



# Scouts Australia Child Protection Policy

Approved by the National Executive Committee of Scouts Australia  
(The Scout Association of Australia) at its November 2021 meeting.



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## Revision History

VERSION	DATE	REVISION
1.0	20 Nov 2016	Policy approved by NEC
1.1	24 Nov 2016	Minor Corrections
1.2	20 Dec 2016	Addition of Copyright notice and Authority to Publish Section 7 - Change "Warranted Leader" to "Leader holding a Certificate of Adult Leadership (CoAL)"
1.3	22 Feb 2018	Sections 7 and 10 amendments approved by NEC Nov 2017 and incorporation of AHRC Principles for Child Safe Organisations
1.4	5 Oct 2018	Section 10 Additional Social Media advice. ACT Review Input
1.5	Late 2018	Burden of Proof Section 10
1.6	Nov 2019	National Complaint Handling Guidelines (NOCS) incorporated. Two Deep enhancement. On-line Friendships Governance Committee input.
1.7	Nov 2020	Restructure document separating Policy from Framework
1.8	28 Nov 2021	Update for common terminology to P&R Review of Youth-on-Youth Abuse, Grooming and Digital e-safety

## 1. Objectives and Context

The objectives of this policy are to:

- protect all Young People in the care of The Scout Association of Australia and its Branches (hereafter referred to as “Scouts 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.

Scouts Australia will achieve the above objectives by closely adhering to the ten principles for child safe organisations (**ATTACHMENT A**) resulting from the Royal Commission and as endorsed by the 2018 Council of Australian Governments (COAG). Scouts Australia continues to drive the implementation of a child safe culture across the whole organisation by prescribing the National Statement of Principles through this policy.

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/Territory-based legislation mandates prescribed actions or imposes a higher level of responsibility that legislation is to apply. The National Statement of Principles for Child Safe Organisations underpin all the requirements contained in this Policy.

This Child Protection document has been developed in conjunction with CHILDWISE, a leading and nationally recognised not-for-profit child abuse prevention organisation. 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 practice. The Australian Human Rights Commission has also strongly informed this Policy through the development of the National Statement of Principles.

This document is to be read in conjunction with Scouts Australia’s Policy and Rules (P&R):

- P1.6.2 – Child Protection & Safe from Harm
- P2 – Duty of Care
- R12 – Safe Practice

and with particular reference to policy P5.2 Code of Ethics and Conduct. This document also prescribes certain procedures for all Branches which are deemed critical to achieve our Child Protection objectives.

## 2. Statement of Policy

Scouts Australia has an overarching duty of care to Youth Members (at a Policy level) to provide a safe environment and protection from harm. Scouts 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 Scouts Australia at all times. Branches are to ensure that this highest duty is considered above all else in all its activities and particularly when recruiting and managing Adults.

Scouts Australia 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 Scouts Australia 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 Ethics and Conduct.

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.

The requirement for every Adult in Scouting to report exists notwithstanding the specific State/Territory legislation. This means that Adults in Scouting are required to report Child Abuse through this policy if not already mandated through legislation unless a jurisdictional reasonable exemption is permitted.

Children are also to be encouraged and supported 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 may take if they do not feel safe. This is a key responsibility for those in leadership roles, whether Adult or Youth Leaders.

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 or Youth where an allegation or suspicion of abuse has been proven through a court of law.**
- **may terminate the Membership of any Adult or Youth even if a Child Protection matter is not concluded or ultimately resolved with certainty.**
- **is to automatically suspend the membership of an alleged abuser until the matter is resolved by the appropriate authority.**
- **is not to proceed with an application for Membership of an Adult if there is any doubt concerning suitability.**

THE MOST IMPORTANT CONSIDERATION IS ALWAYS THE IMMEDIATE SAFETY AND WELFARE OF CHILDREN

### 3. Scope

This policy (and the related procedures attached) applies to all Adult Members of Scouts Australia, Contributors and Visitors, 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. First Principles

Scouts Australia has adopted the ***National Principles for Child Safe Organisations (ATTACHMENT A)***. These principles are imbedded throughout this Policy and its attached Prescribed Procedures.

Adults in Scouting must, at all times, treat all Children with dignity and respect and must endeavour to actively promote in word and action every Child's right to feel safe and cared for and support the legislation that applies in each Australian State/Territory [CHILDSAFE PRINCIPLE 1].

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 [CHILDSAFE PRINCIPLE 2].

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 (**ATTACHMENT B**) and the Branch Child Protection Reporting Procedure (**ATTACHMENT C** - example). The Child Protection contacts for each State/Territory and report form are shown at **ATTACHMENT D**.

The host Branch of a major national event is to develop a specific Child Abuse reporting procedure, for approval by the National Operations Committee, which conforms with its legislative jurisdictional requirements and this Policy.

Scouts Australia and all Branches are to use every endeavour and opportunity to openly communicate with families and our local communities about our child safe focus. This includes canvassing our youth members, families and our local communities for input and comment about our approach. Our Code of Ethics and Conduct and Child Protection Policies and Procedures are always to be readily available to our members as well as to the general public – this includes access ‘on line’ and physically, by application. Our focus on child safe principles and our procedures is a public discussion. [CHILDSAFE PRINCIPLE 3].

- Adults in Scouting and Youth Members must not take part in or tolerate any form of abuse of Youth Members, or any form of behaviour which compromises the safety and wellbeing of Youth Members. Therefore, all Members are to:
  - make every effort to provide an inclusive and safe environment for all Youth Members involved in Scout activities and includes providing for the care and safety of Youth Members with physical, intellectual or sensory impairments [CHILDSAFE PRINCIPLE 4].
  - respect the cultural values of all Youth Members and encourage and support their involvement from all backgrounds (CHILDSAFE PRINCIPLE 4).
  - adhere to this Policy and the relevant Branch Child Protection Frameworks and any applicable Australian State/Territory legislative requirements [CHILDSAFE PRINCIPLES 1 & 10].

## 5. Definitions

Policy Definitions and the Definitions of Child Abuse are contained at **ATTACHMENT E**.

## 6. Policy Review

Scouts Australia and all Branches are to undertake periodic reviews of this Child Protection Policy, as well as Branch Child Protection Frameworks at every level of Scouts Australia. The intention of the review system is to ensure that Scouts Australia’s Policy and Child Protection Frameworks are legally compliant, reflective of community expectation and are embedded (living) throughout the organisation. The results of these reviews are to be tabled at the appropriate senior executive meetings at the National, State/Territory levels [CHILDSAFE PRINCIPLE 9].

Updates to Policy and Frameworks are to be made publicly available and comment invited [CHILDSAFE PRINCIPLE 3].

In order to ensure that our Child Protection Policy, Branch Frameworks and processes are succeeding to provide the best Child Safe environments possible and continually improved, **Branches are required to provide an annual Branch Child Protection Report to the Scouts Australia National Office**. That report is to include a summary of the child protection reports, incidents and actions by the Branch for each reporting year. Branch reports are also to contain (statistical data only) the incidence of REDRESS claims and their outcomes as well as general information of other claims made.

## 7. Key Procedural Requirements

Scouts Australia requires, as a minimum standard of operating procedure, that:

- Branches develop and maintain a legislatively compliant Child Protection Reporting process that is made known to all Adults in Scouting through formal training [CHILDSAFE PRINCIPLES 1 & 10].
- Every Adult Member report any Child Abuse allegations, disclosures and concerns in accordance with this Policy and the relevant Branch Child Protection Frameworks, and/or any host Branch Child Protection Frameworks in the case of a National event (e.g.; Jamboree/Venture/Moot) [CHILDSAFE PRINCIPLE 6].
- Chief Commissioners or delegate 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/Territory Authority for investigation (and provide confirmation of this to the authorities and the victim) [CHILDSAFE PRINCIPLE 8].
- Chief Commissioners or delegate terminate the membership of any Member or dismiss any Staff Member who has been found guilty of an offence relating to Child Protection [CHILDSAFE PRINCIPLE 8].

