

# Policy and Procedures

## Child Safeguarding Policy 2021

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### PURPOSE

This Policy sets out the commitment and approach of The Scout Association of Australia, Victorian Branch ('Scouts Victoria') to creating and maintaining a child safe organisation where children and young people are safe and feel safe. The purpose of the *Child Safeguarding Policy* (Policy) is to:

- outline requirements for compliance with Victorian Child Safety legislation and Child Safe Standards and
- provide a framework for the reporting and management of child abuse allegations

This Policy adopts the key aspects of the 'Child Protection Policy' of The Scout Association of Australia ('Scouts Australia').

### SCOPE

This Policy applies to all staff, volunteers, Members and other supporters of Scouts Victoria.

### COMMITMENT TO CHILD SAFETY

All children in our care have a right to feel safe and to be safe. The wellbeing of the children in our care will always be our priority, and we have a zero-tolerance approach to child abuse. We aim to create a child safe environment where children feel safe and have fun.

### RECRUITING AND SUPPORTING STAFF AND VOLUNTEERS

Scouts Victoria applies best practice standards in the recruitment, screening and ongoing management of staff and volunteers. Child safety requirements are addressed through strategies including:

- Screening of Adult Members and employees of Scouts Victoria prior to joining. A National Police Check and a Working With Children Check is a prerequisite of adult membership and employment with Scouts Victoria and no prospective adult member or employee is permitted to work with Youth Members until such checks have been completed.
- Continued adult membership or employment with Scouts Victoria is subject to holding a current Working With Children Check and to completing ongoing training to recognize and deal with suspected child abuse. The WWCC holder is responsible for renewing his/her WWCC (or equivalent) before it expires. A reminder system is in place.
- Scouts Victoria requires that Adults inform their Branch immediately if they become aware that they are being investigated or reported or have been charged by any authority concerning a child protection matter.
- With regards to recruitment of volunteers and staff, ultimately, the decision to recruit will rest at the highest levels of the Branch (typically the Chief Commissioner or Assistant Chief Commissioner for a Volunteer and the Executive Manager for a Staff Member).
- Position descriptions clearly state the responsibilities of the position with regard to children.
- Regular assessment of the training, guidance and supervision required for each position and the current resources available, to ensure staff and volunteers understand their responsibilities in relation to child safety.
- Making child safety related training materials available to Youth Members.

- The requirement that Adults in Scouting are never to be alone with a Youth Member, except in unavoidable and emergency circumstances, and must avoid situations where abuse may more readily occur.
- All Adults in Scouting must report any conduct which they see or hear, or are aware of, which does not comply with this zero-tolerance policy and/or the Scouts Australia Code of Conduct. When an incident does occur or child abuse is suspected, it is to be promptly reported in accordance with the procedures of this policy. The absolute priority is to ensure the immediate safety and wellbeing of the child.

## VALUING DIVERSITY

Scouts Victoria is committed to the principles of cultural safety and inclusion of children from diverse backgrounds and the safety and inclusion of children with disabilities, and we recognise that these principles support the safety of all children.

Scouts Victoria actively seeks to understand what makes children feel safe in our organisation. We regularly communicate with children about what they can do if they feel unsafe.

## REPORTING PROCEDURES

The procedures laid down in the 'Child Protection Policy' of Scouts Australia, as supplemented by this Policy, apply to all Members of Scouts Victoria and supporters and employees.

Reports of child safety incidents or suspected incidents must be made either by phone using the Scouts Victoria Child Safe Hotline number - 1800 870 772 or in writing using the 'Internal Child Protection Form' and sending it to [childsafes@scoutsvictoria.com.au](mailto:childsafes@scoutsvictoria.com.au). **If anyone is in immediate danger, always contact 000 immediately.**

Under Victorian legislation, Adults in Scouting may also be required to report directly to Victoria Police or other appropriate government authority (the Child Safe Team will provide advice about this obligation on receiving any report of suspected child abuse). If reported to Victoria Police, Scouts Victoria will act in accordance with their instructions. This Policy does not alter the requirement for legislated 'Mandatory Reporters' to report all matters of abuse in accordance with Victorian legislation.

