

10.9 – REPORTING OF ACTUAL OR SUSPECTED ABUSE OF CHILDREN OR YOUTH

Preamble

1. The Scout Association of Australia (ACT Branch Incorporated) (Scouts ACT) is committed to creating and maintaining the safest possible environment for children and young people involved in Scouting. Scouts ACT recognises the United Nations “Declaration on the Rights of the Child”, and seeks to ensure that children and young people are treated and protected accordingly.
2. This policy is to be read in conjunction with the following Branch Policies:
 - 2.1 - Appointment of Adult Leaders;
 - 2.5 - Review of Leader Appointments;
 - 2.6 - Conflict Resolution;
 - 2.7 - Grief and Trauma Counselling;
 - 2.11 - Privacy Policy Guidelines;
 - 3.1 - Branch Rover Council; and
 - 10.10 – Child Protection.

Definition

3. Child abuse and neglect is defined in the ACT Government publication "Keeping Children and Young People Safe - A Shared Community Responsibility" dated March 2011. The publication also defines a “child” as a person who is under 12 years old and a “young person” as a person who is 12 years old or older, but not yet 18 years old.
4. For the purposes of Scouts ACT policy, “child abuse” refers to both a child and a young person.
5. Child abuse is the term used for different types of maltreatment that endangers a child or young person’s safety, wellbeing, and development. Child abuse can be a single incident or a chronic pattern of behaviour over time and may be intentional or unintentional.
6. Neglect refers to a failure to provide a child or young person with the basic needs for his or her physical, emotional/psychological and intellectual development and may be chronic or episodic in nature.
7. Child abuse and neglect may lead to long term harm to the physical or emotional well being and development of a child or young person.
8. Child abuse and neglect may be physical, sexual or emotional.

Purpose

9. This policy is to provide a consolidated framework for the protection of our youth members. The framework highlights the principles under which Scouts ACT operates, as well as the reporting and training requirements.
10. The aim of this policy is to ensure that if child abuse or neglect occurs at a Scouting activity, it is reported and appropriate action is taken.

Background

11. The policy was developed as a result of a series of reviews and associated activities. These were:
 - Protecting Our Own. This document was endorsed by the Branch Executive Committee in May 2009. This report on child and youth protection was the outcome of a series of workshops, working groups and consultations with key stakeholders in Scouts ACT;
 - Youth Summit which sought the views of Venturers and Rovers; and
 - Scouts ACT Branch Strategic Planning Conference 2009 which sought the views of leaders, Venturer Scouts and Rover Scouts.
12. The views of youth members and leaders were taken into account in formulating the final policy, following a period of consultation on an exposure draft.
13. The Chief Commissioner may appoint:
 - a delegate to represent him or her on matters relating to this policy;
 - a male and female Youth Protection Commissioner; and
 - one or more leaders to undertake internal “initial assessments” of actual or suspected child abuse.

Principles

14. The Branch Executive Committee endorsed, in June 2009, the following 8 principles which form the basis for obligatory internal reporting of witnessed or suspected child abuse or neglect:
 - 1) The safety and security of our children and youth is paramount.
 - 2) ACT Scouts has zero tolerance of abuse of any form towards the children and youth of the Movement.
 - 3) Abuse of any type relating to a Scouting activity or an activity perceived to be a Scouting activity must be reported.
 - 4) Any person may choose to make a voluntary report to ACT Care and Protection Services if they believe or suspect a child or young person is being abused or neglected or is at risk of abuse or neglect in accordance with the ACT Government publication "Keeping Children and Young People Safe - A Shared Community Responsibility".
 - 5) The reporting regime applies to all adults in Scouting, including Rovers.
 - 6) There will be confidentiality in all matters of internal reporting.
 - 7) There will be required training, and the training will continue to be regularly updated.
 - 8) All relevant branch policies and procedures will be reviewed and updated when necessary to reflect changes in ACT legislation.

Requirements for all Adults in Scouting

15. All Adults in Scouting (including but not limited to; appointed Leaders, Rover Scouts, Honorary Commissioners, members of Scout Fellowship and those registered as Adult Helpers) must meet

the requirements of this policy. This will also provide protection for Adults in Scouting by ensuring appropriate training and protective behaviours.

16. Adults in Scouting:

- may voluntarily report incidents or suspected incidents of child abuse or neglect to ACT Care and Protection Services or the AFP whether the incident occurs on a Scouting activity or not; and
- are required to report any incident or suspected incident of child abuse or neglect occurring on a Scouting activity to a Scouts ACT Youth Protection Commissioner. This includes incidents brought to their attention by parents or other persons.

What is a Scouting Activity?

17. A Scouting activity is a weekly section meeting or approved external activity and any associated activities such as when a group, a significant proportion of whom are Scouts, are involved.
18. For the purposes of this policy only, a scouting activity also occurs when there is a reasonable perception that an activity is, or has arisen from, a Scouting activity e.g. parties after Gang Show.
19. Where a member of Scouts ACT is involved, reporting is required whether or not it is on an approved Scouting activity.