- The National Office and Branches disseminate annually and more often as required to all Adults, their latest Child Protection requirements to facilitate the handling of questions, allegations, disclosures and reports about Child Abuse [CHILDSAFE PRINCIPLES 3, 4, 5, 6, 7].
- Branches establish, train and maintain a Branch level Child Protection structure (support team) to assist and advise members on matters of Child Protection.
- Branches develop, disseminate and conduct training for all Adult Members in specific Child Protection processes which conform with this Policy and any applicable State/Territory Legislation (The national Adult Training and Development On-Demand Learning module is to be used as the basis for training and augmented by the Branch as required to ensure compliance with particular State/Territory Legislation) [CHILDSAFE PRINCIPLES 5, 6, 7 & 8].
- Branches mandate completion of Scouts Australia’s Child-Safe training curriculum as part of the training requirements for all Adult Members and renewal thereof at intervals as determined by Scouts Australia from time to time [CHILDSAFE PRINCIPLES 1, 4, 5, 7 & 8].
- 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 [CHILDSAFE PRINCIPLES 2 & 8].
- At least two Adults are present when supervising Youth members (referred to as TWO DEEP leadership) and that an Adult is never alone with a child (except in emergencies) [CHILDSAFE PRINCIPLE 8].

## 8. Detailed Procedural Requirements

Scouts Australia has developed specific procedural requirements which are shown at **ATTACHMENT F**. In summary:

- All Adults in Scouting, who suspect (i.e., there is a likelihood), on reasonable grounds, that a youth member is at risk of being abused and/or neglected is to report it to the relevant authority in their State/Territory. There is no requirement that an adult needs to be absolutely certain, have a belief, or proof that there has been abuse or neglect for them to contact authorities. If a youth member is suspected of being at risk of harm, then contact with the appropriate authorities is to be made and they will decide whether an investigation is required.

Suspicious may come from disclosures from youth or parent(s)/guardian(s) and other family members about not coping with their parenting responsibilities. Alternately, other indicators such as apparent neglect (refer attachment “F” for definition) may give rise to suspicions.

All serious concerns (i.e., suspicions that a child or young person is in imminent or immediate danger of serious harm, serious injury or chronic neglect) are to be reported by phone rather than online or via email. Certain groups of people are required by law to report any suspicion of abuse or neglect of a child or young person to government authorities. Further information and guidelines regarding mandatory reporting can be found at [Child Family Community Australia](#)

- Respond positively and quickly to any person making a disclosure.
- All child protection reports must be responded to without delay – the most important consideration must be the immediate safety and welfare of the child.
- Investigations shall not be conducted internally (unless required by an authority in a jurisdiction). However, all matters are to be advised/reported to Branch or to the authorities.
- Be **TWO DEEP** (detailed requirements at **ATTACHMENT F**).



## 9. Recruitment, Screening, Suspension and Termination

When an Adult wishes to support Scouts Australia as a Volunteer or Staff Member, their induction is to include face to face discussion, and formal training in the Code of Ethics and Conduct and this Policy, the Branch Child Protection Framework and the Policy and Rules of Scouts Australia. The person or body in each Branch 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 hold a Working with Children Check (WWCC) or equivalent as required in each jurisdiction.

All Adult Members in Scouting must undertake a National Police Check (see below). If deemed necessary by Branch, an additional Police Check may be requested when there is a change of role or location for a member. **Police Checks are to be conducted for every Adult at least every five years. No Adult is to be admitted or readmitted to Scouting where a Police Check makes reference to any offence involving Child Abuse or sexual assault of any kind.** 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 resided on a permanent basis outside of Australia, the applicant must provide an international Police Check as part of the screening process. Of course, where State/Territory Legislation demands a shorter recheck period, that Legislation is to apply.

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

- Adult Members 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 Adult Member is to be given UNSUPERVISED access to Youth Members (or their records) without NPC screening.**
- The NPC holder is responsible for ensuring that their NPC check is renewed. **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/Territory-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 Leader holding a Certificate of Adult Appointment (CoAA) or Staff Member (as applicable) AT ALL TIMES until the screening is confirmed. Where required by State/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/Territory WWCC legislation specifically precludes the commencement of working with Children before the WWCC 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 or Branch Executive Committee). 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 and encourages Youth to inform their Branch immediately they become aware that they are being investigated, reported or charged by any authority concerning a Child Protection matter. Upon disclosure, the Branch is to suspend the Member, or Staff Member until the matter has been finalised. Branch Child Protection Frameworks are to include this requirement for all Adult and Youth Members.

- The WWCC holder is responsible for renewing their 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.

### Adult 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. Referees may not be immediate family members and only one referee may be a current adult member of Scouts Australia. Branches are to ensure that Reference Checks are thoroughly completed for every Adult Member and Staff Member and retained with the membership application.

### 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.
- review case study scenarios which show examples of responding to Children who report abuse. This must include disclosures by young people or adults from diverse backgrounds and circumstances [CHILDSAFE PRINCIPLE 4].
- provide a direct link to Branch reporting procedures applicable to the individual member.

All Adult Members (see definitions) are to complete the On-Demand Scouts Australia ‘Child Safe Scouting Training’ within three months (or earlier) of being issued a Certificate of Adult Membership or becoming a Rover Scout or Adult Venturer Scout (as applicable). The remaining Child Safe training (where applicable to Branch processes) is to be completed within six months. Ideally, Child Safe Training should be conducted prior to the submission of an application for Membership. Each Branch will determine if it’s Members require a WWCC authorisation 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 Child Safe Training within 12 months of joining. Scouts Australia requires that Child Safe training is to be completed by every Adult Member every three years or as determined by the National Executive Committee. State/Territory legislation may direct a more frequent training cycle and where this is the case, the State/Territory 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/Territory unless jurisdictional legislation or regulation prohibits. Before sharing any information to a 3rd party (other than the Child Protection authorities in each State/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 in a manner consistent with their governing document. 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/Territory 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 they have 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/Territory 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 Youth Members 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 membership details of the offender must be uploaded by the Branch to the Member Alert portal of [members.scouts.com.au/admin](https://members.scouts.com.au/admin).** Regardless of the legal outcome, Scouts Australia reserves the right to refuse the reinstatement of an alleged offender who has been cleared or not charged by the Police at its discretion.
- Importantly, Branches must take care to ensure that there is no presumption of guilt or innocence once a report has been made against a person. The report should be handled in strictest confidence, and, with due care for the accused. Only those that must know (in order to ensure a child-safe environment) should know of a report. Branches may use discretion in deciding what support should be provided to an accused member.
- In the case where a Youth Member offends against another Youth Member, 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.

## 10. Induction [Child Safe Principles 1,2,3 & 5]

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 reinforcement is to be undertaken by Branches on acceptance of Membership or engagement as a Staff Member and every time an Adult Member is appointed to a role in Scouting.

In order to ensure that Scouts Australia maintains a Child Safe environment, Branches are to conduct an ongoing 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.
- Communicating regularly with families and Scouting communities regarding our child safe focus.
- Inculcating an ethos of “TWO DEEP” (definitions) and “REPORT, REPORT, REPORT” to all Members.

