



# Policy & Procedure

## Youth Protection



Chief Executive Officer		Chief Commissioner	
Sponsor	Chief Commissioner and Chief Executive Officer	Originator	Deputy Chief Commissioner
Document Type	Policy & Procedure	Date of Issue	12 July 2024
Document Code & No.	POL17	Version Number	3.0
Document Title	Youth Protection Policy and Procedure	Due for Review	1 January 2025

Policy	Youth Protection Policy & Attached Procedure	Doc No	POL17
Custodian	Executive Manager Youth Protection and Issues Management	Version	1.0
Approver	Chief Commissioner and Chief Executive Officer	Issue Date	

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## 1 Purpose

The purpose of this document is to provide an outline of how Scouts NSW provides a child safe environment, and how the organisation protects the young people in our care. Ensuring their safety and well-being is the number one priority of the organisation, and we are committed to ensuring prompt, confidential and empathetic handling of any allegations of inappropriate conduct of any kind.

Scouts NSW is committed to operating as a child safe organisation and implementing the Child Safe Principles in accordance with the Royal Commission into Institutional Responses to Child Sexual Abuse.

## 2 Scope

This document applies to everyone who is involved with the organisation, no matter the frequency, duration, formal level of authority or whether or not the person is a registered member of Scouts Australia NSW Branch (Scouts NSW) and includes (but is not limited to):

- Youth Members
- Rover Scouts
- Leaders
- Adult Helpers
- Adult Supporters
- Parents
- Carers
- Employees
- Visitors
- Contractors
- Consultants

## 3 Statement of Policy

Scouts NSW has a duty of care to Youth Members to provide a safe environment and protection from harm. All adults are accountable to deliver that duty of care on behalf of Scouts NSW at all times.

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Scouts NSW will ensure to the best of its ability when recruiting, selecting, screening, training and managing Adults in any role that they understand this duty of care and agree to ensure that it is responsibly exercised.

The organization maintains a zero tolerance stance towards bullying, neglect, inappropriate conduct and any/all forms of abuse. All adults must report any disclosure, allegation, observed or suspected breach of this document, instance of abuse, or any inappropriate conduct. Reporting through the established processes is mandatory in all instances.

Any role that could be considered to be in a leadership position actively bear the responsibility of keeping youth members informed of their rights to feel safe in accordance with the organisational policy. Youth members are to be actively encouraged to report any conduct that does not make them feel safe, and are to be regularly reminded of what actions they can take to seek help.

Responding to any allegations of abuse is a serious matter, and will be handled with the utmost sensitivity and confidentiality. Scouts NSW:

- Will immediately terminate the membership or employment of any member or employee where an allegation of abuse is proven through the judicial system.
- May terminate the membership or employment of any member or employee without a conclusive resolution of a Youth Protection matter
- Will immediately suspend the membership or employment of any alleged abuser's membership or employment until a resolution has been reached by the appropriate authority.
- Will not proceed with any application for membership or employment if doubts exist to the applicant's suitability to volunteer or work for Scouts NSW.

## 4 National Principles for Child Safe Organisations

Across the organisation, Scouts NSW has adopted the Ten National Principles for Child Safe Organisations. These principles are embedded throughout this document.

The ten national principles are as follows:

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1. Child safety and wellbeing is embedded in organisational 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 organisation is safe for children and young people.

Adults in Scouting must, at all times:

- treat all children with dignity and respect, and
- 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

This means that Scouts NSW 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 NSW legislation (Child and Young Persons (Care and Protection) Act 1998).

Scouts NSW will utilise every endeavour and opportunity to openly communicate with families and 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.

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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 public – this includes access online and physically by application.

**The most important consideration is always the immediate safety and welfare of children.**

## 5 Related Organisational Policies and Procedures

- Scouts NSW Safeguarding Commitment Statement
- Scouts NSW Management & Oversight of Behavioural Issues & Complaints Procedure
- Scouts NSW Social Media Guidelines
- Scouts NSW Prevention of Bullying Policy
- Scouts NSW Working with Children Checks
- Scouts NSW Code of Ethics
- Scouts NSW Code of Conduct
- Scouts Australia Promise and Law
- Scouts Australia Youth Protection Policy

## 6 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 Members (including temporary staff and contractors).
- **Adult Helper** means an Adult holding a Certificate of Adult Membership of Scouts NSW who provides assistance to Leaders or Groups and is bound by the policies and rules of Scouts NSW.
- **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 NSW. 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.

