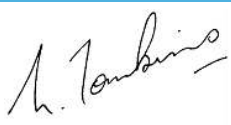



PROCEDURE

Youth Protection



Issued with the authority of the Chief Commissioner
and Chief Executive Officer of Scouts NSW

Chief Commissioner signature		Chief Executive Officer signature	
Sponsor	Child Protection and Issues Management Officer		
Document type	Procedure	Date of issue	26 October 2020
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Youth Protection

All suspicions, concerns or allegations about criminal matters or child protection matters should be reported directly to the Chief Commissioner, the Deputy Chief Commissioner (Youth Safety, Support and Compliance), the Chief Executive Officer or the Child Protection Officer at the NSW State Office on:
Tel: 02 9735 9000 or via
YouthProtection@nsw.scouts.com.au

Imminent Danger

If a person is in danger, immediately contact NSW Police on 000.

1 Purpose and scope

- 1.1 The purpose of this Procedure is to give effect to the Scouts NSW *Youth Protection Policy* and must be read in conjunction with that Policy.

- 1.2 All children have the right to feel safe. Scouts NSW is committed to operating as a child safe organisation and implementing child safe policies and practices in accordance with the elements of a child safe institution as outlined by the Royal Commission into Institutional Responses to Child Sexual Abuse report entitled *Creating Child Safe Institutions*. This Procedure applies to all Adults in control of or in contact with Youth participating in Scouting with Scouts NSW.
- 1.3 This Procedure should be read in conjunction with the Scouts NSW Code of Conduct (LSG23) "the Code of Conduct". The Code of Conduct reflects Scouts NSW's commitment to providing a safe environment for all youth members participating in the Scout Program and reflects a zero tolerance policy towards bullying, neglect, emotional, physical or sexual abuse of any kind.

- 1.4 For the purposes of this procedure:

"Adult" means any person 18 years of age or older, and includes any employee, Leader, Adult Supporter or Rover Scout who is involved in the delivery of Scouting in any form; no matter the frequency, duration, formal level of authority or whether the person is or is not a registered member of Scouts Australia.

"Adult Helper" means an adult holding a Certificate of Membership of Scouts NSW who provides assistance to a leader and is bound by the policies and rules of Scouts Australia.

"Adult Supporter" means any adult who, from time to time, assists Scouting in some way, but does not hold a Certificate of Membership of Scouts NSW.

"Applicant" means any person 18 years of age or older who wishes to support Scouts Australia or Scouts NSW as an employee, a Leader, Adult Supporter or Rover Scout.

"Child Abuse" has the meaning given to that term in Scouts Australia's *Child Protection Policy*.

"Child Protection Officer" means the Child Protection and Issues Management Officer, based at the Scouts NSW State Office.

"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.

"Movement" means the Scout Movement.

"Police" generally means the NSW Police, although it may also mean Police from other states of Australia and other countries in cases involving other jurisdictions.

"Office Bearer" means an adult holding a Certificate of Membership who fulfils a non-uniformed, designated role in the organisation and is bound by the policies and rules of Scouts Australia.

"Policy" means Scouts NSW's *Youth Protection Policy*.

"Rover Scout" is a Young Adult member who is over 18 years of age, is registered as a member in the Rover Scout section of Scouts Australia, and for the purpose of this procedure is an "Adult".

“Scouts Australia” means the national Scouting body, The Scout Association of Australia.

“Scouts NSW” means the New South Wales Branch of Scouts Australia.

“Youth” means a person less than 18 years of age involved in any Scouting activity, whether or not they have formally been registered as a member.

“WOSM” means the World Organisation of the Scout Movement, of which Scouts Australia is a member.

“Working with Children Check” means a Working with Children Check under the *Child Protection (Working with Children) Act 2012*.

2 What is Child Abuse?

2.1 Scouts NSW is committed to operating within a child safe environment and adopts a zero tolerance policy towards Child Abuse of any kind.

2.2 Child Abuse is generally categorised in the following ways:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Grooming
- Neglect
- Exposure to Domestic Violence

[Source: Scouts Australia’s *Child Protection Policy*]

2.3 Understanding the nature of Child Abuse and being able to recognise it is a crucial first step to countering the risk of Child Abuse. A good source of information is the NSW Department of Family and Community Services website:

http://www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect.html

2.4 For the purposes of this Procedure, Child Abuse includes “sexual misconduct” committed against, with or in the presence of a child, or which includes grooming, crossing professional boundaries and use of explicit language, further details of which appear in Attachment B.

What is grooming?

2.5 “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. Attachment B provides further information on Grooming.

Youth to Youth behaviour

- 2.6 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.
- 2.7 Contacting and informing the parents/guardians of the Youth will be managed by Leaders at Section/ Group / Region or Branch level, depending on the seriousness of the behaviour.

Procedure regarding sexual relations between consenting youth.

- 2.8 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 to the Child Protection Officer.
- 2.9 Where sexual contact involving a child is observed, a formal incident report must be provided to the Child Protection Officer at the NSW State Office on 02 9735 9000 or via YouthProtection@nsw.scouts.com.au.

