

## THE SCOUT ASSOCIATION OF AUSTRALIA

### INFORMATION FOR THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

#### *Reporting Criminal Abuse – A History of Scout Policy on this matter*

#### Introduction

This background briefing was developed by Dr Bruce Munro AM, National Vice President Scouts Australia, former Chief Commissioner of Australia as well as NSW Branch as part of preparation for the Royal Commission into Institutional Responses to Child Abuse.

#### Discussion

Scouting started in Australia in 1908 with each new Section/Group reporting to and being supported from the United Kingdom as part of UK Scouts. Over time Scouting in each State developed its own hierarchy (the equivalent to Branches) that all reported independently to the UK. It is understood that there was some coordination between states but no National organisation. In 1958 a National organisation was formed and the Australian Boy Scouts Association was incorporated. Further, about that time, the Australian Boy Scouts Association became an independent member of the World Organisation of Scout Movements (WOSM). From the date of incorporation, Scouting in the 6 States reported to the National organisation. In 1958, Scouts in the ACT was part of the NSW Branch and NT was part of the South Australian Branch.

In 1955 Scouts in the NT moved from being part of Queensland to become a Region of South Australian Branch, until NT then became a Branch in its own right in 1988. ACT Branch became a Branch in its own right in 1981.

#### **1908 to 1958 – Australian Scouting was part of the British Boy Scouts Association**

From 1908 to 1958 each of the Branches of Scouting in Australia independently were part of British Boy Scouts Association and as such worked under the British Boy Scouts Association version of Policy, Organisation and Rules (PO&R). This document, amongst other things defined in detail the structure of Scouting in each of the Australian Branches as well as Policy and Rules in regards to administration and training in each of the Branches.

The first version of PO&R found was printed in 1938. This version of the British Boy Scouts Association's PO&R included Rule 72 which stated:

*"In view of the responsibility to parents and of the dangers which have been found to exist, L.A.s. and D.Cs. must take every precaution to ensure that no one whose moral character is open in any way to suspicion should be admitted into the Movement, and*

*they must show no false mercy in any case where such a person has gained admission."*

In the 1947 edition of PO&R Rule 72, an additional sentence was added viz.  
*"Where circumstances indicate that a criminal offence may have been committed, the D.C. must see that the police are informed"*

Hence from 1947 the Policy of the British Boy Scout Association that each Branch of Australian Scouts worked under, was that allegations of a criminal offence must be reported to the Police.

In 1955 the Australian Boy Scouts Council agreed that all States should keep the Federal Secretary informed of any undesireables in order that the information maybe made available to the States generally.

### **1958 – Scouts Australia – a member of the World Organisation of Scout Movements. – PO&R 1961**

In 1958, the Australian Boy Scouts Association was formed and the National Organisation incorporated. Further, The Australian Boy Scouts Association was accepted as a member of the World Organisation of Scout Movements in its own right and the formal ties to the British Boy Scouts Association ended.

There were substantial organizational, responsibility and accountability changes as a result of Boy Scouts of Australia becoming and independent organisation responsible directly to the World Organisation. During the transition and for a time after Boy Scouts Australia was incorporated, they used the British version of PO&R: the last being the 1959 version. The first Australian version of PO&R was published in 1961.

As might be expected, the Policy on Warrants in the 1961 version of PO&R is very similar to the 1959 British version apart from reflecting the organizational changes and independence from the British Boy Scouts. There was, however, one addition, viz Clause 3/14 (below) that makes it a requirement of all adult applicants to provide "the names of at least two persons of repute ----". This appears to be the first mention in PO&R of referees and that requirement has continued through to current times.