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- **Age of Consent** means that age when a Young Person is considered old enough to make a decision regarding sexual activity. 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. Any conduct of this nature should be reported.
- **Branch** means Scouts NSW, an entity recognised by Scouts Australia through which the Scout Program is delivered.
- **Certificate of Adult Membership** means a certificate issued to a member binding that Member to the Policy and Rules of Scouts NSW. 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.
- **Chief Commissioner** means the Adult Member appointed pursuant to clause 7.1 of the Scouts NSW Constitution.
- **Chief Executive** means the Chief Executive appointed pursuant to clause 7.2 of the Scouts NSW Constitution.
- **Child (Children or Young Person)** means a person under the age of 18 (see ‘Youth Member’ below) for the purposes of 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 Environment** means an environment where:
  - an open and aware culture is present,
  - An understanding of what Child Abuse and risks look like is evident and demonstrated,
  - All persons and the organisation as a whole are bound by well-known Child Protection policy and frameworks,
  - Young People are given voices and are heard,
  - risks associated with Child Protection are appropriately managed; and
  - 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.



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- **Code of Ethics and Conduct** means the Scouts NSW Code of Ethics and Conduct that outlines appropriate actions, expectations and standards of behaviours 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.
- **Deputy Chief Commissioner** means the Adult Member(s) appointed by the Chief Commissioner as Deputy Chief Commissioner(s). Primarily oversees volunteer development, management, and may act on behalf of the Chief Commissioner when authority is delegated.
- **Disclosure** means when a Young Person tells someone that they feel unsafe or have been the subject of harm. 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 (including by contract or on a temporary basis) by Scouts NSW 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.
- **Guardian** includes a person who has been granted (whether alone or jointly with another person or other persons) guardianship of the child under the law of the Commonwealth or of a State or Territory.
- **Immediate Family Member** means a spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild or sibling of an employee, or a child, parent, grandparent, grandchild or sibling of an employee's spouse or de facto partner. It includes step-relations (eg. step-parents and step-children) as well as adoptive relations.
- **Inappropriate conduct** means:
  - any conduct which goes against the Scout Law and Promise and/or the Code of Conduct
  - conduct which can be regarded as offensive; not in compliance with community expectations and standards.
  - conduct that is unwarranted and is reasonably interpreted to be demeaning or offensive.
  - Behaviour that is not useful or suitable for a particular situation

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or purpose.

- Angry aggressive communications whether verbal or written.
- **Leader** means an adult holding a Certificate of Membership of Scouts Australia and a Certificate of Adult Leadership who wears the Scout uniform and is bound by the policies and rules of Scouts Australia.
- **Mandated Reporter** means any Adult who is mandated by State/Territory legislation and by occupation to report child abuse to an authority. Scouts NSW specifically mandates all Members, Volunteers, Staff, consultants and contractors to make Child Protection Reports. Where Scouts NSW Members are not legislatively mandated, only child abuse matters arising in the context of a Scouting activity is mandated by Scouts NSW – 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 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.
- **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 NSW. 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 NSW 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 NSW 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.

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- **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 NSW.
- **Scouts Australia** means The Scout Association of Australia and (where applicable) its Branches.
- **Scouts NSW** means the Scout Association of NSW.
- **Scout Program** means that program as amended from time to time, designed to develop Young People physically, intellectually, socially, spiritually and emotionally.
- **Social Media** means web based or mobile based platforms that allow users to interact and communicate and to instantly publish and share content that is visible to large audiences.
- **Staff** means an employee who is engaged through an employment contract by Scouts NSW as defined by the Fair Work Act 2009.
- **State Authority** means the Child Protection agency, the Office of Children’s Guardian and/or the NSW Police Force.
- **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. – refer to procedure for further explanation.
- **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 the purposes of this policy.

