

# Policy and Procedures

## Inappropriate Adult Conduct Policy 2018

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### **PURPOSE**

This purpose of this policy is to provide clear guidance for those involved in the management and leadership of Scouts Victoria in responding to an allegation of inappropriate conduct or behaviour by an Adult in Scouting.

### **SCOPE**

This policy applies to all 'Adults in Scouting' when acting in an official Scouting capacity on behalf of the Victorian Branch. Detailed policy and procedures with respect to child abuse (as defined in the Child Protection Policy 2016) and conduct that could be a breach of criminal law are outside the scope of this policy.

### **POLICY STATEMENT**

It is Scouts Victoria policy that, whilst involved in Scouting activities, all 'Adults in Scouting' conduct themselves appropriately, within the law of the land, in a manner that meets community expectations, and in accordance with the 'Code of Conduct' and 'Code of Ethics'. Duties are to be undertaken responsively and a duty of care exercised in recognition of the responsibility placed on them by the Association and the trust placed in them by the parents of the youth members. It is also Scouts Victoria policy that allegations of inappropriate conduct be investigated and dealt with promptly in a procedurally fair manner.

### **RESPONSIBILITIES**

#### ***Commissioners***

- Ensure that all 'Adults in Scouting' who work within the Movement sign a declaration that they have read and agree to carry out the 'Code of Conduct'.
- Respond to allegations of inappropriate conduct promptly and in accordance with the Procedures detailed below.

#### ***State Personnel Team***

- Provide advice, on request, on the conduct of investigations into allegations of inappropriate conduct.
- Undertake, on request of an Adult in Scouting subject to an investigation finding, an appeal against any action taken under the Procedures detailed below.

#### ***Adults in Scouting***

- At all times act responsibly and exercise a duty of care to all members to provide a safe environment, carry out the 'Code of Ethics' and 'Code of Conduct', and undertake Scouting activities in accordance with Branch policies, procedures and guidelines.
- Be mindful of any bullying of, or discrimination against, a youth member or adult member or employee of Scouts Victoria
- Act in good faith and with the best interests of the Association and its members: when in a decision-making role or responsibility ensure conflicts of interest are avoided or declared and act in a financially responsible manner. Use information appropriately and respect members' privacy.
- Exercise due care, diligence and skill: act fairly and impartially, with honesty and integrity.
- Be aware of, and comply with, Scout Association of Australia and Scouts Victoria policies, rules, procedures and safety and activity guidelines.

## PROCEDURES

### ***Dealing with Allegations of Inappropriate Conduct or Behaviour***

#### 1. Managing an Allegation

- 1.1. If the allegation relates to any form of conduct towards a youth member such as physical abuse, emotional abuse, sexual abuse, grooming, neglect, exposure to domestic violence or any other form of child abuse as defined in the Child Protection Policy and Prescribed Procedures it must be reported to Scouts Victoria as described at <https://scoutsvictoria.com.au/join-the-adventure/child-safe-scouting/> for further direction before any further action under this policy is continued.
- 1.2. If the allegation is of a nature that could be a breach of criminal law (and not conduct described in [1.1.1](#)), the person reporting it should be encouraged to also report the matter to the Victoria Police. This would not necessarily preclude a Scout's investigation being conducted in regard to possible breaches of the Code of Conduct. Any allegation that may be a breach of criminal law must be reported to the State Personnel Team for further direction before any further action under this policy is continued.
- 1.3. If an allegation is made against an Adult in Scouting the District Commissioner (DC), Regional Commissioner (RC) or State Commissioner (SC), dependent on the organisational location of the Adult in Scouting, will, considering the information available at the time, determine whether the Adult in Scouting is to:
  - a. remain in their current role
  - b. be temporarily placed in another role, or
  - c. be stood down from Scouting duties pursuant to paragraph [1.5](#).Note: If the alleged incident has occurred during a special activity, e.g. a Jamboree, the nominated leader in charge will make the determination.
- 1.4. The Commissioner considering the allegation must not permit an Adult in Scouting, who is the subject of an allegation, to continue to carry out any Scouting duties unless and until the Commissioner is satisfied that it has been established that there is no material risk of a future breach occurring by reason of the Adult in Scouting continuing to carry out those duties.
- 1.5. An Adult in Scouting may only be stood down with the express permission of the Chief Commissioner upon recommendation of the State Personnel Team.
- 1.6. At any time, an allegation may be referred to the Chief Commissioner, or the Chief Commissioner may at his or her own initiative, assume responsibility for an allegation. The Chief Commissioner may then deal with the allegation as a discretionary matter in accordance with section [2](#). The factors which may cause the Chief Commissioner to assume responsibility for an allegation or which may cause the Commissioner to refer an allegation to the Chief Commissioner include, but are not limited to the following:
  - a. Where dealing with the complaint in accordance with management procedures, would disclose the identity of a person or of confidential information in circumstances where that identity or information must or should reasonably be kept confidential;
  - b. the seriousness of the complaint; and
  - c. the extent of future harm to any person or to the Association if the allegation were to be true.
- 1.7. Unless an allegation is dealt with as described in section [2](#), the allegation is to be dealt with in accordance with the management procedures set out in section [3](#).