## 11. Reporting [Child Safe Principle 6]

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 Ethics and Conduct. Guidance for the evaluation of risk to a Child is contained at **ATTACHMENT G** (Indicators of Child Abuse and Characteristic Behaviours of Child Abusers) [CHILDSAFE PRINCIPLES 1, 5 & 6].

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 D** (this is NOT to be considered as an investigation, it is a recording of the known facts). The identities of all persons involved, including the ‘reporter’ are to remain confidential and shared only in the interests of the Youth Member.

Where a member (who may or may not be mandated by State/Territory 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. Scouts Australia will maintain an open and cooperative relationship with all 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 legislation are required by law to report Child Abuse, are to follow the mandatory reporting requirements prescribed under their jurisdictions for reportable situations that occur in Scouting whether within their State/Territory or other jurisdictions. In some cases, 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 so that they 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/Territory legislation) under these Scouts Australia mandated reporting requirements – child abuse matters arising in the context of scouting activity are mandated for reporting. This includes the situation where a child discloses or is at risk of abuse in situations outside scouting activity (e.g.: home). This Policy does not alter the requirement for legislated ‘Mandatory Reporters’ to report all matters of Abuse in accordance with State/Territory and Territory law.

Importantly, Youth Members (and their families) 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 the ways in which they may help to protect themselves and their peers. The Child Protection Practises at **ATTACHMENT F** 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/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/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 advise 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 their jurisdiction 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 it 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.

## 12 Further Assistance

Any Member requiring assistance in understanding or interpreting this policy or its application, should first consult their Team Leader and then, in need, their Branch.

## Attachment A – National Statement of Principles for Child Safe Organisations

### Ten National Principles for Child Safe Organisations (UNHR)

1. Child safety and wellbeing is embedded in organizational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organization is safe for children and young people.

## Attachment B – Australia 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/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/Territory jurisdictions, some of which are outlined above. While there has been no nationally consistent legislation implemented at the State/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 take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child".
- A precise of this document may be access online [here](#)

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

- Article 17 outlines "Right to protection of families and Children".
- Indicates 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.
- Access to this article is available [here](#)

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

In Australia, State/Territory governments are responsible for the administration and operation of Child Protection services. Legislative Acts in each State/Territory govern the way such services are provided. The principal Child Protection Acts in each Australian State/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)

### ACNC External Conduct Standards

All International Scouting by Scouts Australia members, including Branch Friendship Tours, require approval of the International Commissioner of Australia. Scouts Australia is a registered charity to which the ACNC External Conduct Standards apply. External Conduct Standard 4 requires that reasonable steps are taken to ensure the safety of vulnerable individuals overseas.

## Child Protection Legislation in Australian States and Territories

JURISDICTION	PRINCIPAL ACT	OTHER RELEVANT ACTS/LEGISLATION
<b>Australian Capital Territory</b>	CHILDREN AND YOUNG PEOPLE ACT 2008 (ACT)	<ul style="list-style-type: none"> <li>• ADOPTION ACT 1993 (ACT)</li> <li>• HUMAN RIGHTS ACT 2004 (ACT)</li> <li>• HUMAN RIGHTS COMMISSION ACT 2005 (ACT)</li> <li>• PUBLIC ADVOCATE ACT 2005 (ACT)</li> <li>• FAMILY LAW ACT 1975 (Cth)</li> <li>• ACT WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING) ACT 2011</li> </ul>
<b>Northern Territory</b>	CARE AND PROTECTION OF CHILDREN ACT 2007 (NT)	<ul style="list-style-type: none"> <li>• INFORMATION ACT 2006 (NT)</li> <li>• DISABILITY SERVICES ACT 2004 (NT)</li> <li>• CRIMINAL CODE ACT 2006 (NT)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> </ul>
<b>New South Wales</b>	CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998 (NSW)	<ul style="list-style-type: none"> <li>• CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PARENTAL RESPONSIBILITY CONTRACTS) ACT 2006 (NSW)</li> <li>• CHILD PROTECTION (OFFENDERS REGISTRATION) ACT 2000 (NSW)</li> <li>• CRIMES ACT 1900 (NSW)</li> <li>• COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 1998 (NSW)</li> <li>• THE OMBUDSMAN ACT 1974 (NSW)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> <li>• CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2009</li> </ul>
<b>Queensland</b>	CHILD PROTECTION ACT 1999 (Qld)	<ul style="list-style-type: none"> <li>• WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) ACT 2000 (QLD)</li> <li>• COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN ACT 2000 (QLD)</li> <li>• EDUCATION (GENERAL PROVISIONS) ACT 2006 (QLD)</li> <li>• PUBLIC HEALTH ACT 2005 (QLD)</li> <li>• ADOPTION ACT 2009 (QLD)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> </ul>
<b>South Australia</b>	CHILDREN'S PROTECTION ACT 1993 (SA)	<ul style="list-style-type: none"> <li>• YOUNG OFFENDERS ACT 1994 (SA)</li> <li>• ADOPTION ACT 1988 (SA)</li> <li>• CHILDREN'S PROTECTION REGULATIONS 2006 (SA)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> <li>• FAMILY AND COMMUNITY SERVICES ACT 1972 (SA)</li> </ul>
<b>Tasmania</b>	CHILDREN, YOUNG PERSONS AND THEIR FAMILIES ACT 1997 (Tas.)	<ul style="list-style-type: none"> <li>• THE FAMILY VIOLENCE ACT 2004 (TAS.)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> <li>• CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT ACT 2009 (TAS.)</li> </ul>



JURISDICTION	PRINCIPAL ACT	OTHER RELEVANT ACTS/LEGISLATION
Victoria	CHILDREN, YOUTH AND FAMILIES ACT 2005 (Vic.)	<ul style="list-style-type: none"> <li>• WORKING WITH CHILDREN ACT 2005 (VIC.)</li> <li>• CHILD WELLBEING AND SAFETY ACT 2005 (VIC.)</li> <li>• THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (VIC.)</li> <li>• CRIMES ACT 1958 (VIC.)</li> <li>• CRIMES AMENDMENT (PROTECTION OF CHILDREN) 2014 (VIC.)</li> <li>• CHILD WELLBEING AND SAFETY AMENDMENT (CHILD SAFE STANDARDS) ACT 2015 (VIC.)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> <li>• COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT</li> </ul>
Western Australia	CHILDREN AND COMMUNITY SERVICES ACT 2004 (WA)	<ul style="list-style-type: none"> <li>• WORKING WITH CHILDREN (CRIMINAL RECORD CHECKING) ACT 2004 (WA)</li> <li>• FAMILY COURT ACT 1997 (WA)</li> <li>• ADOPTION ACT 1994 (WA)</li> <li>• FAMILY LAW ACT 1975 (CTH)</li> <li>• CHILD CARE SERVICES ACT 2007</li> </ul>