In the 1961 PO&R Part III – Warrants, details all matters relating to the appointment and management of adult members. Application for Membership (Warrants) is covered in Clauses 3/13 to 3/18. They read:

***"3/13 Applications for warrants as Group Scouters are made in the first place by the individual concerned. The application must be made on the form prescribed by BHQ and must be dealt with by the procedure set out in the following rules"***

***3/14 Applications must give the names of at least two persons of repute who will know the applicant personally and can vouch for his character and general suitability.***

***3/15 Applications from Scouters of sponsored groups must be approved by the Sponsoring Authority as prescribed in Rule 7/13 (4)***

***3/16 The DA (District Association) must satisfy itself in every case the applicant is fitted by character and previous history to be entrusted with the care of boys and has in particular***

1. *The necessary qualifications required by the rule relating to rank in question*
2. *A full appreciation of the religious and moral aim underlying the scheme of Scouting*
3. *Personal standing and character such as will ensure a good moral influence and sufficient steadfastness of purpose to carry out the work with energy and perseverance*
4. *A willingness to avail himself of any facilities offered for training appropriate to his rank”*

*“3/17 In view of the responsibility to parents and of the dangers which have been found to exist, DC’s and DA’s must take every precaution to see that no one whose moral character is open in any way to suspicion should be admitted into the Movement and they must show no false mercy in any case where such a person has gained admission. Where circumstances indicate that a criminal offence may have been committed, the DC must notify BHQ who will see that the police are informed.”*

*“3/18 When a person whose character and past history are not fully known makes an offer of service to or seeks to be associated in any way with , the Movement or member of it as such the following procedure shall be observed*

1. *The appropriate scouter or other member approached or aware of the approach shall report it immediately to the DC*
2. *If the DC knows or is able to ascertain enough about the person making the approach, he shall give prompt direction and /or advice*
3. *If the DC, does not know and quickly cannot ascertain enough he shall at once consult his AC if his District is part of an Area or Branch Headquarters if it is not*
4. *If the AC knows or is able to ascertain enough about the person making the approach, he shall give prompt direction and/or advice; otherwise he shall promptly consult Branch Headquarters*
5. *In the case of an emergency or urgency or if it is otherwise impractical to consult the DC and/or the AC, a Group Scouter or other member shall consult the AC or Branch Headquarters directly*
6. *Branch Headquarters, when consulted shall furnish a confidential report to the AC, if the relevant District is part of an Area, or to the DC if it is not and if the circumstances warrant it, at its discretion direct to another Scouter or other individual.”*

Note the wording in (6) – there is no detail about the source of the contents of the confidential report. The British Boy Scouts PO&R had a similar clause with the British International HQ rather than BHQ being the source of the report.

Clauses which follow under the heading of Warrants in the 1961 PO&R include

- Nominating those with authority to cancel warrants
- The process for suspension of warrants, the effect of suspension and the process of enquiry which is made at District level with reporting of the outcomes upwards to AC’s and BHQ

In summary, the 1961 National Policy Organisation and Rules included

- the requirement for referees in the Application for membership
- processes for checking people unknown to the DC or AC

- placed responsibility on the DA (District Association) for initially checking on the suitability of applicants
- committed DC's to "take no false mercy" to suspicious behavior and to report to BHQ allegations of criminal offence
- committed BHQ to reporting allegations of criminal offence to the Police.
- A suspension and conflict resolution process based at District level.

There were 8 revisions of the 1961 version. The above wording under Warrants was unchanged in all eight. The next change to the wording was in 1996 when there was a complete re-write of PO&R and the new document became P&R.

### **P&R 1996**

The 1993 version of PO&R like its predecessors was a physically large document that included a large amount of detailed operational material for Groups, Districts, Areas/Regions and Branches.

The decision was taken to remove all of that operational detail and to establish higher - level Policies with which Branch operational practice was expected to conform. In short the "how to implement the National Policy" was devolved to Branches. Some Branches already had Information Handbooks and others started to develop them to include the relevant operational detail removed from PO&R.

Around this time WOSM introduced the World Adults in Scouting Policy that was adopted by Scouts Australia. The Policy introduced the concept of the life cycle of an adult in scouting. P&R 1996 Policy 5 – Personnel Management is the WOSM Adults in Scouting Policy as adopted and adapted by Australia. Policy 5 effectively covers the same subject matter as the Policy under the heading of Warrants in the previous editions of PO&R.