3 How can Child Abuse be prevented?

- 3.1 Continual training and vigilance is a key element in the prevention of Child Abuse. Raising awareness of the issue and ensuring that Scouting operates with defined boundaries, such as those set out in this Procedure provides a strong counter to Child Abuse. The Scouts NSW *Youth Protection Policy* and this Procedure are distributed to Parents and all new Adults, and must be read and understood by all Adults.
- 3.2 Each school term, all Youth members are to be reminded of their right not to be abused and the ways in which they may report any concerns they may have.
- 3.3 Scouts NSW encourages an open, approachable child safe environment where children and adults alike feel supported and able to voice any concerns to any member of the organisation and to know that these concerns will be considered and addressed in an appropriate way.

4 Reporting Child Abuse

Imminent danger

- 4.1 **If a young person is in imminent danger, the matter should be reported directly and immediately to NSW Police on 000**
- 4.2 The primary focus of Scouts NSW is on the safety and wellbeing of the child at all times.

Reporting obligations

- 4.3 The focus of Scouts NSW in relation to reports of Child Abuse rests with the safety of the children involved. All Child Abuse arising in the context of a Scouting activity is subject to internally-mandated reporting procedures by virtue of the Scouts Australia *Child Protection Policy*. This includes any situation where a child discloses or is at risk of Child Abuse in situations outside of a Scouting activity (e.g. home).

All suspicions, concerns or allegations about criminal matters or child protection matters should be reported directly to the Chief Commissioner, the Deputy Chief Commissioner (Youth Safety, Support and Compliance), the Chief Executive Officer or the Child Protection Officer at the NSW State Office on:

Tel: 02 9735 9000 or via YouthProtection@nsw.scouts.com.au

- 4.4 Scouts NSW maintains an open and cooperative relationship with the Police, the Department of Family and Community Services, the NSW Office of Children's Guardian, and other relevant authorities to address any child protection concerns and will provide information in its possession to authorities to assist in their investigations.
- 4.5 Although neither Scouts NSW, nor its Leaders are considered "Mandatory Reporters" for the purposes of the *Children and Young Persons (Care and Protection) Act 1998*, once a notification of suspected or alleged Child Abuse is received by Scouts NSW's State Office, the office will make an immediate report to the relevant authorities.
- 4.6 If an Adult has made a report of suspected or alleged Child Abuse to NSW Police, NSW Department of Family and Community Services, or another relevant authority, they should also report the matter to the Chief Commissioner, the Chief Executive Officer or the Child Protection Officer in line with the procedure outlined above. Scouts NSW will then make direct contact with the relevant authority about the matter.

What to do if there are concerns, but no evidence?

- 4.7 Where there are suspicions or concerns regarding child safety these should be reported in line with the procedure above. Certain behaviours (as described in Attachment C) may be cause for concern and should not be ignored.

Historical child protection matters

- 4.8 Where a member or former member (of any age) discloses Child Abuse or any child protection matter, the matter must be reported directly to the Chief Commissioner, the Chief Executive Officer or the Child Protection Officer at the NSW State Office on 02 9735 9000 or via YouthProtection@nsw.scouts.com.au.
- 4.9 Scouts NSW will take steps to raise such a disclosure with the relevant authority. We note however that the decision to make a formal report to Police rests with the individual disclosing the Child Abuse.
- 4.10 In such circumstances Scouts NSW will follow its mandated suspension procedures and suspend the member who is the subject of the allegations (if they are still a member of Scouts NSW), in the same way as with any allegation involving a current Youth member.

5 As a parent or leader, how do I deal with allegations or concerns?

- 5.1 Dealing with Child Abuse is a complex matter that requires special expertise. Where a Youth expresses concerns, the Adult's role is to be supportive, listen carefully and complete a report in accordance with the reporting procedure outlined above.
- Where a young person is in imminent danger, the matter should be reported directly and immediately to the NSW police. Thereafter a report should be made to the NSW State Office.
- 5.2 When the person accused is another Youth, the accused Youth's welfare will need to be handled carefully. Again, these matters are complex and require special expertise. On becoming aware of a situation, an Adult should not confront a person named by the Youth, but should report the matter to the NSW State office.
- 5.3 Because dealing with Child Abuse is a complex matter that requires special expertise, it is important that Adults do not take it on themselves to investigate allegations or concerns of Child Abuse. Allegations or concerns of Child Abuse should be reported, not investigated.

Interstate obligations and reporting processes

- 5.4 Regardless of whether a Scouting activity is taking place within NSW or elsewhere (e.g. interstate on a Jamboree) Adults must report incidents of Child Abuse or

suspected Child Abuse in line with the procedure outlined above, as well as to the person in charge of the activity.

6 How does Scouting protect youth members?

- 6.1 In accordance with the Scouts NSW *Youth Protection Policy*, Scouts NSW provides a clear framework for the careful selection, recruitment, training and management of Adults working in direct contact with children. This is one of the principles of operating as a child safe organisation.
- 6.2 Scouts NSW's screening processes provide a multi factor check that provides a high degree of satisfaction that Leaders supervising Youth are suitable. These factors include:
- interviewing all Applicants;
 - screening all Applicants and performing reference checks;
 - requiring the Applicant to disclose any past issues for consideration by senior staff of the Association;
 - requiring verified Working with Children Clearance;
 - requiring Police Checks to be carried out; and
 - having clear processes governing the interaction of Adults and Youth at Scouting activities.
- 6.3 In addition, Scouts NSW provides compulsory training to all Leaders and Adult Members by way of an e-learning module "Child Safe Scouting" which must be completed within three months of commencing training.
- 6.4 Should any allegations of misconduct arise, Scouts NSW will act immediately to protect both the Youth and the Leader. Where appropriate, reports will be made to the authorities and Scouts NSW will suspend the Adult pending a decision from the authorities.