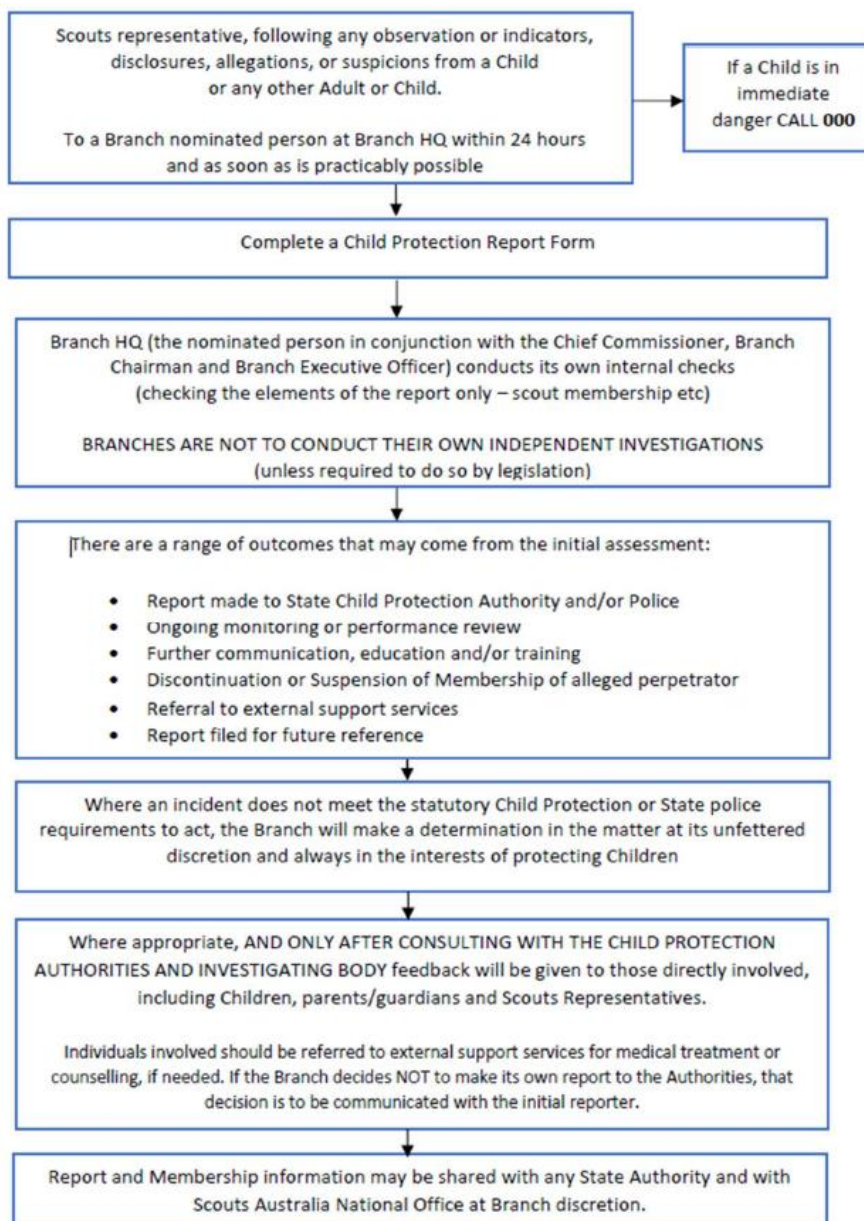
# Attachment C – Minimum requirements for a Scouts Child Abuse Reporting Process

## 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/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 Ethics and Conduct. Where applicable, this reporting may be electronic. Though, care needs to be taken to ensure the confidentiality and privacy of all information submitted and viewed.



## Attachment D – Australia Child Protection Contacts

### Immediate Threats

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

<b>Police/Ambulance/Fire</b>	000	<b>Blue Knot Helpline</b> <a href="https://blueknot.org">https://blueknot.org</a>	<b>1300 657 380</b>
<b>Australian Federal Police</b> <a href="#">AFP website</a>	(02) 5126 0000	<b>Parentline</b> <a href="https://raisingchildren.net.au/grown-ups/services-support/about-services-support/helplines">https://raisingchildren.net.au/grown-ups/services-support/about-services-support/helplines</a>	ACT: (02) 6287 3833 NSW: 1300 130 052 NT: 1300 301 300 QLD: 1300 301 300 SA: 1300 364 100 TAS: 1300 808 178 VIC: 132 289 WA: (08) 9368 9368 (metropolitan) or 1800 111 546 (regional)
<b>Kids Helpline</b> <a href="#">Kids Helpline Website</a>	1800 551 800	<b>Life Line</b> <a href="http://www.lifeline.org.au">www.lifeline.org.au</a>	13 11 14

## National Statutory Child Protection Authorities

Reporting authority	Further services / information	Contact
Australian Capital Territory	<p><b><i>Office for Children, Youth and Family Support</i></b> GPO Box 158 Canberra ACT 2601 Ph: 133 427</p> <p>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>To report instances of Child Abuse: Ph: 1300 556 729 If you are a mandatory reporter: Ph: 1300 556 728 Email: <a href="mailto:Childprotection@act.gov.au">Childprotection@act.gov.au</a></p>
New South Wales	<p><a href="#">Department of Family and Community Services</a> 4-6 Cavill Ave Ashfield, NSW 2131</p> <p>Locked Bag 4028 Ashfield, NSW 2131 Ph: (02) 9716 2222</p> <p>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>Child Protection Helpline: 132 111) (TTY/voice calls: 133 677; Speak &amp; Listen: 1300 555 727; SMS: 0423 677 767) for the cost of a local call 24 hours a day, 7 days a week. If you are a mandatory reporter, you can call the Child Protection Helpline on 132 111.</p>
Northern Territory	<p><a href="#">Department of Territory Families</a> PO BOX 37037 Winnellie NT 0820 Ph: (08 8995 5045</p> <p>The NT Department of Children and Families provides or funds the following range of services to support Children, youth and families.</p>	<p>To report instances of Child Abuse: (24 hours) 1800 700 250 Mandatory Reporting 131 444</p>
Queensland	<p><i>Department of Child, Youth Justice and Multicultural Affairs</i> 111 George Street Brisbane QLD 4001</p> <p>Child Safety Services Child Safety offers the following range of services to support Children, youth and families <a href="#">Child Safety Queensland</a> 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: 1800 811 810</p>	<p>To report instances of Child Abuse: Brisbane: 1300 682 254 Central QLD: 1300 703 762 Far North QLD: 1300 684 062 North Coast: 1300 703 921 North QLD: 1300 706 147 South East: 1300 679 849 South West (Darling Downs): 1300 683 390 South West (West Moreton): 1800 316 855 After hours (all areas): 1800 177 135</p>

Reporting authority	Further services / information	Contact
South Australia	<p><i>Department for Child Protection (DCP)</i></p> <p>The DCP works in partnership with vulnerable families, other government and non-government organisations, foster carers and the community to keep children and young people safe and give them the same opportunities as other young South Australians.</p> <p><a href="#">Department for Child Protection (DCP)</a></p> <p>31 Flinders St</p> <p>Adelaide SA 5000</p> <p>Phone: (08) 8124 4185</p>	<p>To report instances of Child Abuse (Child Abuse Report Line - CARL): 131 478</p> <p>Emergencies: 000</p>
Tasmania	<p><i>Department of Communities</i></p> <p>GPO BOX 125</p> <p>Hobart TAS 7001</p> <p>Ph: 1300 735 513</p> <p>Child Protection Services 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>To report instances of Child Abuse: Ph: 1800 000 123 (24 hours)</p> <p>Online notification is also available Child Protection Services</p>
Victoria	<p><a href="#">Department of Families, Fairness and Housing</a></p> <p>Level 9, 50 Lonsdale St</p> <p>Melbourne VIC 3000</p> <p>Ph: 1300 475 170</p> <p>‘Failure to Disclose’ and ‘Failure to Protect’ legislation requires reporting direct to Victoria Police.</p> <p>If you want to report a child in immediate risk or danger of sexual abuse, please call Triple Zero (000) Alternatively, you can contact your local police station.</p> <p>If you or someone you know has experienced child sexual abuse in an institutional context, contact Victoria Police's Sano Taskforce via email at: <a href="mailto:sanotaskforce@police.vic.gov.au">sanotaskforce@police.vic.gov.au</a></p>	<p>To report instances of Child Abuse:</p> <p>Metropolitan Eastern: 1300 360 391</p> <p>Southern: 1300 655 795</p> <p>North &amp; West: 1300 664 977</p> <p>Rural Barwon S/West:</p> <p>From 8:45am – 5:00pm Monday to Friday call:</p> <p>North Division intake: 1300 664 977</p> <p>South Division intake: 1300 655 795</p> <p>East Division intake: 1300 360 391</p> <p>West Division intake – metropolitan: 1300 664 977</p> <p>West Division intake – rural and regional: 1800 075 599</p> <p>If you are not sure which number to call, check the <a href="#">Child protection contacts page</a> for details on the LGAs covered by each intake service. All regions after hours Ph: 131 278</p>

