="list-style-type: none"> <li>• Displays low self-esteem, poor self-image or poor impulse control due to possible abuse as a Child.</li> <li>• Displays withdrawn or placid demeanour.</li> <li>• Pays special attention to sad, vulnerable, isolated or lonely Children or those in single parent families.</li> <li>• Over emphasis upon morality</li> <li>• Acts in a legalistic and inflexible manner</li> <li>• Displays inappropriate affection to Children eg. Front on hugging, touching or flirting.</li> <li>• Has favourite Children to whom gifts are given.</li> <li>• Strong denial or show of disgust of offence or any intention to offend.</li> <li>• Avoids screening processes, or attempts to do so.</li> </ul> | <ul style="list-style-type: none"> <li>• Overly friendly/familiar with Children.</li> <li>• Describes Children in inappropriate ways for example, angelic or pure.</li> <li>• May remove himself/herself midway through an activity to have time with Children who may be in the toilet or other secluded area.</li> <li>• Gives articles of his/her clothing to a Child as gifts, e.g. a cap, a jacket, footy-shirt etc.</li> <li>• Convincing in protests of innocence displaying a defence mechanism.</li> <li>• May be very outspoken and outraged about Child sex offenders.</li> <li>• Carries photos of Children other than his/her own, often indicating that these Children love him/her.</li> </ul> |

|                      |   |   |
|----------------------|---|---|
|                      | <ul style="list-style-type: none"> <li>Dislikes submission to authority, prefers to work alone, and is negative (or dismissive) when sexual abuse topics are raised.</li> <li>Spends considerable time with a Child or Children, outside of normal interactions.</li> <li>Flatters Children to boost their egos.</li> </ul> | <ul style="list-style-type: none"> <li>Attempts to engineer opportunities to be alone with a Child, e.g., babysitting car rides, Child minding.</li> <li>Offers to take or takes Child home, shopping or on an outing.</li> <li>Offers to collect Child from school or activities. Engages with single parents to access the Children.</li> </ul> |
| Intra familial abuse | <ul style="list-style-type: none"> <li>Shows improper behaviour.</li> <li>Showers with Children.</li> <li>Expects an open door policy in the bathroom.</li> <li>Attempts to sit Children on lap, even when Child resists.</li> <li>Exhibits inappropriate hugging and/or kissing.</li> </ul>                                | <ul style="list-style-type: none"> <li>Attempts to shut down spouse/Child communications.</li> <li>Children don't want to be home alone with the person.</li> <li>Is jealous of Child's friends, boyfriend/girlfriend.</li> <li>Child is treated like a spouse in conversation or decisions.</li> </ul>   |

**ATTACHMENT E – Age of Consent Legislation by State & Territory**

| <b>State</b> | <b>Age of Consent (years)</b> | <b>Mandatory Age of Consent if in a Position of Authority Role (teacher, foster parent, religious leader, medical practitioner, employer etc.)</b> |
|--------------|-------------------------------|--|
| ACT          | 16                            |  |
| NSW          | 16                            | 18   |
| NT           | 16                            | 18   |
| QLD          | 16                            |  |
| SA           | 17                            | 18   |
| TAS          | 17                            |  |
| VIC          | 16                            | 18   |
| WA           | 16                            | 18   |

**There are some complex rules in each State about similar age underage persons having sex (note exception for Position of Authority above):**

- ACT: 10 to 15 – sex ok if other party no more than 2 years older and you agree, or they honestly believed you were 16
- NT: 14 or 15 – sex ok with a person 16 or older if you consent and they genuinely believed you were 16
- QLD: 12 to 15 – sex ok with a person if you consent and they reasonably believed you were 16
- SA: 16 ok provided other person is 16 and you consent, or they honestly believed you to be 17
- TAS: 12 to 14 – sex ok with a person if you consent and they are less than 3 years older  
15 to 18 – sex ok with a person if you consent and they are less than 5 years older
- VIC: 12 to 15 – sex ok with a person if you consent and they are less than 3 years older or they honestly believed you were 16
- WA: 13 to 16 – sex ok with a person if you consent and they are less than 3 years older and they honestly believed you were 16 and they are not in a carer role / position of authority

Sex with a family member is not lawful at any age.