Since May 2020, Scouts Victoria has been a party to the Reportable Conduct Scheme in Victoria, which requires Scouts Victoria to respond to certain allegations of child abuse (and other child-related misconduct) made against our Members, supporters and volunteers and report such allegations to the Commission for Children and Young People (CCYP) (the Commission) in accordance with the CCYP guidelines (refer to the Definitions section for the definition of child abuse for the purposes of this Policy). The Chief Commissioner is the Head of Organisation (HOO) for the purposes of the Scheme and the official delegate of the Chief Commissioner is responsible for liaising with the CCYP in relation to the Reportable Conduct Scheme.

If it is determined that an incident is not one that Scouts Victoria is required to report to external authorities, an internal investigation may be conducted by Scouts Victoria (however, the person reporting the matter to Scouts Victoria may report it directly to Victoria Police if they feel it is still appropriate to do so).

Investigating and responding to allegations of abuse must be undertaken with the utmost sensitivity and confidentiality. The wellbeing of children involved in Scouting is of paramount importance. The length of time required for an internal investigation will depend on a number of variables, but Scouts Victoria will endeavour to complete its investigation as soon as possible. The Chief Commissioner may suspend the membership of any Member while an investigation (whether internal or external) is ongoing.

Outcomes of an internal investigation could include a performance review, further training, a written warning, termination of membership, or a decision to take no further action (refer to the section below headed Non Compliance with this Policy). The Chief Commissioner is responsible for the ultimate decision, including in relation to the suspension or termination of membership of any young people or adults in Scouting.

More detailed child protection procedures are outlined on Scouts Victoria's website at <https://scoutsvictoria.com.au/join-the-adventure/child-safe-scouting/>.

As of July 1, 2015, if individuals holding positions of authority within an organization, such as Adult Members of Scouts Victoria, are found to have failed to reduce or remove the risk of sexual abuse of children or young people under the age of 16, they can be charged with the offence of Failure to Protect.

## **NON-COMPLIANCE WITH THIS POLICY AND THE CODE OF CONDUCT**

Scouts Victoria strictly enforces this policy and the Scouts Victoria Code of Conduct. If non-compliance is alleged, Scouts Victoria will refer the matter to external authorities as required (and act in accordance with the directions of that authority). If external reporting is not required, Scouts Victoria may instigate its own internal review (see above).

Depending on the nature of the non-compliance, outcomes may include:

- Emphasising the relevant element of the child safeguarding policy and procedure
- Providing closer supervision
- Ongoing monitoring or performance review
- Further education and training
- Facilitating between those involved in the incident (where appropriate)
- Referral to external support services
- Reviewing current policies and procedures and developing new policies and procedures where necessary
- Disciplinary procedures, if required, including suspension and/or termination of membership.

Scouts Victoria will terminate the membership of (or the employment of) any person against whom an allegation of abuse has been proven through a court of law. Where an incident does not meet the threshold for statutory Child Protection or the State Police requirements to act, Scouts Victoria will make a determination in the matter at its unfettered discretion, and always in the interest of safeguarding children.

Scouts Victoria may also terminate the membership of a person where there is any doubt as to the Member's suitability, even if a matter is unsubstantiated, not concluded or not resolved with certainty, and may do so even if resolved without confirmation of a wrongdoing. Where Scouts Victoria is placed in this position, care is to be taken to demonstrate procedural fairness to the person involved.

## **RECORDS MANAGEMENT**

In line with the Incident Reporting requirements, all reports of child abuse shall be recorded within the incident reporting system. Scouts Victoria in maintaining records on reports of child abuse, will maintain confidentiality and privacy for children and families in accordance with Privacy Act requirements.

## **RESPONSIBILITIES**

### **Executive Manager /Chief Commissioner**

- Ensure this policy is made generally available, and is placed on the Scouts Victoria website.
- Ensure that a trained child protection support team is in place to assist and advise Members on matters of child protection and to manage Scouts Victoria's child abuse reporting process.
- Ensure that this policy and child safety issues are included in induction and training programs for Adults in Scouting and employees, and require all Adults in Scouting and employees to complete such child safety training and agree to and abide by the Code of Conduct.
- Conduct an ongoing awareness program of regular communication with the wider membership and youth members' families, including regular reminders to youth members of their right to feel safe and of how they can protect themselves.
- Ensure that there is a specific child abuse reporting procedure in place for major events.
- Assist the Branch Executive Council (BEC) continue to develop the 'Branch Child Protection Framework'.
- Provide the BEC with regular reports summarizing child protection reports, incidents and actions, and data about redress claims and any other claims; and provide reports to Scouts Australia as required.
- Responsible for managing Scouts Victoria's participation in the National Redress Scheme.