Reporting authority	Further services / information	Contact
Western Australia	<p>Department of Communities, Child Protection and Family Support            Locked Bag 5000            Fremantle WA 6160            Ph: 1800 176 888</p> <p><i>Protection offers a range of services including:</i></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>            Central Office</p>	<p>To report instances of Child Abuse:            Central Intake Team: 1800 273 889            Crisis Care Unit:            After hours: (08) 9223 1111 or            1800 199 008</p> <p>If you are a mandatory reporter: Ph:            1800 708 704 (24 hours) Email:            mrs@dcps.wa.gov.au</p>

### Children's Hospitals in Australian Capital Cities

Name	Address	Name	Address
Sydney, NSW	<p>The Children's Hospital at Westmead            Hawkesbury Rd &amp; Hainsworth St,            Westmead NSW 2145            (02) 9845 0000</p> <p>Sydney Children's Hospital,            Randwick            High Street            Randwick NSW 2031            (02) 9382 1111</p>	Melbourne, VIC-	<p>The Royal Children's Hospital            50 Flemington Road Parkville            VIC 3052            (03) 9345 5522</p> <p>Monash Children's Hospital            246 Clayton Road            Clayton VIC 3168            (03) 8572 3000</p>
Brisbane, QLD	<p>The Queensland Children's Hospital            501 Stanley St, South            Brisbane QLD 4101            (07) 3068 1111</p>	Adelaide, SA	<p>Women's and Children's Hospital            72 King William Road North            Adelaide SA 5006            (08) 8161 7000</p>
Perth, WA	<p>Perth Children's Hospital            15 Hospital Avenue Nedlands            WA 6009(08) 6456 2222</p>	Darwin, NT -	<p>Royal Darwin Hospital 105            Rocklands Drive            Tiwi NT 0810            (08) 8922 8888</p>

Name	Address	Name	Address
Hobart, Tasmania -	Royal Hobart Hospital 48 Liverpool Street Hobart TAS 7000 (03) 6166 8308	Canberra, ACT -	Centenary Hospital for Women and Children Corner of Gilmore Crescent Hospital Road Garran ACT 2605 (02) 5124 0000

# EXAMPLE Scouts Child Abuse Report form

## 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	

Scouts Activity details:	Location/Area:
Date of observation/disclosure:	Time of observation/disclosure:
<b>Details of observation/disclosure</b> Include quotes of conversation, descriptions of observations, patterns of behaviour, etc. Attach additional pages, if required.	
Additional pages attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Scout Representative making report:	Contact Phone:
Signature:	Membership Number:
	Date:
Name of Scouts Executive receiving report:	Contact Phone:
Signature:	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	
<input type="checkbox"/> Referred immediately to Child Protection and/or State Police <input type="checkbox"/> Interviews with relevant and appropriate people <input type="checkbox"/> Discussed with National Committee Members <input type="checkbox"/> Advice sought from external professional organisations <input type="checkbox"/> Assist with external investigation by the authorities  Notes:	
Outcome of the action:	
<input type="checkbox"/> Report made to the Child Protection Authority and/or Police <input type="checkbox"/> Suspension pending outcome <input type="checkbox"/> Termination of Membership with the organisation <input type="checkbox"/> Written warning <input type="checkbox"/> Performance review <input type="checkbox"/> Further education and training <input type="checkbox"/> 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? <input type="checkbox"/> Phone <input type="checkbox"/> In person <input type="checkbox"/> In writing (hard copy or email)  Date of contact:  How has the person against whom the report was made been informed of the outcome? <input type="checkbox"/> By Phone <input type="checkbox"/> In person <input type="checkbox"/> 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 <input type="checkbox"/> Police report Was/were            made            by            .....            on            the            ...../...../.....            to            .....  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:	
<input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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.	
Name of nominated person at HQ handling report:	Contact Phone:
Signature:	Date:

## Attachment E – Definitions – Child Abuse – Policy & Framework

### Child Abuse Definitions:

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 usually limited to State/Territory legislated Mandated Reporters. However, in some jurisdictions this responsibility falls on any Adult).

- **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. The six stages of 'grooming'<sup>1</sup> include but are not limited to:

#### **Stage 1: Targeting the victim**

The offender targets a victim by sizing up the child's vulnerability—emotional neediness, isolation and lower self-confidence. Children with less parental oversight are more desirable prey.

#### **Stage 2: Gaining the victim's trust**

The offender gains trust by watching and gathering information about the child, getting to know his needs and how to fill them. In this regard, offenders mix effortlessly with responsible caretakers because they generate warm and calibrated attention. Only more awkward and overly personal attention, or a gooey intrusiveness, provokes the suspicion of parents. Otherwise, a savvy offender is better disciplined for how to push and poke, without revealing themselves.

#### **Stage 3: Filling a need**

Once the offender begins to fill the child's needs, that adult may assume noticeably more importance in the child's life and may become idealized. Gifts, extra attention, affection may distinguish one adult in particular and should raise concern and greater vigilance to be accountable for that adult

#### **Stage 4: Isolating the child**

The grooming offender uses the developing special relationship with the child to create situations in which they are alone together. This isolation further reinforces a special connection. Babysitting, tutoring, coaching and special trips all enable this isolation.

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<sup>1</sup> As presented by Grace Tame – Australian of the Year 2021

A special relationship can be even more reinforced when an offender cultivates a sense in the child that he is loved or appreciated in a way that others, not even parents, provide. Parents may unwittingly feed into this through their own appreciation for the unique relationship.

#### **Stage 5: Sexualizing the relationship**

At a stage of sufficient emotional dependence and trust, the offender progressively sexualizes the relationship. Desensitization occurs through talking, pictures, even creating situations (like going swimming) in which both offender and victim are naked. At that point, the adult exploits a child's natural curiosity, using feelings of stimulation to advance the sexuality of the relationship.

When teaching a child, the grooming offender has the opportunity to shape the child's sexual preferences and can manipulate what a child finds exciting and extend the relationship in this way. The child comes to see himself as a more sexual being and to define the relationship with the offender in more sexual and special terms.

#### **Stage 6: Maintaining control**

Once the sexual abuse is occurring, offenders commonly use secrecy and blame to maintain the child's continued participation and silence—particularly because the sexual activity may cause the child to withdraw from the relationship.

Children in these entangled relationships—and at this point they are entangled—confront threats to blame them, to end the relationship and to end the emotional and material needs they associate with the relationship, whether it be the dirt bikes the child gets to ride, the coaching one receives, special outings or other gifts. The child may feel that the loss of the relationship and the consequences of exposing it will humiliate and render them even more unwanted.

For further information on grooming and how to prevent grooming please refer [here](#)

- **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.