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- **Youth Member** means a person under the age of 18 for the purposes of this policy and is registered to participate in the Scouting Program.
- **WWCC** is the screening of adults in NSW to ensure their suitability to engage with youth conducted under the auspices of the *Child Protection (Working with Children) Act 2012*.
- **Zero Tolerance** means that Scouts NSW 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.

## 7 Policy Review

Periodic reviews of this Policy and attached Procedure will be undertaken on a yearly (or if needed, more regular) basis.

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# Youth Protection Procedure

The purpose of this procedure is to give effect to the above policy and provide guidance to adults within the organisation on appropriate behaviours and expectations.

## 1 Key Organisational Requirements

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

- A legislatively compliant Child Protection Reporting process is developed and maintained which is made known to all Adults in Scouting NSW 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 Youth Protection Procedures in the case of a National event (e.g: Jamboree/Venture/Moot) [CHILDSAFE PRINCIPLE 6].
- Chief Commissioner 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 NSW Authority for investigation (and provide confirmation of this to the authorities and the victim) [CHILDSAFE PRINCIPLE 8].
- Chief Commissioner 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].
- Scouts NSW 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].
- Scouts NSW establish, train and maintain a Branch level Child Protection structure (support team) to assist and advise members on matters of Youth Protection (Scouts NSW Youth Protection Team).
- Scouts NSW develop, disseminate and conduct training for all Adult Members in specific Child Protection processes which conform with this Policy and any applicable Legislation [CHILDSAFE PRINCIPLES 5, 6, 7 & 8].
- Scouts NSW 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].

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- 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/TWO ADULTS PRESENT) and that an Adult is never alone with a child (except in emergencies and other than their own child) [CHILDSAFE PRINCIPLE 8].

## 2 Recruitment and Screening Procedures

### 2.1 National Checks

- Adult Members and Staff Members are to undergo a National Police Check (NPC) as a prerequisite to Membership or employment.
- No Adult Member is to be given unsupervised access to Youth Members (or their records) without NPC screening.
- The NPC holder is solely responsible for ensuring their NPC is renewed.

### 2.2 Working With Children Checks

- A WWCC clearance is a requirement for some people who work or volunteer in child-related work in NSW and is a requirement for Scouts NSW.
- A WWCC clearance involves a national criminal history check and a review of findings of workplace misconduct by a government body (the Office of the Children's Guardian or OCG).
- This section is to be read and applied in conjunction with the Scouts NSW Working with Children Checks Procedure.

### 2.3 Application Forms

- Adult Applicants must complete the required Scouts NSW membership application form and screening questions, and comply with the requirements of the abovementioned clearance checks.
- Failure to disclose information relating to prior or current investigations, court proceedings, restrictions regarding contact with children, dismissals, or voluntary resignations due to improper conduct relating to children will result in consideration of your Membership being declined.

### 2.4 Reference Checks

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- All Adults are to provide at least two referees for reference checking as part of their application for Membership.
- Referees must be independent of any Scouting Association or Branch within and outside Australia and must have directly supervised or managed the applicant in a professional capacity.
  - Character references may be acceptable if the applicant has never worked before or has just left school, but they should not be from family members or be given as much weight as professional references.
- Referees must not be immediate family members.
- A person's conduct in one environment may give rise to a risk in their volunteering environment/role and subsequent conduct, especially where they work with children. As with the WWCC considerations, Scouts NSW takes the conduct of persons in their private lives into account when determining suitability to hold a position within and to be a member of Scouts NSW.

## 2.5 Induction

- Every Member and Staff Member is to be informed of and given access to this Policy, attached Procedure and all other documents referenced within this Policy and attached Procedure at time of Registration.

## 2.6 Training and Development

- Scouts NSW Child Protection training is mandatory for all Adult Members and must be completed within 3 months of being issued a Certificate of Adult Membership, or becoming a Rover Scout, or Adult Venturer Scout ('Child Safe Scouting' e-learning module).
- Child Safe training is to be completed by every Adult Member every two years, as determined by Scouts Australia. Failure to comply with this requirement will result in immediate cancellation of membership.