## Branch Executive Committee

- Periodically review, and continue to develop, the 'Branch Child Safeguarding Framework' to ensure that it remains consistent with Scouts Australia policy and current Victorian legislation, as well as responding to community expectations and best practice.

## Adults in Scouting

- Keep the Scout Promise, live by the Scout Law, act in accordance with the Code of Conduct and provide an environment where young people feel safe and are free from physical or verbal harassment or abuse.
- Ensure that that at least two Adult Members are present when supervising Youth Members and that they are never alone with a child (except in emergencies).
- Report incidents, or suspected incidents of child abuse, which they have witnessed or believe to have occurred on a Scouting activity or an activity perceived to be a Scouting activity.
- Ensure that alleged perpetrator/s are removed from the scene of an incident.
- Complete Scouts Victoria's Child Safety and Workplace Health and Safety Training within three months of commencing their membership and, subsequently, every three years.

## Youth Members

- Keep the Scout Promise and live by the Scout Law.
- Be aware that they have the right to report incidents or suspected incidents which they have witnessed or believe to have occurred on a Scouting activity or an activity perceived to be a Scouting activity.

## DEFINITIONS

**Child Abuse** may take the following forms (note this is not an exhaustive list):

- (i) **Physical abuse** - occurs when a person purposefully injures or threatens to injure a child. The abuse can take the form of (but is not limited to) slapping, punching, shaking, kicking, throwing, burning, biting, poisoning, shoving, pushing holding or grabbing. An injury may take the form of bruises, cuts, burns or fractures. Physical abuse may leave no physical injury. This abuse can also be the result of 'Hazing' (the practice of rituals and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group). Additionally, physical abuse can be a single incident or a number of different incidents that take place over time. The 'level of harm' occasioned is not necessarily relevant to determining that physical abuse has occurred, rather, that harm has or has not occurred. For harm to be 'significant' the detrimental effect on a child's wellbeing must be substantial or serious and be demonstrated through the child's presentation, functioning or behaviour.
- (ii) **Emotional abuse** - occurs when a child is repeatedly rejected or frightened by threats. The abuse can involve name calling, being put down or continual coldness from a person to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of impairment (this can include the effects of bullying). It also includes exclusion or bullying through social media. 'Bullying' is specifically and separately covered in Scouts Australia's Policy and Rules (P&R).
- (iii) **Sexual abuse** - occurs when a child is used by a person (being either an Adult, or another Child or adolescent) for his or her own sexual stimulation or gratification. These can be contact or non-contact acts, including grooming by perpetrators, inappropriate touching, penetrative abuse, and exposure to pornography, accessing pornography, the retention of pornography or involving a child in the making or sending of child pornography.
- (iv) **Grooming** - occurs when communication or conduct is linked to facilitating the involvement of a Child in sexual behaviour with an Adult. Children are particularly accessible through 'Social media' and this danger is specifically addressed at Section 10. Indicators of 'grooming' include but are not limited to:
  - Developing special relationships with, favouring or giving gifts to a child;
  - Inappropriate interactions with children either in person or via forms of media and electronic devices;
  - Asking a child to keep a secret of any aspect of their relationship;

- Testing of or ignoring professional boundaries or rules;
  - The coercive use of social media, texting and on-line forums to groom, or directly abuse.
- (v) **Neglect** - occurs when there is a failure to provide a child with the basic necessities of life, such as food, clothing, shelter, supervision, medical attention or care to the extent that the health, safety, or development of a child is significantly impaired or placed at risk.
- (vi) **Exposure to Domestic Violence** - occurs when a child witnesses or experiences the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within a domestic relationship.

**Code of Conduct:** As defined in Policy and Rules (National Council of the Scout Association of Australia) – applies to all adults, members and associates, uniformed and non-uniformed, who work within the Movement.

**Member:** As defined by Policy and Rules (National Council of the Scout Association of Australia) – including Youth Members, Young Adult Members (Rover Scouts) and Adult Members (leaders, office-bearers, adult helpers, etc).

**National Police Check:** A check of all offences that a person has been found guilty of or pending court appearances that is undertaken by a National Police Check Provider for Scouts Victoria to identify any offences or criminal history that may be incompatible with the Adult Code of Conduct.