Screening checks/Working With Children Clearance (WWCC)

- 6.5 When an Applicant is interviewed on behalf of Scouts NSW by a person who will make a decision whether or not to recommend that Applicant as an Adult, meaningful discussion about the Code of Conduct, the Child Protection Policy and this Procedure is essential to ensure that the Applicant understands the obligations and responsibilities to which they are committing.
- 6.6 No Applicant is to be recommended for acceptance as an Adult unless diligent follow-up with referees has been undertaken by the person(s) responsible for recommending that Applicant be accepted as an Adult. Failure to comply may result in the person(s) recommending the Applicant being considered for loss of membership of Scouts Australia.

- 6.7 All Adult members who have direct contact with children are required to hold a current Working with Children Check, which is verified prior to any application proceeding. This is in addition to a Police check.
- 6.8 While an Applicant may be provisionally accepted, they may not be permitted to supervise Youth until the above checks have been cleared and they have been accepted as an Adult member.
- 6.9 A State or National Police Check may be carried out at any time by Scouts NSW and where an issue arises, the Adult will be suspended until the issue is clarified with the relevant authorities.
- NB: All Adults are required to inform the Chief Commissioner or the Chief Executive Officer if, at any time they become the subject of any criminal charge or conviction and/or are the subject of any Domestic Violence or Apprehended Violence court order or proceedings.
- 6.10 All Adults are required to inform the Chief Commissioner or the Chief Executive Officer if they are approached by the Police, the Department of Family and Community Services or any other relevant authority in relation to any matter concerning Youth involved in Scouting or that in some way has a connection with Scouting. Failure to report such matters may result in the Adult's membership being suspended or terminated.
- 6.11 Scouts NSW training and development of Adults should ensure that:
- Scouts NSW's expectations of Adults concerning child protection are clearly explained;
 - Participants are provided with the knowledge and experience contained within this procedure;
 - Participants practice, for example through role play, responding to Youth who report Child Abuse; and
 - Participants are given examples of how to report concerns of suspected Child Abuse.

All Adults must complete the Scouts Australia 'Child Safe Scouting' eLearning module within three months of joining. Failure to complete such training may result in their membership being suspended or summarily terminated.

- 6.12 When there is a change of service or a move or transfer to another Formation within Scouting, the Adult must undergo refresher training regarding the Scouts Australia *Child Protection Policy* and Procedure by re-completing the Scouts Australia Child Safe Scouting eLearning module.
- 6.13 The Code of Conduct must be reviewed by the Adult together with the Leader of the new Formation and a copy of it signed by the Adult and the Formation Leader. A copy of this record should be placed on the Adult's record by the Formation Leader.

7 Mandatory Procedures

Two Adults present

- 7.1 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 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 and Adults and is referred to as “Two-Deep” leadership.
- 7.2 Mixed-gender Formations that do not have both a male and female Leader/Adult Helper should have an opposing gender parent accompanying them throughout the duration of any activity.
- 7.3 Where it is unavoidable, two Adults of the same gender may supervise a camp, provided that the parents of the Youth participating have been advised and have given prior approval. Such an arrangement is not encouraged and Groups should ensure that it is a rare exception, rather than the norm.

Overnight activities

- 7.4 Where no Adults are present for overnight activities (for example, a Patrol camp or some Venturer Scout events), sleeping and ablution arrangements for Youth must be separated by gender, except where impractical. Wherever possible, Youth should be separated by gender when accommodated overnight. Where this is not possible, Adult supervision by at least two Adults must be provided, on-site, in accordance with the mixed-gender policy outlined above. Parents must be informed in advance of these arrangements.

Ablutions

- 7.5 Separate ablution arrangements for each gender must be available for all Youth involved in overnight activities. Only Adults of the same gender are to directly supervise the Youths' ablutions, and only in accordance with Scouts NSW's rules for the conduct of Scouting activities. In these circumstances, the guiding principle is that Adults must avoid placing themselves in a situation where they, or Youth, feel uncomfortable or compromised or where their actions could be misinterpreted.

Travel

- 7.6 On certain occasions (for example transporting youth members from venue to venue), it is likely that only one Adult will be supervising (i.e. the driver). In these circumstances, unless in an emergency situation, prior permission is to be obtained from the parents of the Youth concerned.

- 7.7 Under no circumstance should any Adult accept a third party Youth into travel arrangements without the prior permission of parents. Adults should not place themselves in positions where they, or Youth, feel uncomfortable or compromised or where their actions could be misinterpreted.
- 7.8 Other than as a parent/guardian (or in a clear emergency), Adults must not travel alone with one 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).
- 7.9 Other than as the child of a parent/guardian, where an Adult is accompanying a Youth home from an event, the Adult and Youth when together must remain in clear view of the public/other passengers at all times. Adults must not remain alone with a Youth following a meeting or other activity. Another Adult must be present or where another Adult is not available, several other Youth members must be present.
- 7.10 When there is a need to travel alone with a Youth (other than as a Youth's parent/guardian) in advance of such travel -:
- The Group Leader (or the Adult's direct supervisor) must be informed (the Group Leader must monitor for any pattern of occurrence);
 - The Youth's parents/guardians must be informed and consent obtained;
 - The Adult must make a diary note of the date, time and circumstances for future reference, if required; and
 - The Adult must report the situation to the Child Protection Officer at State Office on 02 9735 9000 or via YouthProtection@nsw.scouts.com.au within 48 hours.