## 2.7 Sharing of Information

- Scouts NSW will maintain records of all screening and regular screening updates as well as decisions taken. This accords with good record-keeping practices and the relevant recommendations from the Royal Commission into Institutionalised Child Sexual Abuse.

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- Scouts NSW will share details of any persons whose Membership has been terminated or declined to the National Office for placement on the National database.
- Scouts NSW will share information as requested by relevant Child Protection Authorities (NSW Police Force, The Department of Communities and Justice, Joint Child Protection Response Program (JCPRP), Office of the Children's Guardian) unless jurisdictional legislation or regulation prohibits. See the Scouts NSW Privacy Policy for additional information.

## 2.8 Suspension/Termination

- Immediate suspension is required for persons:
  - accused of any allegation of sexual abuse: and/or
  - who are being investigated, reported or charged by any authority concerning a child protection matter
  - Where a WWCC has been declined, cancelled or closed.
- Until the matter has been finalised, the member will be suspended.
- Members found guilty of an offence relating to child protection issues are to be immediately terminated/dismissed [CHILDSAFE PRINCIPLE 8]. This is a mandatory action; no discretion is permitted.

## 2.9 Reporting Suspected, Known or Disclosed Instances of Child Abuse or other Breaches of the Youth Protection Policy

- Youth Protection is **everyone's business**. When an allegation or incident that may be regarded as reasonably breaching youth safety requirements and processes, including the Youth Protection Policy and attached Procedure, is raised and/or identified, it is **every person's** responsibility to report it to the YP&IM Team.
- A failure to report is a breach of the Youth Protection Policy and the Scouts NSW Code of Ethics and Conduct.
- Reports must be submitted to the Scouts NSW Youth Protection and Incident Management Team via the 'Log it' tile on the Scouts NSW Website, <https://nsw.scouts.com.au/youthprotection/nowit-liveit-logit/log-a-matter/>.



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- Once submitted, matters will be dealt with in accordance with the Scouts NSW Management & Oversight of Behavioural Issues & Complaints Procedure.
- Members who submit a report in the interests of Child Protection will be supported by Scouts NSW via the Member Support function overseen by the volunteer force.
- Notwithstanding legislation, all Adults in Scouting are considered 'voluntary reporters'. Legislation permits, and this policy mandates, any Adult in Scouting to report disclosures, allegations or suspicions of abuse of children.
- There is no legal penalty for failing to provide a voluntary report, but Scouts NSW requires all Adults to comply with the obligation to protect children; failure to report suspected, known or disclosed instances of child abuse or other behaviour contrary to Scouts NSW Policies and Procedures, may be grounds for disciplinary action under the Scouts NSW Management & Oversight of Behavioural Issues & Complaints Procedure.
- 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 NSW legislation for reportable situations that occur in Scouting whether within NSW or other jurisdictions.
- Youth members and their families are to be encouraged to report any instance in which they feel unsafe or in danger.
- 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 must not be conducted internally (unless required by an authority in a jurisdiction). However, all matters are to be reported to Branch or to the authorities.

## 2.10 Reporting Process

- If you observe, suspect or receive a disclosure of Child Abuse or other behaviour contrary to this Policy, you must submit a report.
- Reports should be logged via the Scouts NSW website, under the correct category:

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[Join Scouts](#)
[For Parents](#)
[Volunteer](#)
[About](#)
[Contact](#)

[Log A Matter](#)

[Enquire](#)

# Log It.

- [Log a Youth Protection Matter](#)
- [Log a Behavioural Management Matter or Breach of the Code of Conduct](#)
- [Log a Safety Incident or Near Miss](#)
- [Whistleblower Submissions](#)
- [More information on safety in Scouting](#)



- Once you have finished filling the report in, ensure that you press the “submit” button, located at the bottom of the page.

**About the Reporter**

Only Complete this sections if you are not a participant or complainant in this incident.