#### **Broader Policy Definitions:**

- **Adult** means a person 18 years of age or older who are Leaders, Rover Scouts, Adult Venturers, Adult Helpers, Adult Supporters, Office Bearers, Foundation & Fellowship Members and Staff.
- **Adult Helper** means an Adult holding a Certificate of Adult Membership of Scouts Australia who provides assistance to a Leader and is bound by the policies and rules of Scouts Australia.
- **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 Scouts Australia. 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' legislation varies across States/Territories. In any case, any sexual relationship between a Child and an Adult in Scouting is unacceptable as is any sexual activity, even between consenting parties, at a Scouting event and should be reported. See **Attachment E**.
- **Branch** means a State/Territory entity recognised by Scouts Australia through which the Scout Program is delivered.
- **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 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 Scouts Australia. Certificates of Adult Membership may be issued before a member has commenced training.
- **Certificate of Proficiency** means a certificate issued to a member who has completed the required training for Appointment, which includes Scouts Australia'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/Territory body legislated to receive and investigate instances of Child Abuse.
- **Code of Ethics and Conduct** means the document in the Scouts Australia's Policy and Rules, P5.2 Code of Ethics and Conduct that outlines appropriate ethics and conduct by all adults involved in Scouting.
- **CoAA (Certificate of Adult Appointment)** means a certificate of appointment issued to a member indicating the position that they are approved to undertake within Scouting.
- **Disclosure** means when a Young Person tells someone that they feel 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 Scouts Australia 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, is progressing towards holding a Certificate of Proficiency and Certificate of Appointment issued by Scouts Australia and who may wear the Scout uniform and is bound by the Policies and Rules of Scouts Australia. Line Leader means the direct supervisor of a member.
- **Mandated Reporter** means any Adult who is mandated by State/Territory legislation and by occupation to report child abuse to an authority. 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 a Scouting activity is mandated by Scouts Australia – this requirement is known as "voluntary reporting". See definition of Voluntary Reporter below.
- **Member** means an Adult who holds a Certificate of Adult Membership or Certificate of Membership for a Rover Scout of Scouts Australia or a registered Youth Member under 18 years of age.
- **National General Manager (NGM)** 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 Scouts Australia's business in accordance with the Royal Charter and By-Laws.

- **National Support 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 Scouts Australia. 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.
- **Rover Scout** means a Member of Scouts Australia who is required to be at least 18 years of age and therefore an Adult by law, is registered as an Adult Member of Scouts Australia and is required to complete all of the required clearances and checks 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 and as amended from time to time.
- **Scout Activity** means any activity conducted by Scouts Australia 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 World Organisation of the Scout Movement, and its member National Scout Organisations', which includes the Scout Association of Australia.
- **Scouts Australia** means The Scout Association of Australia and (where applicable) its Branches.
- **Scout Program** means that program as amended from time to time, designed to develop Young People, physically, intellectually, socially, spiritually and emotionally.
- **Staff** means an employee who is engaged through an employment contract by Scouts Australia or one of its Branches as defined by the Fair Work Act 2009
- **State/Territory Authority** means the Child Protection agency and/or the State/Territory Police force in the State/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 (emergency) 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. Where the volunteer receives a payment for out-of-pocket expenses or honorarium they remain to be regarded as an "unpaid member"
- **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) and is registered to participate in the Scouting Program.
- **WWCC.** Working with Children Check. In some States/Territories this may be referred to as a Working with Vulnerable People Check
- **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.

## Attachment F – Scouts Australia Detailed Procedural Requirements

- All Adults in Scouting are to report Child Abuse to the appropriate authorities under each jurisdiction's legislation.
- All Adults in Scouting are to respond positively and quickly to any person making a disclosure.
- All child protection reports must be responded to without delay – the most important consideration must be the immediate safety and welfare of the child.
- Investigations should not be conducted internally (unless required by an authority in a jurisdiction) before making a report to the Branch or to the authorities.
- Be **TWO DEEP**.

The specific requirements for the above for all members are:

### **REPORTS - 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 [CHILDSAFE PRINCIPLE 5, 6 & 7]**

**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. Youth Members are to be encouraged to speak with their Leader or another Adult at any time if they feel 'unsafe' [CHILDSAFE PRINCIPLE 2].

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 the ACTION REQUIREMENT below on every occasion [CHILDSAFE PRINCIPLE 2].

**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 [CHILDSAFE PRINCIPLE 8].

**RESPONDING – 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 [CHILDSAFE PRINCIPLE 2 & 6]**

**How should it be reported?** A report should be made in accordance with the applicable Branch Child Protection Framework and directly to the State/Territory Authority as required by legislation. **ATTACHMENT C** contains the minimum requirements for a Branch Child Protection Reporting Process and **ATTACHMENT D** contains all relevant Australian Child Protection Contacts 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/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) [CHILDSAFE PRINCIPLE 5]

**DO NOT DELAY - All Child Protection Reports are to be attended to without delay and treated strictly in accordance with the Branch Child Protection Framework [CHILDSAFE PRINCIPLE 8]**

#### THE MOST IMPORTANT CONSIDERATION IS THE IMMEDIATE SAFETY AND WELFARE OF THE CHILD

**Responding to a disclosure** from a Youth Member (or Adult). Receiving a disclosure from a Youth Member 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 Youth Members 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 Scouts Australia and the law. [CHILDSAFE PRINCIPLE 6].

Care is to be taken in responding to young people and disclosures from older persons who may be particularly vulnerable in life and/or from other backgrounds and cultures. The needs of the child or the adult disclosing, no matter from where they originate, is the key to careful listening [CHILDSAFE PRINCIPLE 4].

The receiver of a report must not confront a person named by the Youth Member or Adult making the disclosure, but should take necessary, common-sense action if the Youth Member 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 Youth Member and 'receiver of the report' if that is deemed required.

**REPORT DIRECTLY TO AUTHORITIES – 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/Territory [CHILDSAFE PRINCIPLE 6].**

**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 Scouts Australia. Branches are to share any records they hold with the Police or other authorised investigatory body as requested by them. Where the storage is digitally, appropriate system restrictions are to be employed to minimise the number of people (staff and volunteers) who can access the information.

Public statements at the National level regarding Child Protection are only to be made by the Chief Commissioner of Australia (or their delegate), the Chair of the National Executive Committee (or their delegate) or the National General Manager. At Branch level, the Branch 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/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/Territory to ensure any such internal investigations or enquiries do not prejudice the investigations being conducted by the authorities. Failure to report in accordance with State/Territory law, exposes Scouts Australia and its officers to both civil and criminal prosecution.

**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/Territory 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/Territory Authority requirement to act, or the Branch decides not to elevate a matter to a State/Territory 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/Territory Authorities). The National Office For Child Safety ([NOCS](#)) has distributed a Guide for handling complaints. The Guide provides practical advice about how to develop, implement and maintain a complaint-handling system that prioritises child safety and promotes the rights of children and young people to have a voice in decisions that affect them. These guidelines are a logical development from CHILD SAFE PRINCIPLE 6 which stipulates that an organisation's processes to respond to complaints and concerns must be 'child focused'.

Branches are to ensure that their complaint-handling systems incorporate the guidelines at **ATTACHMENT I** for 'non-reportable' incidents or complaints.

**Care and support for the people involved** [CHILDSAFE PRINCIPLE 5]. 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/Territory.
- 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 relevantly 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/Territory Authority.
- Importantly, Branches are to ensure that the persons nominated to receive reports at the Branch level, are relevantly trained and that the reporting systems and ongoing care provisions are child (victim) focused.
- Branches must take care to ensure that there is no presumption of guilt or innocence once a report has been made against a person. Branches may use discretion in deciding what support should be provided to an alleged perpetrator (Section 7).