The 1996 edition of P&R Policy 5 is detailed under the following headings:

- P5.1 - Adults in Scouting
- P5.2 - Code of Conduct
- P5.3 - The Management Process
  - Management of Adults – the process
  - Branch responsibility for administering the process,
  - Recruitment, - the skills for the role
  - Application for Appointment – details the commitment to be made
  - Mutual Agreement – what we expect and what we provide
  - Enquiries into the suitability of Applicants –(Referees and Police Checks)
  - Appointment – Certificate of Adult Membership and Certificate of Adult Leadership
  - Training, Personal Development and Support – details what is provided
  - Review and Evaluation – performance review
  - Renewal – one of the outcomes of the review
  - Reassignment, – one of the outcomes of the review
  - Retirement– one of the outcomes of the review
- P5.4 – Young People as Instructors and Helpers
- P5.5 - Procedures for Management of Adults - Conflict Resolution

- P5.6 - Grief and Trauma Counselling

Generally, the 1996 version of P&R is far less prescriptive than its predecessors.

Since 1996 there have been 3 more editions of P&R, the last being in 2008. As far as Policy 5 is concerned there are a number of minor changes to wording and one significant addition to the Code of Conduct that was made in 2003. The following words were added

“10 Adults in Scouting must report any conduct seen or heard that does not comply with the Code of Conduct.”

### **The Key Elements of P&R 2008 - Policy 5 – Personnel Management from the Royal Commission point of view**

#### The Code of Conduct

Policy P5.2 details a Code of Conduct for all adults in scouting. This code describes acceptable and unacceptable behavior and makes it clear what is expected of all adults. A breach of the Code of Conduct is often more easily “proven” than an allegation of abuse. The wording in **bold** print: is part of a recommendation going forward for approval to make the Code even more explicit .

#### “P5.2 CODE OF CONDUCT

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

1. Adults in Scouting respect the dignity of themselves and others.
2. Adults in Scouting demonstrate a high degree of individual responsibility, recognising that at all times their words and actions are an example to other members of the Movement.
3. Adults in Scouting act at all times in accordance with Scouting Principles, thereby setting a suitable example for all.
4. Adults in Scouting do not use the Movement to promote their own beliefs, behaviours or practices where these are not compatible with Scouting Principles.
5. Adults in Scouting act with consideration and good judgement in all interpersonal relationships both inside and outside Scouting.
6. Adults in Scouting respect everyone's right to personal privacy at all times. They take special care where sleeping, changing of clothing, bathing and ablutions are associated with any Scouting activity.

7. Adults in Scouting avoid unaccompanied and unobserved activities with youth members wherever possible.
8. Adults in Scouting, for their own protection, should avoid potentially compromising situations by ensuring, where reasonably possible, that at least two adults are in attendance whilst supervising and/or accompanying youth members.

It is recognised that in certain circumstances, it may be necessary for a leader or adult, whilst acting responsibly and exercising their Duty of Care, to be alone with a youth member.

9. Adults in Scouting realise that bullying, physical or verbal abuse, neglect or any other type of abuse, is unacceptable conduct by any member of the Movement. - ***“Adults in Scouting are committed to providing, to the best of their ability, a safe environment for youth members participating in the Scout program, their parents or guardians and visitors.***

***That safe environment must be in accordance with Scouts Australia’s policy of zero tolerance toward bullying, neglect, emotional, physical or sexual abuse of any kind.***

***Adults in Scouting recognise that abuse can take many forms and can be perpetrated through various mediums, including through technology, and will be alert to abuse in all of its manifestations.***

10. Adults in Scouting must report any conduct seen or heard that does not comply with this Code of Conduct. ***Specifically, Adults in Scouting must report promptly any allegations of child abuse of young people in their care.***

***Where mandatory reporting is required, incident reports must be made to the police or designated State/Territory Authority in accordance with State or Territory Law and the nominated Scouting person should be advised. In all other cases the incident must be reported to the nominated Scouting person.”***

From 2003, Clause (10) of the Code of Conduct has required mandatory reporting by adults in scouting of breaches of the Code of Conduct and Clause (9) of the Code nominates all forms of abuse as being breaches of the Code. A breach of the Code of Conduct can result in Suspension (see later).