**Contact Preference**

Phone

Email

**Select your relationship to Scouts NSW**

Current Member

Non-Member

Employed Staff

Your Name

Your Phone Number

[Submit](#)

[Save and Return](#)

- What happens when a report is submitted?**  
All reported matters go directly to the State Service Centre (SSC) Youth Protection and Issues Management team.

The preferable reporting mechanism is to Log a Matter (above), however, email



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or a phone call to the Youth Protection and Issues Management team is also acceptable.

- **What matters should be reported?**

All matters that cannot be resolved on an individual basis, matters which need to be recorded, or anything that a Member suspects may need to be logged should be reported to the Youth Protection and Issues Management Team – if in doubt, log it.

- **Why should matters be reported?**

Reporting through Log a Matter enables the Youth Protection and Issues Management Team to capture a comprehensive view of the issues arising across NSW including what issues are arising in certain locations, any patterns of behaviours, and allows the team to manage trends where appropriate. The more matters that are reported, the better it is for patterns and arising issues to be identified and addressed earlier.

## 2.11 Allegations investigated by external organisations

- When any Scouts NSW member is under an investigation for allegations of child abuse or neglect by an external body, such as NSW Police, DCJ or Joint Child Protection Response Program (JCPRP), it is the responsibility of that member to report this to the Youth Protection and Issues Management Team.

**Note:** *Child abuse can be defined as (but is not limited to) physical, emotional, sexual and/or psychological, maltreatment or neglect of a child.*

- To maintain a youth safe environment and reduce any potential risk of harm to Scouts NSW youth members, a suspension will be imposed upon the Scouts NSW member in this circumstance.
- The suspension will be reviewed upon finalisation of the investigation and an outcome being reached by the external authority.
- At no time should a suspension applied in the circumstances outlined above be considered to be a punishment. Any suspension of a member whilst an external investigation is conducted should not be considered to be attributing wrongdoing, passing judgement, or speculating on the outcome of the investigation in progress.
- **Reportable Conduct versus Criminal Allegations of Abuse**  
It is important to understand that a Reportable Conduct Allegation (under the Children’s Guardian Act) and allegations of abuse are two separate things and may be independent of each other.

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- **Reportable Conduct**  
Reportable Conduct requires a person to have a relationship of authority, usually within a residential setting (for Scouts, this could be a camping activity). Typically, these do not include family members or situations relating to domestic violence.
- **Criminal Allegations**  
These types of allegations can be made against anyone, including family members. These cases are usually handled by police or other agencies involved with the criminal justice system.
- In summary, *Reportable Conduct* relates to specific authority figures (ie, Scout Leaders) in specific settings (ie, Scout Camps), whilst *Allegations of Abuse* can apply to anyone at any time.

## 3 Identifying Reportable Behaviours

### 3.1 What is Child Abuse?

Understanding the nature of Child Abuse and being able to recognise it is a crucial step to countering the risk of the abuse occurring or continuing.

- Child abuse is generally categorised in the following ways:
  - Physical abuse
  - Emotional abuse
  - Sexual abuse
  - Grooming
  - Neglect
  - Exposure to Domestic Violence
- For the purposes of this document, Child Abuse also includes sexual misconduct committed against or in the presence of a child, which includes grooming, crossing professional boundaries and use of inappropriate and explicit language.

### 3.2 What is grooming?

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- "Grooming" may be a precursor to Child Abuse and refers to the process by which an individual prepares or manipulates those around them to provide opportunities for Child Abuse and reduce the likelihood of being reported or discovered.
- Although it is children that are 'groomed', this preparatory behaviour may also involve a child's family and other Adults, such as those involved in the delivery of Scouting to the child.

### 3.3 Youth on Youth Behaviours

- It is important to be aware that Child Abuse can also occur through Youth interaction behaviours – including behaviours ranging from harassment and bullying to sexual contact.
- **All youth-to-youth Child Abuse must be stopped immediately by an Adult present.**
- If it persists, the Adults present must take steps to protect the abused Youth. If necessary, an activity should be cancelled to protect an individual. Unacceptable behaviour must be reported by the supervising Adult present as soon as practicable.
- A report must be made to the Youth Protection and Issues Management Team via the Log It system, and contacting/informing parents/guardians of the youth involved will be managed at this level.