**Scout Promise and Law:** As defined in Policy and Rules (National Council of the Scout Association of Australia)

**Supporters:** As defined in Policy and Rules (National Council of the Scout Association of Australia) – including parents/caregivers, officers of committees and others.

**Working With Children Check:** A check undertaken by the Department of Justice and Community Safety which covers specific offences relating to children and some offences related to adults

Youth Member: Members under the age of 18 years.

## RELATED DOCUMENTS, REFERENCES

Note: This policy supersedes the 'Child Protection Policy 2016'.

- *Children, Youth and Families Act 2005*, especially re Mandatory Reporting Obligations.
- *Child Wellbeing and Safety Act 2005*
- *Crimes Act 1958 (Vic)*
- *Crimes Amendment (Grooming) Act 2014*
- *Worker Screening Act 2020* (which replaces the *Working With Children Act 2005*).
- Branch Child Safeguarding Framework 2021.
- Scouts Victoria 'Child Safe Scouting' webpage: <https://scoutsvictoria.com.au/join-the-adventure/child-safe-scouting/>

**DATE OF APPROVAL: 26 October 2021**

**EFFECTIVE DATE: 26 October 2021**

**DATE OF REVIEW: October 2024**

**Scouts Australia Victorian Branch**  
**CHILD SAFEGUARDING FRAMEWORK**

**October 2021**

The Victorian Branch (Scouts Victoria) has implemented a targeted and multi-faceted program of measures to meet the requirements of its "Child Safe Policy" and the relevant Victorian legislation, as well as respond to community expectations and best practice. The program continues to evolve and mature. This Framework presents an overview of the Child Safeguarding initiatives currently in place.

**Policy**

The Child Safeguarding Policy sets out The Scout Association of Australia, Victorian Branch ('Scouts Victoria') commitment and approach to creating and maintaining a child safe organisation where children and young people are safe and feel safe.

**Procedures**

Responsibilities for the implementation of Scouts Victoria's Child Safeguarding Policy are detailed within the Policy. Scouts Victoria's detailed procedures are provided on the Scouts Victoria's website and these form an integral part of this Framework.

**Child Safe Team**

A Child Safe team has been established at Branch, consisting of the Executive Officer, Assistant Chief Commissioner Personnel and the Manager People and Culture. The team is responsible for the ongoing development of child safety responses and materials and tracking legislative operational and reporting requirements. The team also provides capacity to respond to Child Safety incidents.

**Child Safe Hotline**

A 'hotline' has been established for Members to report incidents of child abuse they have witnessed or heard about from someone else – phone 1800 870 772.

**Support is available**

Scouts Victoria offers access to counselling and support to victims, their families, to alleged perpetrators, and on request to others (including those making reports) through a referral system, which can be found on the Scouts Victoria website [www.scoutsvictoria.com.au](http://www.scoutsvictoria.com.au).

**Reporting Form**

An 'Internal Child Protection Form' has been developed to assist in the reporting and documentation of suspected child abuse. It is available on the Scouts Victoria website.

*Note: A separate 'Incident Form' is available for reporting of incidents not involving suspected child abuse.*

**National Police Check and Working With Children Check**

Scouts Victoria requires all prospective Adults in Scouting and employees to undertake a National Police Check and a Working With Children Check prior to being permitted to work with youth members. Working With Children Checks are to be renewed every five years and a reminder system is in place. Failure to renew a Working with Children Check constitutes a breach of this Policy.

**Resource Materials**

A series of information sheets and fact sheets have been developed and made generally available, including a Reporting Procedure Fact Sheet and a fact sheet on Child Safe Scouting at Major Events. A comprehensive series of webpages has been published, and is continually updated, providing a detailed range of authoritative resource information and links to external sources of support, assistance and information. A dedicated Child Safe Scouting section has been included in the current Info Book.

## **Training**

It is mandatory for all Adult Members to complete child safety training and training materials have been made available to Youth Members.

Note that Scouts Victoria's program of initiatives to support child safety continues to evolve. Details of the above elements of Scouts Victoria's 'Branch Child Safeguarding / Child Safety Framework, together with additional initiatives, can be found on the Scouts Victoria website [www.scoutsvictoria.com.au](http://www.scoutsvictoria.com.au).