**"TWO DEEP"**

**No Leader, Helper or Staff Member should be alone with a Youth Member. The only exception is in a case of an unavoidable emergency [CHILD SAFE PRINCIPLES 2 & 5]**

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

- **Two Adults present:** Scouts Australia's standard when Adults are supervising and conducting Scouting activities involving Youth Members is that at least two Adults are present (except in unforeseen circumstances such as an emergency). While the minimum ratio of Adults to Youth Members will vary from activity to activity, a minimum of two Adults is always the preferred minimum required – these TWO DEEP procedural requirements are to be the first consideration when planning any event or Scout activity. The failure to achieve this standard should not preclude the Scout Activity from occurring but, every effort must be made to achieve the standard before commencement. If TWO DEEP cannot be achieved, the situation and details of all attendees are to be recorded by the Leader in Charge. It is important to note that in light of ever-changing Australian legislation regarding the 'burden of proof' for formal proceedings involving Child Abuse, it is imperative that all Adults in Scouting are advised that this mandated TWO DEEP policy may be the primary, and could be the only, method of proving that an abuse could not have occurred. Accordingly, 'TWO DEEP' becomes a vital precaution to any misconceived conduct on behalf of adults, and for the legal position of Scouts Australia in law.
- **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 Youth member 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 Youth Member can supervise (at a distance) bathing. In these circumstances, the guiding principle is that the Youth Member feels safe and has a sense of privacy. Adults are to avoid placing themselves in a situation where Youth Members feel uncomfortable or compromised or where adult actions could be misinterpreted.
- **Travel:** On certain occasions (for example transporting a Youth Member 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 Youth Member concerned. In this situation, care should be taken that the Adult is not alone with only one Youth Member (that is, the Youth Member is in the company of at least one other Youth Member). Additionally:
  - Under no circumstance should any Adult accept a third party into travel arrangements without the prior informed written consent of parent(s)/guardian(s) (unless the third party is another Scout Member). A Youth Member must feel safe and comfortable with the arrangements. Adults are to avoid placing themselves in a situation where Youth Members feel uncomfortable or compromised or where an adult's actions could be misinterpreted.
  - Other than for the Youth Member of a parent/guardian or in a clear emergency, Adults must not travel alone with one Youth Member in a motor vehicle, watercraft or an aircraft (other than a two-seater glider, or two seat powered aircraft, land yacht, or two seat watercraft such as canoes 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 Youth Member:
    - 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, Youth Members are protected from unauthorised contact by external parties. Each Branch is to introduce security procedures as it deems necessary to protect Youth Members and their personal data. This may include 'signing-in' processes at Scout Hall 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 Youth Member) when communicating with Youth Members on-line. This includes all forms of social media and emails.

Youth Members 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. Importantly, youth members are to be reminded of the dangers of the increasing peer pressure to share very personal photographs on social media, on line, on mobile phones or any other way. Youth members are to be encouraged to report this pressure to their family or someone they trust for help [CHILD SAFE PRINCIPLE 8].

In consideration of the TWO DEEP action-requirement above, 'private' messaging between an Adult in Scouting and a Youth Member (unless family) must be avoided. This provision, not only provides a higher level of protection for Youth Members, importantly, it serves to protect an Adult from misinterpretation. 'Privately messaging' a Youth Member is considered the equivalent of going into a room alone with that Youth Member. It is counter to the requirement of never placing oneself in a position where your words or actions could be misinterpreted.

It logically follows that Adults in Scouting must not befriend Youth Members on social media, nor respond to requests to befriend (except family). Adults in Scouting must not interact privately with Youth Members in any form of social media. Where social media is used to organise trips and events (Scouting activity) a publicly 'open group' or event/activity network involving more than one Adult and more than one Youth Member is to be used. This provision does not mean that an Adult cannot also be a friend of a Youth Member, nor does it mean that an Adult cannot provide mentoring and support to individual Youth Members in their Scouting roles, however, in Child Protection terms, Adults in Scouting carry a higher duty of care, not only for Youth Members, but also to the Scout Association. This responsibility overrides the need for private relationships online.

At all times the provisions of Scouts Australia Technology Code of Use apply (refer Policy & Rules 5.2.3). Digital Safety is to be centre of thinking for adults when acting and that Youth are to be encouraged to report

Guidance should be taken from the [Office of the e-Safety Commissioner](#) and where possible the available presentations and community-based education offerings taken up at local level

- **Photographs:** Adults in Scouting should refrain from taking photographs of Youth Members unless they are intended for use by Scouts Australia. Written permission must be obtained from the parent(s)/guardian(s) of Youth Members before photographs are taken by Adults and Youth for use by Scouts Australia. This is best done by the parent(s)/guardian(s) 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 Youth Member 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.  
  
In the event that any Member (Youth and/or Adult) specifically requests their photograph not be taken, their rights are to be respected.
- **Digital recording:** Scouts Australia 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 Youth Member at the centre of any decisions. Adults and Youth Members must 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 parent(s)/guardian(s) to seek permission by the fastest means possible. If permission cannot be obtained, media access is not to be given. It should be noted that the Privacy Act does not apply to a media organisation carrying out its work of journalism. A media organisation that has publicly committed to observing published, written privacy standards, may collect, prepare and distribute news, current affairs, information or documentaries.
- **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 parent(s)/guardian(s) be vigilant for indications of 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 Youth Member and an Adult in Scouting is not permitted (notwithstanding if the Youth Member 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 their Authorities on every occasion. The individuals concerned should be advised of the breach of law (where this is alleged) and the Adult in charge of the activity or event must remove the 'offender' from the Scouting event or activity. There may be occasions where individuals have consensual sexual contact in Scouting and no unlawful act has occurred (**ATTACHMENT E**). In these cases, following a check with the local child protection authority, Branches may specifically decide to treat a matter within the Code of Ethics and Conduct and Scout Promise and Law provisions as opposed to automatically reporting an

alleged offence. In this case, the individuals concerned are to be counselled to desist from such behaviour in Scouting 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.

- **Sexual activity** involving consenting Youth Members 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 Youth Members 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).
- Sexual activity, in any form, 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/Territory jurisdiction (and as directed through the Branch Child Protection Framework). Branches are to notify their Authority on every occasion. In consultation with that 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.
- **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 [CHILDSAFE PRINCIPLE 2]. Additionally, it is suggested that Branches encourage every Scout Group to conduct an age-appropriate Child Protection session each term emphasizing the key outcomes: 'Establishing and maintaining an open environment of trust'; 'who to report to' and the overarching right of every member to 'feel safe'.

As at September 2021 the Youth Program addresses the national statement of principles for child safe organisations as follows:

- **Introduction to Scouting** focus on The Australian Scout Promise and Law;
- **Introduction to Section** with a focus on The Australian Scout Promise and Law, including how it's explored in that section, and The Unit Code;
- **The Unit Code:** how the Unit Code is connected to the Promise & Law, why it is important to look out for each other and the behaviour and attitude expectations for individuals at age-appropriate stages; and,
- **SPICES i-Statements:** Using the social, emotional and character i Statements all members are encouraged to demonstrate appropriate behaviour in different situations, and to review their behaviour and listen to and evaluate feedback from others.
- **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 parent(s)/guardian(s) delivering and collecting Children at 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 Ethics and 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 are 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.
- **Adult Awareness:** at all Scouting meetings (formal or not) where there is a gathering of Adults and Youth that the agenda includes an item for "Child Protection" with a view to enabling any participant to flag any area of concern/issue that needs to be considered and actioned as provided elsewhere within this policy

## Attachment G – 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 Ethics and 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 (e.g., extrovert, introvert, married, single, old, young, rich or poor). Identified in a [2011 Research Study by the Australian Institute of Criminology](#) the vast majority of Child abusers are male. However, there have been some cases involving females as abusers and as groomers of young people. 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