Where there is an emergency situation, a report should be prepared within 48 hours outlining the reasons for deviation from the above procedure. This report should be submitted in the same way as outlined above.

Contact by external parties

- 7.11 It is the responsibility of all Adults to ensure as far as reasonably practicable, that while engaged in Scout activities, Youth are protected from unauthorised contact by external parties. Care is to be taken to include this consideration in the planning of activities, including consideration of the possibility of 'remote access' via camera or recording equipment. Adults must be vigilant and aware at all times and ensure adequate supervision of all Youths under their care.

Photographs

- 7.12 Permission must be obtained from the parent/guardian of Youth before photographs are taken by Adults and Youth for use by the Association. Permission is provided by the parent/guardian ticking the appropriate box on the Youth Membership Application Y1 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 concerned being photographed.

- 7.13 Media access to Youth must be authorised in advance by the relevant Region Commissioner, the Branch Chief Commissioner (or his delegate) and the Youth's parent/guardian.

Digital recording

- 7.14 Scouts NSW acknowledges the difficulty involved in controlling the use of digital cameras, phone cameras and similar devices. Adults should exercise judgement in this area on a case by case basis and where necessary, confiscate equipment.
- 7.15 Adults and Youth Members should not use recorders of any kind in sleeping, changing or bathing (washing) areas.

8 Appropriate Behaviour

- 8.1 At all times, Adults must avoid placing themselves in situations where they feel uncomfortable or compromised or where their actions could be misinterpreted.
- 8.2 Item 8 in the Scouts Australia Code of Conduct states:

Adults in Scouting, for their own protection, should avoid potentially compromising situations by ensuring, where reasonably possible, that at least two adults are in attendance whilst supervising and/or accompanying Youth Members.

Adults should abide by their Scout Promise, the Scout Law, the Code of Conduct, the Scouts NSW *Youth Protection Policy* and this Procedure. In addition, they should report any breaches or incidents of which they become aware.

Any non-compliance with the requirements of this procedure MUST be reported directly to the Chief Commissioner, the Deputy Chief Commissioner (Issues Management), the Chief Executive Officer or the Child Protection Officer at the NSW State Office on 9735 9000 or via YouthProtection@nsw.scouts.com.au.

Social Media

- 8.3 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 Child) when communicating with Children on-line and should familiarise themselves with and adhere to the Scouts Australia Social Media Guidelines which may be found at http://www.nsw.scouts.com.au/images/stories/Social_Media_Guidelines.pdf.
- 8.4 Youth Members are to be regularly reminded of the dangers of sharing personal information with persons only known on-line.

Process for dealing with allegations of inappropriate behaviour

- 8.5 Where an allegation of inappropriate behaviour is made, in collaboration with the relevant authority, the Branch Chief Commissioner or delegate will advise the individual against whom the allegation has been made, that a serious accusation has been made and that they have been immediately suspended from any involvement with Scouting activities (including the wearing of the Scout uniform and attending any Scout premises). Within seven days the Adult will receive formal, written advice of their suspension, including details of the suspension process and next steps.
- 8.6 If the person is an employee, the Chief Executive Officer may immediately suspend the employee with or without pay at the Chief Executive Officer's sole and absolute discretion.
- 8.7 Where sexual abuse is alleged, details of the accusation and contact with the subject of the allegations will be managed by the relevant authority. Where other forms of Child Abuse are alleged, the Chief Commissioner will determine how the matter will be managed, after consultation with the relevant authorities.
- 8.8 In the case of a report involving Child Abuse of a non-sexual nature, the matter will be dealt with via the Scouts NSW *Behavioural Management Policy* and procedures.
- 8.9 Where an allegation is substantiated to the satisfaction of the Chief Commissioner, an individual's membership and role with Scouts NSW may be revoked immediately. The Scouts Australia national office will also be notified.
- 8.10 Where no further action is taken by the police or any other authority, Scouts NSW reserves the right to refuse the reinstatement of an Adult member. Any revocation of membership remains at the sole discretion of the Chief Commissioner.

Where any member, parent, youth member or child raises any concerns that appropriate process and procedure are not being followed, they may contact the Child Protection Officer at the NSW State office on 02 9735 9000 or via YouthProtection@nsw.scouts.com.au .

9 Review of Policies and Procedures

- 9.1 Every 6 months the Child Protection Officer and the Deputy Chief Commissioner (Issues Management) will review a proportion of complaints lodged and provide a report to the Chief Commissioner outlining suggested improvements to Scouts NSW's youth protection procedures.
- 9.2 Every 3 years, or earlier if directed by the Chief Commissioner, this Procedure and the *Youth Protection Policy* will be reviewed by a committee consisting of the Deputy Chief Commissioner Issues Management, the Child Protection Officer and one other uniformed member appointed by the Chief Commissioner. That committee will

provide a report to the Chief Commissioner, together with any recommendations arising from the review.

- 9.3 Proposals for changes to this Procedure may be directed to the Child Protection Officer at any time.