### 3.4 Consensual sexual relations between youth members

- Scouts NSW does not condone sexual relations occurring at any Scouting events or activities and is of the view that such behaviour may, at the very least, involve a breach of the Scout Law by not being respectful to others who are at that event.
- Because of the complex legal issues which can arise, particularly in determining whether consent has effectively been given, all such issues should be reported via the Log It system.

## 4 Two Adults Present

### 4.1 Two Adults Present (formerly Two-Deep Leadership)

- Scouts NSW requires that when Adults are supervising and conducting Scouting activities involving Youth, at least two Adults are present, except in unexpected, unusual and unforeseen emergencies. This is to ensure that Adults in Scouting comply with the Child Safe Principles

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- For example, a youth becomes ill or injured and requires immediate medical attention or an Adult is injured and requires assistance and/or medical treatment.
- It is imperative to understand that should any concerns or allegations arise, this Two Adults Present requirement may be the only means by which proof can be provided when addressing and looking into such concerns and allegations. Therefore it not only protects children, it operates as a safety net and is a vital precaution to avoid any potential concerns or issues arising.
- Two Adults present must be an initial and fundamental consideration when planning any event or activity.

## 4.2 Two Adults Present (Online Environments)

- It is never acceptable for a single Leader to be communicating with a youth member via any type of electronic communication one-on-one.
- This includes but is not limited to apps such as WhatsApp, Facebook messenger, MMS, SMS, TikTok, Instagram, Telegram, Discord, Kik and other forms of online communication, whether one way or mutual communication.
- If a Youth member directly contacts an Adult (other than their parent or guardian) without another Adult being included, Adults must include another Adult (youth's parent or other Leader) in any response.
- It is not acceptable for an Adult to communicate with any Youth member (except their own child) one on one even in the instance that a parent of the Youth member has granted permission to do so.
- One on one communication is never acceptable; this protects both parties from being subject to miscommunications, misinterpretation of communications and inappropriate engagement allegations.
- Failure to comply with this requirement will be considered as a breach of this policy and will be considered a Level 2 or higher matter in line with Scouts NSW Policy and Procedure - Management and Oversight of Behavioural Issues.

## 4.3 Two Adults Present (Physical Environment)

The following sections of this document will cover some example situations in which there must be two adults present.

## 4.4 Two Adults Present (Travel)

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- Adults are to be mindful of Youth Safe Requirements and avoid placing themselves in any position where they, or Youth, may feel uncomfortable, compromised or where actions and conduct has the possibility of being misinterpreted.
- Adults must not travel alone with one child (other than their own child) in a motor vehicle, watercraft or aircraft (other than a two-seater glider, the use of which must have the prior approval of the parent/guardian).
- This requirement applies to Adults in scouting only when they are undertaking travel to and from a scouting event or activity and as part of a Scouts activity or event; it does not apply in their personal lives outside of Scouting.
- Where **written consent** is provided by a youth member's parent or guardian (ie, in cases of ongoing travel arrangements between parents and Leaders), it is acceptable for there to be two youth members being transported by the Leader.
  - SMS messages and other written forms of consent is appropriate to provide proof of the consent. This can be as simple as 'I, [insert name] parent/guardian of [insert name], give permission for any [Scout Leader] at [Unit] to transport my child/ren to and from activities/event'.
- The Youth member must feel comfortable at all times with the arrangements being put in place.
- Exemptions:
  - Adults who are also parents of the Youth member(s) being transported do not need permission to transport their own children.
  - Siblings from within the same family do not need permission to transport their siblings.
  - An emergency situation arises which requires transport to a medical centre or hospital.
- When there is a need to travel alone with a Youth member (other than as a Youth's parent/guardian or sibling), before the travel is undertaken, the Adult is to ensure:
  - The Group Leader (or the Adult's direct supervisor) is informed (the Group Leader must monitor for any pattern of occurrence);
  - The Youth's parents/guardians are informed and written consent obtained;
  - The Adult makes a note of the date, time and circumstances for any future reference; and

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- The Adult submits a report via the Log-It system for record keeping purposes.