<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Extra familial abuse</b></p>	<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 e.g., 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> <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>• 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> <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.</li> <li>• Engages with single parents to access the Children</li> </ul>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Intra familial abuse</b></p>	<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 H – Age of Consent Legislation

State/Territory	Age of Consent (years) <sup>2</sup>	Mandatory Age of Consent if in a Position of Authority Role (teacher, foster parent, religious leader, medical practitioner, employer etc.)
ACT	16	18
NSW	16	18
NT	16	18
QLD	16	*
SA	17	18
TAS	17	*
VIC	16	18
WA	16	18

Although the legal age of consent throughout Australia is either 16 or 17 years of age, legislation in the Australian Capital Territory, New South Wales, the Northern Territory, South Australia, Victoria and Western Australia makes it an offence for a person in a supervisory role to have sexual interactions with a person under their special care who is aged 16 or 17 years

Note: (\*) No specific mention of ‘special care’ is made in the legislation for these States. Instead, links have been provided to relevant State/Territory legislation regarding sexual interactions with 16 and 17 year old’s where a number of jurisdictions provide a legal defence when a mutually consensual sexual interaction is between two young people close in age (the Australian Capital Territory, New South Wales, South Australia, Tasmania, Victoria and Western Australia). These jurisdictions are attempting to find a balance between protecting children and young people from adult sexual exploitation while not criminalising them for having sexual relationships with their peers. The Youth Law Australia website (<https://yla.org.au/vic/topics/health-love-and-sex/sex>) contains more information about how age of consent laws applies to young people engaging in sexual activities with their peers for each State/Territory.

Below is a summary:

ACT	10 to 15 – sex not unlawful (i.e., a defence may be offered) if other party no more than 2 years older and the person agrees, or they believed the person was 16  10 to 15 years old – it is legal for someone to do a sexual act with a person only if the person agrees to it and they are less than 2 years older, or if they agree to it and they honestly believed, on reasonable grounds, that the person was 16 or older.
NSW	14 to 15 - consent to a sexual activity with a person who is under 16 can be a defence to sexual crimes if both people are 14 or over, and the difference in age is not more than 2 years.
NT	it is not lawful (i.e., a defence may be offered) for a person to do a sexual act with another person who is under 16 years old, and it is always a crime to do a sexual act with a child who is under 14. Between the ages of 14 and 16 it is up to the courts and the circumstances
QLD	12 to 15 – sex not unlawful (i.e., a defence may be offered) with a person if the person consents and they reasonably believed the person was 16
SA	16 - consent to a sexual activity with a person who is between 16 and 17 years old can be a legal defence to a sexual crime if both are under 17 years old; or both reasonably believed each other were at least 17 years old

<sup>2</sup> AIFS – [May 2021 Resource Sheet](#)

TAS	12 to 14 – sex not unlawful (i.e., a defence may be offered) with a person if the person consents and they are less than 3 years older  15 to 18 – sex not unlawful with a person if the person consents and they are less than 5 years older
VIC	12 to 15 – sex not unlawful (i.e., a defence may be offered) with a person if the person consents and they are less than 2 years older or they believed the person was 16
WA	13 to 16 – sex not unlawful (i.e., a defence may be offered) 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.

**The table above provides a synopsis only of the various State/Territory Acts and is provided as a guide only. Specific legal advice should be sought for any particular circumstance.**



# Attachment I – National Complaint Handling Guide – Upholding Rights of Young People

<https://pmc.gov.au/resource-centre/domestic-policy/complaint-handling-guide-upholding-rights-childrenand-young-people>

## National Complaint Handling Guide

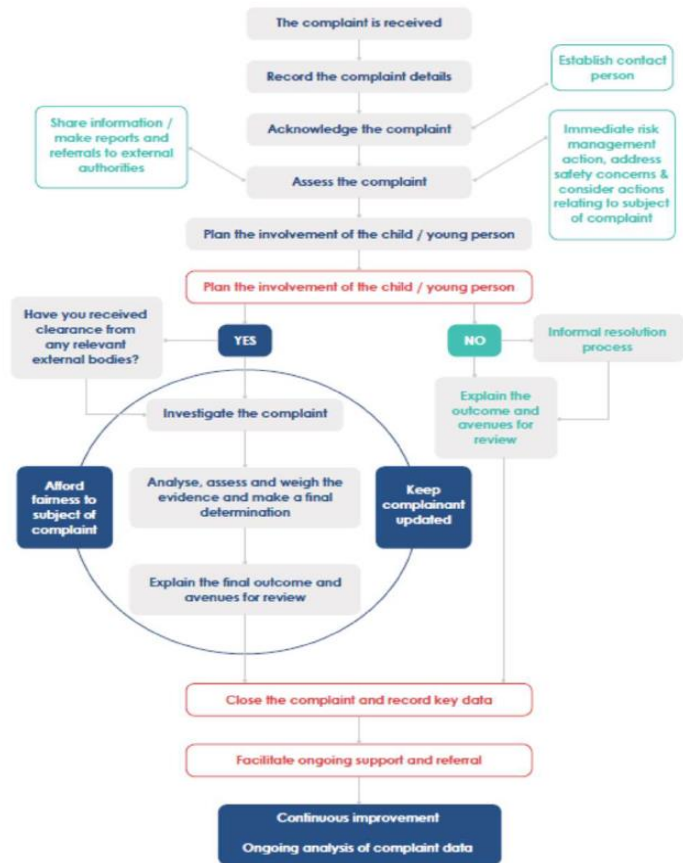
In 2019, The National Office for Child Safety (NOCS) distributed a Guide for handling complaints. The Guide provides practical advice to organisations about how to develop, implement and maintain a complaint-handling system that prioritises child safety and promotes the rights of children and young people to have a voice in decisions that affect them. These guidelines are a logical development from National Principle 6 which stipulates that an organisation’s processes to respond to complaints and concerns must be ‘child focused’.

The Guide is divided into nine guidelines, each addressing key aspects of an effective complaint handling process and system. The Guide is also accompanied by an information sheet and reference guide to support organisations of all sizes navigate the material. This resource can be found on the NOCS website above.

All Branches are to ensure that their complaint handling systems incorporate these nine guidelines:

## Complaint Handling:

Upholding the rights of children and young people (an overview)



**GUIDELINE 1: EMBEDDING CHILDREN’S RIGHTS AND, SAFETY AND WELLBEING INTO THE COMPLAINTS PROCESS**

**GUIDELINE 2: REPORTING RESPONSIBILITIES**

**GUIDELINE 3: SHARING INFORMATION & COMMUNICATING WITH STAKEHOLDERS**

**GUIDELINE 4: CONFIDENTIALITY & PRIVACY**

**GUIDELINE 5: MANAGING RISKS – COMPLAINTS AND INCIDENTS**

**GUIDELINE 6: CONDUCTING INVESTIGATIONS INVOLVING CHILDREN AND YOUNG PEOPLE**

**GUIDELINE 7: BEING FAIR AND OBJECTIVE**

**GUIDELINE 8: EXPLAINING OUTCOMES AND REVIEW OPTIONS**

**GUIDELINE 9: RECORD KEEPING & COMPLAINTS DATA**

**NOTE:** it is important that these guidelines be adopted in terms of grievance investigation or general complaints which do not involve ‘child abuse’. These guidelines support best-practice for the administrative handling of complaints (which should always be child focussed when children are involved). Of course, if a person discloses child abuse, that information must be forwarded to the authorities without any delay in accordance with this policy.