10 Provision of Information

- 10.1 In accordance with the principles of a Child Safe Organisation, Scouts NSW endeavours to clearly explain and publish its child protection policies and procedures on the Scouts NSW website and via e learning.
- 10.2 In addition to the processes set out above Scouts NSW conducts an on-going awareness program by:
- Providing the *Youth Protection Policy* and *Youth Protection Procedure* to the parents/guardians of every new Youth member and to every Adult at the outset of becoming involved in Scouting or when a person is about to become a Rover Scout.
 - Group Leaders ensuring that each school term Section Leaders remind Youth of their right to be treated with respect and that they are told how to report any inappropriate behaviour.

11 Privacy

- 11.1 Scouts NSW maintains a Privacy Policy that clearly defines the circumstance in which any information it maintains on members and staff may be used. Scouts NSW recognises the sensitive nature of reporting and responding to child protection issues and therefore will protect, as far as is practicable, information pertaining to victims, the people who report and alleged offenders. Importantly, it should be remembered that legislation protects a person who reports Child Abuse or suspected Child Abuse.
- 11.2 Scouts NSW may share information with the Police, the Department of Family and Community Services, Scouts Australia and WOSM, at its discretion in accordance with its duty of care to the interests of protecting Youth, or as required by law.
- 11.3 Confidential records concerning Child Abuse cases will be maintained in a secure environment and retained indefinitely by Scouts NSW. Access will be strictly controlled, with approval to access the files resting with the Chief Executive Officer, the Branch Chief Commissioner, Deputy Chief Commissioner Issues Management and the Board Chair, any one of whom may approve access.
- 11.4 The privacy and confidentiality provisions of the *Youth Protection Procedure* must be observed. Only the Board Chair, Chief Commissioner and Chief Executive Officer of Scouts NSW or their delegates are authorised to comment on child protection issues to the public or to the media. A breach must be reported to the Chief Commissioner,

the Chief Executive Officer or the Child Protection Officer at the NSW State Office on 9735 9000 or via YouthProtection@nsw.scouts.com.au.

12 Related policy and procedure documents

- 12.1 The following Scouts NSW documents should be read in conjunction with this document:
- Youth Protection Policy
 - Privacy Policy
 - *Policy and Rules* of Scouts Australia
 - Code of Conduct, Scout Law and Promise
 - Working With Children Checks Procedure

13 Authority

- 13.1 This Procedure is approved under the Authority of the Chief Commissioner of Scouts NSW.

Attachments

- A Definitions of Abuse and Possible Indicators
- B Sexual Grooming and Sexual Misconduct
- C Characteristic Behaviours
- D Guidelines for Responding to a Youth who discloses Abuse
- E Code of Conduct for Adults in Scouting
- F LSG 13 Guidelines for physical contact in Scouting

Attachment A

1 Definitions of Abuse and Possible Indicators

- 1.1 The *Children and Young Persons (Care and Protection) Act 1998 (NSW)* defines the extent of abuse and neglect in which the state has authority to intervene. While not necessarily an exhaustive list, child abuse is categorised in five ways. Adults in Scouting will not necessarily be in a position to be aware of all forms of abuse, especially those of a more intimate nature, and they are not expected to be so. These definitions may however assist in providing some guidance. Each category is described in detail below:

Physical Abuse

- 1.2 Physical abuse is when someone is deliberately hurt, or is at serious risk of being physically hurt, by their parents or carers. This can include punching, kicking, shaking or throwing, scalding/burning, strangling, or leaving a child alone in a car. It can also be from excessive physical discipline, or by being given drugs including alcohol. These injuries are not treated as accidental. Possible signs of physical abuse:
- Broken bones or unexplained bruises, burns or welts in various stages of healing.
 - The child or young person can't explain an injury, or the explanation is inconsistent, vague or unlikely.
 - The parents saying that they're worried that they might harm their child.
 - Family history of violence.
 - Female genital mutilation.
 - Delay between being injured and getting medical help.
 - Parents who show little concern about their child, the injury or the treatment.
 - Frequent visits to health services with repeated injuries, illnesses or complaints.
 - The child or young person seems frightened of a parent or carer, or seems afraid to go home.
 - The child or young person reports intentional injury by their parent or carer.

- Arms and legs are kept covered by clothing in hot weather.
- Ingestion of poisonous substances including alcohol or drugs.
- The child or young person avoids physical contact (particularly with a parent or carer).

Sexual Abuse

1.3 Sexual abuse is children and young people being exposed to inappropriate sexual activity. This includes being involved in sexual acts (masturbation, fondling, oral sex or penetrative sex); or witnessing sexual activity either directly or through pornography. Possible signs of sexual abuse:

- Inappropriate sexual behaviour for their age and developmental level (such as sexually touching other children and themselves).
- Inappropriate knowledge about sex for their age.
- Disclosure of abuse either directly, or indirectly through drawings, play or writing.
- Pain or bleeding in the anal or genital area, with redness or swelling.
- Fear of being alone with a particular person.
- Child or young person implies that they have to keep secrets.
- Presence of sexually transmitted infection.
- Sudden, unexplained fears.
- Bed wetting and soiling.

Emotional Abuse

1.4 Emotional abuse is being treated in ways that damages a child's ability to feel and express a range of emotions. This can be caused by behaviours that occur over time, such as verbal abuse and teasing, rejection, physical or social isolation, threats and bullying. Possible signs of emotional abuse:

- Parent or carer constantly criticises, insults and puts down, threatens, or rejects the child or young person.
- Parent or carer shows little or no love, support, or guidance.
- Child or young person shows extremes in behaviour from aggressive to passive.
- Physically, emotionally and/or intellectually behind others of the same age.