## 4.5 Two Adults Present (Overnight Activities)

- At all times, sleeping arrangements for Youth must be separated by gender. If this is not possible during a Patrol Camp, Hikes for Peak Awards or other like activities, there must be Two Adults present. Parents are to be informed of these arrangements in advance.

## 4.6 Two Adults Present (Ablutions)

- Toileting/showering arrangements when no Adults are present are to be separated by gender, except where impracticable in the location to do so. In such instances, it is preferable that ablutions are used by one gender at a time, and designated times are put into place for each gender to utilise the facilities separately.
  - In all instances, Youth Members should utilise the facilities for the gender for which they most identify.
- Separate toileting and showering arrangements (facilities) must be made available for adults and youth members where possible to do so.
- Only Adults of the same gender are to directly supervise the Youths' facilities. In supervising facilities, especially showering facilities, the guiding principle is that Adults must avoid placing themselves in situations where they, or the Youth, feel uncomfortable or compromised or where their actions could be misinterpreted.
- The privacy of the Youth members must be respected and maintained. The following requirements are to be implemented:
  - private changing facilities separated by gender where available and practicable.
  - showering facilities must be separated by either cubicles or shower curtains in a fashion that Youth members are able to shower without:
    - another Youth member seeing them and
    - the supervising Adult seeing them.
- Youth members are to have their privacy protected; they are not to be required to have their showers open or cubicle doors directed to be opened during showering. This is to ensure no-one sees the Youth member in a state of undress.
- Adults are not to shower (naked or otherwise) with Youth members under any circumstance.



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- The only exception to the above is showering at external, showers at beaches and similar open, public places with swimmers on and with the public at large.
- Toilet cubicles are to be the primary toileting facilities where practicable, to allow youth members to utilise the facilities for the gender which they feel most comfortable.
- Managing number of youth utilising facilities at the one time to avoid crowding the facilities to ensure appropriate oversight is undertaken.

## 4.7 Consequences for breach of Two Adults Present

A breach of this requirement may arise either in the physical or online environment. Nonetheless, as Two Adults present is at the foundation of Scouts NSW's Youth Protection framework, it is of the utmost importance it is complied with. In the instance a breach of this requirement is undertaken, a report is to be made via the Log It system.

The outcomes for failing to adhere to Two Adults Present could include (but are not limited to) any or all of the following outcomes;

- **Termination of membership**
  - The membership of the breaching member is to be immediately terminated upon receipt of the sustained allegations.
- **Suspension of Membership**
  - The member is to be suspended from holding a particular role or membership with Scouts NSW for a period of time determined by the Decision Maker.
- **Standing Down of member for a period of time**
  - The member is to be removed from their position and reallocated elsewhere for a period of time determined by the Decision Maker.
- **Warning Letter/Put on Notice**
  - The member is to be notified that they are permanently flagged and future sustained allegations will result in the termination of their membership.
- **Letter of Disapproval.**
  - The member is informed that their actions are not in line with the expectations of Scouts NSW and are cautioned about future reoccurrences.

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## 5 Inappropriate Behaviours

The following actions are considered wholly inappropriate at Scouts NSW and should be considered immediately reportable via the Log It system.

Note that this is not an exhaustive list, and Adults should always prioritise the safety and wellbeing of the child in every instance.

- Nudity outside of showering or changing in private
- Encouraging the consumption of alcohol
- Encouraging the consumption of other drugs
- One on one interactions with youth, whether in the physical or online environment
- Sharing sleeping accommodation with youth

## 6 Related Policies

The following policies and procedures should be read in conjunction with this document.

- Scouts NSW Management & Oversight of Behavioural Issues & Complaints Policy and Procedure
- Scouts NSW Prevention of Bullying Policy
- Scouts NSW WWCC Policy
- Scouts NSW WWCC Procedure
- Scouts NSW Social Media Guidelines
- Scouts NSW Safeguarding Commitment Statement
- Scouts NSW Code of Conduct
- Scouts NSW Code of Ethics
- Scouts Australia National Child Protection Policy