



SUGGESTIONS FOR DEALING WITH THOSE INVOLVED
IF A LEADER HAS BEEN SUSPENDED OR STOOD DOWN

Scouts **'STAND DOWN'** or **'SUSPEND'** leaders and members for a number of reasons, many for reasons other than inappropriate conduct. The three most obvious ones are:

HEALTH: Where a persons health is at risk and will not follow medical advice, possibly reducing the safety of other members.

DISPUTES: Where a dispute is interfering with the smooth running of a Section, or Group,

SERIOUS ALLEGATIONS often involving the authorities or a Civil Action.

The NSW Branch believes that all those involved in, and/or affected by, any allegations should have support and/or consider counselling. We must however respect the rights of the individuals concerned, their **privacy and justice**.

. The Association provides **support** but doesn't provide counselling; it is important that any counselling be at arms length; completely independent; provided by local, professionally accredited experts in the particular field. Otherwise, both sides to the allegation, and the public, could easily misconstrue Scouting's involvement as having predetermined the issue. All those involved should be encouraged to seek the support of family and friends. Any referral should be to their medical practitioner, religious advisor, Community Health Centre or some other accredited agency for support.

The guidance below is to help if involved in one of the rare 'serious allegations'. However you should find the general outlines is beneficial to all stand downs or suspensions.

e.g. There are Leaders who don't want their heart problem, or cancer, known to others.

In dealing with an issue remember that the carriage of the more serious matters will be with the State Office. However, if you find yourself dealing with:

A. An approach by the Media.

Then your response is simple, the ONLY person who can make a comment is the Chief Commissioner or his/her delegate. If approached, you should make a very short statement such as:

"I would suggest you contact our State Office who would be only too pleased to assist you." **If they persist:** "I have little to no factual information on the matter. If you want the facts I suggest you contact our State Office on (02) 9735 9000". **NEVER** use the words 'no comment'

B. The Person against whom allegations have been made.

- i. In most cases where someone is prosecuted by authorities the accused will have received, or will later receive, legal advice to make no statement or comment to anyone, in regard to the issue at hand. Most don't appreciate that this means ANYONE at all, including friends and Scouting associates, or that anyone they do speak to could be required by the prosecution, to give evidence and be cross-examined in a criminal hearing as to what the accused said to him or her.
- ii. It is very common that the accused will not appreciate that this legal advice is given to protect them. While they may want to explain themselves to scouting associates, they may not appreciate that this could be seen by a Court as an attempt to affect what a witness may say. They often claim Scouts have abandoned them - but it is in their interest for us not to investigate or hear their story until advised by the State Office that it is appropriate to do so. ***(This must not stop the usual normal everyday social contact and conversation between the person and their friends and colleagues, just not to discuss the issue that is the centre of things. The person shouldn't be isolated but treated normally).***
- iii. They should be encouraged to seek the support of family and friends and a lawyer if they haven't already done so. Any referral should be to their medical practitioner, religious advisor or Community Health Centre or some other accredited agency for support.

- iv. In most cases when the person concerned is immediately suspended, the suspension letter gives advice as to the help available within the community. If they are having difficulty finding that help, there is advice to contact the State Commissioner for Members Support who will assist in providing referrals to appropriate professionals.

C. The Alleged Victims or those allegedly at risk:-

- i. If the matter has been placed in the hands of the authorities often the alleged victim will not appreciate that it is in the best interest of all that Scouts don't conduct a separate inquiry until the official inquiry is complete. They often claim Scouts has abandoned them, but it is in their interest for us not to investigate, or appear to be trying to influence the outcome, until such an action is cleared by the authorities and State Office.
- ii. All involved should be encouraged to seek the support of family and friends. Any referral should be to their medical practitioner, religious advisor or Community Health Centre or some other accredited agency for support. In cases involving the Police they usually direct the victims to appropriate support people as soon as practical.
- iii. It is in the best interest of all that members of the Association remain at arms length so as not to affect each side's right to natural justice and fairness.
- iv. We are co-operating fully with the authorities and police.
- v. If the police are involved in the matter, it is quite usual for the alleged victim's names to be withheld by the police and the court. The police organise appropriate support/counselling.

D Those associated with the Section:-

- vi. To reassure them that the Association has acted promptly to maximise protection for all members, including youth members, by suspending the accused, without ANY implication of guilt or innocence.
- vii. That for the Association, or its members, to be involved with either side could not only be misconstrued but might prejudice any investigation or judicial hearing.
- viii. Those parents in the section should not interrogate their children, which could possibly exacerbate the problem. If concerned, they should seek the help of an independent counsellor through their own medical practitioner, religious advisor, school counsellor, Community Health Centre or some other accredited agency for support.
- ix. That the ONLY person who can suspend a leader or make any comment is the Chief Commissioner or his/her delegate.
- x. The most senior leader at an activity or event, other than the alleged person, IF, ON THOSE RARE OCCASIONS, WHERE THEY HAVE A **REASONABLE** FEAR THAT YOUTH MEMBERS ARE AT **IMMINENT** RISK BY THE PRESENCE OF A PERSON, can **exclude** a person from **that** particular activity or event for the safety of all. (i) Usually in consultation with other leaders present, and (ii) Such an action must be reported to Region within 48 hours of the event.
- xi. We will not discourage any private citizen from going to the authorities or providing evidence or support to anyone involved. They must make it clear that any opinion, evidence or support they provide is their own and not that of the Association.
- xii. Both accused and victim should be aware that ANYONE could be called to give evidence, in Court, as to what was said. They must be encouraged to follow any legal advice they have received especially in regard to 'not making statements'.

EXPLANATORY NOTE: *The fact that a member is suspended, stood down or excluded, does NOT in any way infer that the Association has made any determination in relation to the allegations. The purpose of the suspension, standing down, or exclusion, is administrative and serves to protect both that leader and any alleged complainant/witness during the investigatory process. It is in keeping with the action normally required by the authorities.*

ALL SUSPICIONS, CONCERNS OR ALLEGATIONS ABOUT CRIMINAL MATTERS OR
CHILD PROTECTION MATTERS SHOULD BE REPORTED DIRECTLY TO
THE CHIEF COMMISSIONER, THE CHIEF EXECUTIVE OR THE CHILD PROTECTION OFFICER
AT STATE OFFICE ON 9735 9000.

Imminent Danger

If a young person is in imminent danger, the matter should be reported directly and immediately to NSW Police on 131 444.

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