- Compulsive lying and stealing.
- Highly anxious.
- Lack of trust.
- Feeling worthless.
- Eating hungrily or hardly at all.
- Uncharacteristic seeking of attention or affection.
- Reluctant to go home.
- Rocking, sucking thumb or self-harming behaviour.
- Fearful when approached by someone they know.

Psychological Abuse

- 1.5 Psychological abuse is being treated in ways that damages a child's self-esteem, personal and moral development and intelligence. This can be caused by behaviours that occur over time, for example, belittling, threatening, isolating and causing the child to feel worthless. Possible signs of psychological abuse are similar to the ones for emotional abuse.

Neglect

- 1.6 Neglect is not providing enough care or supervision so that the child is injured or their development is damaged. It includes lack of food, shelter, affection, supervision, untreated medical problems and abandonment. Possible signs of neglect:
- Signs of malnutrition, begging, stealing or hoarding food.
 - Poor hygiene: matted hair, dirty skin, or body odour.
 - Untreated medical problems.
 - Child or young person says that no one is home to look after them.
 - Child or young person always seems tired.
 - Frequently late or absent from school.
 - Clothing not appropriate to the weather.
 - Alcohol and/or drug abuse in the home.

- Frequent illness, minor infections or sores.
- Hunger.

Source: Department for Child Protection and Family Support

Attachment B

1. Sexual grooming

- 1.7 A lot of information exists about how to respond to sexual abuse once it has been discovered. But the best way of protecting children from harm is to be aware of the behaviours that can lead to sexual abuse and putting arrangements in place to prevent or deter the opportunity for abuse before it occurs. Organisations with unclear boundaries around contact with children can be magnets to people who wish to 'groom' children for sexual abuse.¹ By learning about the strategies used to 'groom' children and their families and recognising them as inappropriate behaviours an environment can be created that will deter infiltration by sexual abusers.²
- 1.8 Sexual abuse thrives in secrecy and ignorance. By being alert to potential danger signs, Scouts NSW is better able to understand the steps that can be taken to keep children as safe as possible.

What is "grooming"?

- 1.9 Sexual abusers are often people we know; more than 8 out of 10 children³ who are sexually abused know their abuser. They may hold responsible positions in their local community, and can be personable or charismatic. Abusers come from all classes, ethnic and religious backgrounds and may be heterosexual or homosexual. Whilst a high percentage of abusers are men, some are also women.⁴ You cannot pick an abuser out in a crowd, however you can identify behaviour that precipitates abuse. This behaviour is known as 'grooming' and research shows us that it can occur for up to 12 months before the actual sexual abuse take place.⁵
- 1.10 Grooming is defined as communication with a child where this is an intention to meet and commit a sex offence.⁶ More generally it can be seen as the process by which an individual manipulates those around them – particularly, but not exclusively, the child – to provide opportunities to abuse and reduce the likelihood of being reported or discovered.
- 1.11 Research suggests that this process can be very deliberate, and while it can occur over a long period of time, sometimes this period of time is much shorter; there may

¹ Understanding the Grooming or Entrapment Process, CPSU briefings

² Wortley and Smallbone 2006

³ (ABS, 1996, 2004a)

⁴ Pritchard, 2004

⁵ Wortley and Smallbone 2000

⁶ Understanding the Grooming or Entrapment Process, CPSU briefings

not be any conscious motivation to sexually abuse a child until just before the abuse occurs. In both cases, there are often opportunities to observe and intervene, even before the would-be abuser is fully aware of what may become sexual intentions.

- 1.12 Unfortunately, identifying sexual grooming of children isn't always straightforward. Sometimes sexual abuse occurs as part of a pre-existing relationship in which there is genuine affection, which makes it a complex issue. But there are often clear signs that can be detected before the abuse occurs.

How do people "groom" children for sexual abuse?

- 1.13 By getting close to children – child sex offenders will often seek out adults and groom them in order to get access to their children. The sex offender can create a relationship built on trust or dependency and gain access to the children through it. Some befriend parents or carers who are facing difficulties or who are vulnerable themselves.
- 1.14 By silencing children – people who want to sexually abuse children may:
- offer them gifts or treats, and sometimes combine these with threats about what will happen if the child says 'no' or tells someone;
 - threaten them with exclusion from their peer group or loss of favour if they do not comply;
 - make the child afraid of being hurt physically, or threaten what may happen to other people if the child tells;
 - play on the child's embarrassment or guilt about what is happening, perhaps convincing them that no one will believe them; and/or
 - make the child believe he or she wanted it to happen.

Signs an adult may be grooming a child for sexual abuse

- 1.15 There may be cause for concern about the behaviour of an adult or young person if they:
- Exhibit frequent physical affection such as kissing, hugging, stroking hair or wrestling even when the child clearly does not want it or it is not required.
 - Encourage child or particular children to sit on their lap and offer regular physical comfort or reassurance to a particular child without a recognised cause.
 - Seek out opportunities to be alone with a child with no interruptions.
 - Spend most of their spare time with children and have little interest in spending time with people their own age.