The Code of Conduct is included in preliminary training of all applicants for leadership and each Branch Application form or package requires the applicant to sign the Code as evidence that they will work within the terms of the Code

#### The Application for Appointment

Within Policy 5.3 – Management Process is section 4 – Application for Appointment that details the requirements. It states as follows:

“P5.3.4 - APPLICATION FOR APPOINTMENT

Applicants for adult membership shall sign an application for appointment which:

- a) Involves commitment to:
  - Scout Promise and Law
  - Aim, Principles and Methods of the Association
  - Code of Conduct
  - Adherence to the Policy and Rules of the Association and its Branches.
  - Role and responsibilities of adults in the Movement.
  - Duty of Care
- b) Provides an authority to make enquiries concerning suitability for appointment.
- c) Contains an agreement to undertake training and personal development.”

Clause P5.3.4(b) provides the Authority for the Branches to make enquiries to referees and to make Police checks or equivalent Government Departmental checks. It is reinforced by Clause P5.3.6 – Enquiries into Suitability of Applicants which reads as follows:

“ENQUIRIES INTO THE SUITABILITY OF APPLICANTS

As part of its Duty of Care to young people, parents and guardians, the Association shall satisfy itself that applicants are suitable role models for young people and are not likely to expose them to physical or emotional harm.

The suitability checks shall be for the specific role and shall include character, referee and any other appropriate enquiries.”

The requirement to provide referees has been long standing and included in the British PO&R since 1938 and Scouts Australia PO&R since 1961. Police checks have not been specifically mentioned in either the British or Australian policies.

In the December 2012 Questionnaire collecting data for the Royal Commission Branches were asked in relation to Police checks and referees the following:

- When were police checks first introduced in your Branch as a routine process for checking all potential adult members?
- When were referees first introduced in your Branch as a routine process for checking all potential adult members

The responses from each Branch are in Attachment 1.

**Attachment 1****Branch Responses to Questionnaire – Dec 2012**

<b>Branch</b>	<b>Date Police checks introduced</b>	<b>Date Referees introduced Introduced in PO&amp;R 1961</b>
NSW	These checks were introduced in the 1950s.	The Application for Leadership Form has always included the requirement of a referee check, and that the applicant nominate two referees
Victoria	Since 1978 for all new leaders and in 1995 all long standing leaders who joined before 1978 were required to apply for a check	Unsure, evidence would suggest for at least 20 years
Queensland	We do not know for certain but it has been for a long time, certainly more than 40 years.	We do not know for certain but it has been for a long time, again, more than 57 years as applicants from 1955 were asked to give 2 references
South Australia	Late 1960's	Since inception 1909.
Western Australia	From a review of samples of Adult Membership files and it would appear that formal WA Police checks were not conducted by Scouts WA until 1996, as part of our formal screening process.	First indication is 1962
ACT	1988 - Scouts ACT became a Branch on 1 April  (BM - 1981. previously part of NSW who report checks were introduced in the 1950's)	1981
Tasmania	Unsure of exact date of implementation. Checks of BHQ records reveal Police Checks held from 1993	We are unsure when this requirement was first made in PO&R but it was certainly in force in 1964 and the Tasmania Branch has always adhered to the National requirement in this regard. A random selection of Leader applications held on file at BHQ as at 7/01/13 supports this contention.
Northern Territory	We do not know for certain but it has been for a long time, certainly more than 40 years and likely to be same as that for South Australian Branch, from late 1960's	Applicants from 1955 were asked to give two references as a Region of