Training

20. Applications for Recognition of Prior Learning or Recognition of Current Competencies will be addressed on a case-by-case basis.
21. A training module has been designed to give trainee Leaders the knowledge to identify actual and suspected child abuse and neglect and the skills to report that abuse. Training is compulsory for all:
- New leaders;
 - Leaders who transfer from other Branches;
 - Leaders returning from an approved 'leave of absence' or returning after readmission to the Movement and have not previously been trained; and
 - Leaders specifically appointed by the Chief Commissioner to undertake internal "initial assessments" of actual or suspected child abuse.
22. Training is available to all other Adults in Scouting.
23. Training is to be conducted as a specific topic on the Scouting Skills Day which is a compulsory element of basic Wood Badge training and is delivered by the Training Team. As required, there will also be:
- specific workshops for other Adults in Scouting and those returning from a 'leave of absence' etc and are to be managed by the Training Team on a case-by-case basis; and
 - on-going and refresher training at Kanyanas, Seeonees, Mindaris and Jumbunnas and will be managed by the relevant Branch Commissioner.

Reporting Arrangements

Who must report?

24. All Adults in Scouting are required to report incidents, or suspected incidents, of child abuse or neglect which they have witnessed or believed to have occurred on a Scouting activity.

25. Youth members under the age of 18 have a right to report.

To whom is the report made?

26. The report is to be made to a Scouts ACT Youth Protection Commissioner.

27. As well, all Adults in Scouting and Youth members can voluntarily report any incident to ACT Care and Protection Services or the AFP.

How can reports be made?

28. Reports can be made by:

- Surface mail to a Youth Protection Commissioner;
- e-mail to a Youth Protection Commissioner;
- face-to-face to a Youth Protection Commissioner: or
- telephone to a Youth Protection Commissioner.

29. Anonymous reports may be made.

What information is to be reported?

30. A Child and Youth Protection Incident report is to be lodged. If the report is made by telephone or face-to-face, then the Youth Protection Commissioner taking the report will make a written report. The written report is flexible and could include where available:

- Date or dates of the incident (s);
- Time/s;
- What the incident/s was i.e. what you observed or what are your suspicions;
- Who was involved and if available, the child or young person's date of birth;
- Name of person making report;
- Position/ Appointment;
- Group/Region/Branch;
- Leader in Charge/Person responsible for the Activity;
- What was the activity;
- Has the incident (what you observed or what are your suspicions) been reported to ACT Care and Protection Services?; and
- Has the incident (what you observed or what are your suspicions) been reported to the Australian Federal Police?

Handling of compulsory reporting

31. The following procedure is to apply for the reporting of actual or suspected child abuse by children, young persons or adults:

- on receipt, all reports are to be signed and dated by a Scouts ACT Youth Protection Commissioner;
- all reports are to be kept in secure storage at the Branch Office;

- the Scouts ACT Youth Protection Commissioner is to decide if the allegations warrant the suspension of one or more persons,
- if so, they will arrange, normally within 5 working days of notification, for an “initial assessment” to be undertaken;
- the approval of the Chief Commissioner is required if additional time is needed
- following the “initial assessment”, they will report to the Chief Commissioner’s delegate recommending whether the person or persons should be suspended;
- the Chief Commissioner’s delegate will suspend the person or persons and communicate that decision in writing;
- if a suspension is applied, the continued need for this should be regularly reviewed by the Youth Protection Commissioner;
- if suspension is applied, the Chief Commissioner or delegate will refer the matter to ACT Care and Protection Services or AFP;
- once any further assessment by Scouts ACT or investigation by the civil authorities has been completed, a decision is to be made by the Chief Commissioners’ delegate on lifting the suspension;
 - the decision on lifting the suspension must take into account principles of natural justice, but the principal emphasis is on the protection of the youth members;
 - if there is reasonable doubt, Scouts ACT must err in favour of protecting youth members;
- where an allegation has been made and a person suspended, there is a right of appeal to the Chief Commissioner in person. The Chief Commissioner may refer the appeal to an appropriate person or persons to review and advise.

Documentation

32. The following procedures in relation to the handling of relevant documentation are to apply:
- records of incidents in relation to alleged child abuse are to be maintained in secure storage in the Branch Office;
 - records are to be kept indefinitely noting that allegations can surface or resurface many years after the initial incident;
 - access is to be limited to the following:
 - Youth Protection Commissioners;
 - Chief Commissioner;
 - Delegate of the Chief Commissioner in relation to child abuse or a person authorised by the Chief Commissioner;
 - Chair of the Appointments Committee (if appropriate); and
 - Scouts ACT must recognise that our records could be subject to subpoena.

Termination of Membership

33. If a Member of Scouts ACT has their membership suspended whilst they are under investigation by Scouting or the civil authorities, a Member may resign from Scouts ACT at any time irrespective of the stage of the inquiry into their actions. This may be recorded on the Appointments Committee list as a “resignation” until such time as the inquiry has concluded. However, the resignation will not prevent the inquiry from continuing, and does not prevent the individual from engaging with the inquiry. If the inquiry is completed and it is recommended that the individual should have been terminated (and this is subsequently approved by the BEC) the Appointments List will be amended to reflect that the person did not resign and were instead terminated.

AUTHORITY

34. This policy, or amended policy, was approved by the ACT Branch Executive Committee on 26 August 2009, 22 November 2012, 28 February 2013 and 20 May 2021.