- Solicit invitations to sports, events or parties where a child will be.
- Frequently arrive uninvited to places where the child or their family will be in a series of 'coincidences'.
- Spend a lot of time around places like arcades, playgrounds, parks and sports venues to get to know children so they are not seen as strangers.
- Regularly offer support to the family members of the child such as offering to babysit children for free, transport children to events, help out at social occasions involving the child or take children on outings alone.
- Offer to drive children home or collect children from events on a regular basis.
- Frequently walk in on children in the bathroom or their bedrooms.
- Treat a particular child or group of children as favoured, making them feel special compared with others in a group.
- Find out as much as possible about the child and use that information to engage the child and drive a wedge between the child and any protective adults, e.g. parents, teachers or coaches.
- Purchase gifts or collect items of interest regularly for a specific child or group of children.
- Tell secrets to a child and encourage the keeping of secrets.
- Display ambiguous sexual behaviour, e.g. showing the child pictures of other children wearing swimsuits or less.
- Display clearly inappropriate sexual behaviour, e.g. showing the child pornographic pictures, using explicit sexual language around children.

Key points

- Child sexual abuse thrives in secrecy.
- People who abuse children may spend up to 12 months 'grooming' a child before they commit a sexual act with them.⁷ However, the period of time spent grooming can also be short, with the impulse occurring not long before the abuse happens.

⁷ Child Sexual Abuse in Queensland: Offender Characteristics and Modus Operandi

- People do not just 'groom' children, they also 'groom' the adults around them.
- Environments that have defined boundaries in regards to appropriate behaviour are less likely to attract sexual abusers.⁸
- Staff, volunteers and visitors should follow defined protocols for appropriate behaviour or be excluded.
- Identification of sexual grooming of children can be a complex issue. Adults should remain vigilant regarding signs of unusual or concerning behaviour and report concerns immediately.

2 Sexual misconduct involving a Child

Extract from the Office of the Children's Guardian Fact Sheet on Reportable Workplace Conduct 2013

- 2.1 The term 'sexual misconduct' includes sexual offences.
- 2.2 The term 'sexual offence' encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.
- 2.3 These offences include (but are not limited to) the following:
- Indecent assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Sexual intercourse and attempted sexual intercourse.
 - Possession, dissemination, or production of child pornography or child abuse material.
 - Using children to produce pornography.
 - Grooming or procuring children under the age of 16 years for unlawful sexual activity.
 - Deemed non-consensual sexual activity on the basis of special care relationships.
- 2.4 All cases involving a sexual offence would also involve sexual misconduct.

⁸ Understanding the Grooming or Entrapment Process, CPSU briefings

What is sexual misconduct?

- 2.5 The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence (for example, criminal proceedings may not have been commenced or proceeded to a finding of guilt by a court). For sexual misconduct to be reportable to the Office of the Children's Guardian, the alleged conduct must have been committed against, with or in the presence of a child.
- 2.6 There are three categories of sexual misconduct in addition to sexual offences:
- Crossing professional boundaries.
 - Sexually explicit comments and other overtly sexual behaviour.
 - Grooming behaviour.

Crossing professional boundaries

- 2.7 Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate relationship with, conduct towards, or focus on a child or young person, or a group of children or young persons.
- 2.8 Particular care should be exercised before making a finding of sexual misconduct for 'crossing professional boundaries'. Persistent less serious breaches of professional standards in this area, or a single serious 'crossing of the boundaries' by an employee, may constitute sexual misconduct, particularly if the employee either knew, or ought to have known, that their behaviour was unacceptable.
- 2.9 The Code of Conduct and Leader Support Guides, (particularly LSG 28 explaining Two Deep Leadership) outlines the nature of the professional boundaries which should exist between Adults and children/young people.

Grooming behaviour

- 2.10 Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. However, Schedule 1(2) of the Act also recognises grooming as a form of sexual misconduct. As an alternative to grooming, in many cases it will be more appropriate to consider whether there has been a 'crossing of professional boundaries' (see above) and/or other more overt sexual behaviour. Grooming behaviour is explained above.
- 2.11 The types of behaviours that may lead to such a conclusion are set out previously.

Sexually explicit comments and other overtly sexual behaviour

- 2.12 Sexual misconduct includes a broad range of sexualised behaviour with or towards children.
- 2.13 While it is not possible to provide a complete and definitive list of unacceptable sexual conduct involving children, the following types of behaviour give strong guidance:

- Sexualised behaviour with or towards a child (including sexual exhibitionism).
- Inappropriate conversations of a sexual nature.
- Comments that express a desire to act in a sexual manner.
- Unwarranted and inappropriate touching involving a child.
- Personal correspondence and communications (including emails, social media and web forums) with a child or young person in relation to the adult's romantic, intimate or sexual feelings for a child or young person.
- Exposure of children and young people to sexual behaviour of others including display of pornography.
- Watching children undress in circumstances where supervision is not required and it is clearly inappropriate.

Attachment C

Characteristic behaviours

- 2.15 It is important that Adults exercise appropriate vigilance to identify concerning behaviours. The list below represents certain behaviour characteristics that often apply to a person who is engaging in, or who intends to engage in, Child Abuse. 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. Ongoing behaviour that involves several characteristics together might provide reason to raise concern. Even where there is no known victim or suspected victim, an Adult who has concerns about someone, must report their observations as set out in this Procedure.
- 2.16 Possible general indicators of an offender include:
- When the majority of a suspected abuser's relationships are with children (some abusers don't relate well to people of their own age).
 - Is over friendly/familiar with children.
 - Describes children as angelic or pure.
 - Has low self-esteem, poor self-image (possibly due to emotional deprivation or sexual abuse as a child).
 - May remove himself/herself mid-way through an activity to have time with children who may be in the toilets.
 - Gives articles of his/her clothing to a child as gifts, e.g. a cap, a jacket, footy-shirt etc. This is an attempt to demonstrate ownership of the child.
 - Carries photos of children other than his/her own, often indicating that these children love him/her.
 - Gives extreme affection to children, e.g. front-on close hugging, always touching or flirting.
 - Flatters children and boosts their egos.
 - Has favourites to whom gifts are given.

- Pays special attention to sad, isolated or lonely children and those in single parent families.
- Displays withdrawn, placid demeanour.
- Can be single or married. Some reports show that 47 per cent of child abusers are married.
- Over emphasis upon morality – are legalistic and inflexible. Could well be a reflection of his/her own bad actions.
- Strong denial of offence or any intention to offend.
- Convincing in protests of innocence – has developed this as a defence mechanism. May be very outspoken about child sex offenders.
- Avoids screening processes, or attempts to do so.
- Attempts to engineer opportunities to be alone with a child, e.g., babysitting, targets single parents, child minding, etc.
- Offers to take or takes child home, shopping or on an outing. Offers to collect child from school.
- Dislikes submission to authority, prefers to work alone, and is negative (or dismissive) when sexual abuse topics are raised.
- Spends considerable time with children.
- Voices opinion on sex education, suggesting that children are not taught properly.
- Can be any personal or social make-up, e.g. extrovert, introvert, married, single, old, young, rich or poor. While the majority of abusers are male, they are not necessarily always so.

2.17 Possible indicators of an offender in the family context include:

- Shows improper behaviour.
- Showers with children.
- Expects an open door policy in the bathroom.
- Attempts to sit children on lap, even when child or adolescent resists.
- Exhibits inappropriate hugging and/or kissing.

- Attempts to shut down spouse/child communications.
- Children don't want to be home alone with the person.
- Is jealous of child's boyfriend/girlfriend.
- Child is treated like a spouse in conversation or decisions.

Attachment D

1 Guidelines for Responding to a Youth Who Discloses Abuse

- 1.1 One way in which a member, supporter or staff member may become aware of Child Abuse is through disclosure by the victim. When a child under 18 years of age begins to share an experience of Child Abuse, the following guidelines are to be followed:
- Listen to the child carefully, but do not press the child for details. It is not your role to conduct an investigation. Asking leading questions may in fact prejudice any subsequent investigations.
 - Be clear that you believe the child. It is essential to understand that children rarely fabricate allegations of Child Abuse and all disclosures of Child Abuse should be taken seriously.
 - Reassure the child that what happened is not the child's fault. Children are never responsible for violence or sexual misbehaviour inflicted on them by other people.
 - Reassure the child that it is right to tell someone and that you are pleased that the child has shared this with you. Abusers may threaten a victim in an attempt to ensure silence.
 - Acknowledge that it is hard to talk about these issues.
 - Do not make promises that you cannot keep (e.g. confidentiality). Reassure the child that certain adults who can give protection need to know so that the Child Abuse can be stopped.
 - Never say, "I don't believe it". Do not show emotions such as disgust, horror, disbelief or panic in front of the child. This risks making the child feel ashamed and helpless, adding to the Child Abuse inflicted by the abuser. If a child senses that you cannot cope with the information, the child will likely lose confidence in you and withdraw, thus enabling the abuser to continue the Child Abuse.
 - Make notes of the conversation immediately while the facts are still fresh in your mind for reporting purposes. The Child Protection Form available from the Scouts

NSW Website should be used to make a report to Branch, in accordance with the Child Protection Procedures in this Procedure document.

- Remember, the alleged abuser must not be approached.

Finally, where a child is accused of inflicting Child Abuse on another child, it may well be the child is also a Child Abuse victim. This is a very sensitive issue and must be handled by a person with professional qualifications.

Attachment E

1 Code of conduct for adults

- 1.1 This Code of Conduct is expected of all adults, members, uniformed and non-uniformed, including employees, Adult Helpers and Adult Supporters who work within the Movement, recognising that at all times they should act responsibly and exercise a Duty of Care:
- Adults in Scouting respect the dignity of themselves and others.
 - Adults in Scouting demonstrate a high degree of individual responsibility, recognising that at all times their words and actions are an example to other members of the Movement.
 - Adults in Scouting act at all times in accordance with Scouting Principles, thereby setting a suitable example for all.
 - Adults in Scouting do not use the Movement to promote their own beliefs, behaviours or practices where these are not compatible with Scouting Principles.
 - Adults in Scouting act with consideration and good judgement in all interpersonal relationships both inside and outside Scouting.
 - Adults in Scouting respect everyone's right to personal privacy at all times. They take special care where sleeping, changing of clothing, bathing and ablutions are associated with any Scouting activity.
 - Adults in Scouting avoid unaccompanied and unobserved activities with Youth where possible.
 - Adults in Scouting, for their own protection, should avoid potentially compromising situations by ensuring, where reasonably possible, that at least two adults are in attendance whilst supervising and/or accompanying Youth.
 - Adults in Scouting realise that bullying, physical or verbal abuse, neglect or any other type of abuse, is unacceptable conduct by any Member of the Movement.
 - Adults in Scouting must report any conduct seen or heard that does not comply with this Code of Conduct.