#### 2. Discretionary Procedures

- 2.1. When dealing with an allegation as a discretionary matter, the Chief Commissioner may, in the Chief Commissioner's unfettered discretion and without any obligation to give notice, to permit a hearing, or to give reasons:
  - a. withdraw a Leader's Certificate of Adult Leadership (COAL);

- b. withdraw the membership of the Adult in Scouting;
- c. direct the Adult in Scouting to undertake refresher training and/or development;
- d. direct the Adult in Scouting that he/she is to conduct Scouting activities only under supervision (this could be for a designated period);
- e. advise the Adult in Scouting that he/she is to be placed in a different role within their current or a different section;
- f. take no action, or
- g. refer the matter for determination in accordance with the management procedures set out in paragraphs 1.10 to 1.15.

2.2. Without limiting the Chief Commissioner's unfettered discretion, a decision under paragraph [2.1](#) may be made by the Chief Commissioner if the Chief Commissioner considers that a person is unsuitable to remain as an Adult in Scouting at all, or in a particular capacity, or if the Chief Commissioner considers that there is a material risk of a breach of the Code of Conduct by that person in future, if the decision is not made. The Chief Commissioner may make the decision without the need to conclude that any past breach of the Code of Conduct has been proved.

### 3. Management Procedures

3.1. When dealing with an allegation under the management procedures, the Commissioner will immediately initiate an investigation. They may request for another suitable Adult in Scouting as an independent investigator external to the Group, District, Region or Branch. Advice on the conduct of investigations is available from the State Personnel Team.

3.2. If at any time the investigation identifies that identifies conduct outlined in [1.1](#) or [1.2](#) then a report must be made as prescribed in the respective paragraph. The investigation cease and the investigator must await advice from the State Personnel Team before recommencing.

3.3. An Adult in Scouting who is the subject of the investigation is to be offered an interview to explain their understanding of the circumstances (see Annex A). The letter is also to advise the Adult in Scouting that they may have a support person present at the interview.

3.4. If an Adult in Scouting is unable or refuses to participate in an interview within an appropriate timeframe as described in 3.3, then a show cause letter may be issued in lieu of an interview which must provide at least five days to respond in writing.

3.5. The Leading Commissioner of the State Personnel Team may issue a show-cause letter to an Adult in Scouting as outlined in [3.44](#) to respond to an allegation.

3.6. Any Adult in Scouting may be issued a copy of an interview protocol relating to confidentiality requirements in relation to the allegation.

3.7. Any investigation will be completed within the shortest practical timeframe and the Adult in Scouting who is the subject of the investigation should be regularly informed of the progress of the investigation.

3.8. On the completion of the investigation the Commissioner will consider the recommendation/s of the investigating officer and determine that one or more of the following actions is to be taken:

- a. advise the Adult in Scouting that no further action is to be taken;
- b. direct the Adult in Scouting to undertake refresher training and/or development;
- c. direct the Adult in Scouting that he / she is to conduct Scouting activities only under supervision (this could be for a designated period);
- d. advise the Adult in Scouting that he / she is to be placed in a different role within their current or a different Section;
- e. issue a show cause letter outlining the findings including the potential recommendation to the Chief Commissioner his /her membership is to be withdrawn. The show cause letter provide at least five (5) days to respond in writing for the Commissioner to reconsider;

Note: Should the Chief Commissioner wish to gather further information before making a decision to withdraw membership he or she may refer the matter to the State Personnel Team for advice.

3.9. The Adult in Scouting is to be advised in person and provided with a written record of the action that is to be taken (for reference documents, please contact the State Personnel Team);

3.10. On the completion of an investigation, a copy of the investigation report and any other documentation is to be forwarded to the State Personnel Team.

#### 4. Appeal

4.1. Should an Adult in Scouting wish to submit an appeal against any action taken under the management procedures, the appeal is to be submitted in writing to the State Personnel Team within 21 days of the decision.

4.2. Any individual who has undertaken the investigation that is subject to an appeal, cannot be appointed by the Chief Commissioner to review the appeal.

### DEFINITIONS

**Adults in Scouting:** 'Adults in Scouting' includes Rover Scouts, Adult Leaders / Commissioners, Office Bearers / Advisors, Adult helpers, Scout Fellowship and Life Members / Honorary Members – as defined in Scouts Australia Policy & Rules (P3.1) who are registered to Scouts Victoria.

**Allegation:** A complaint or other information relating to conduct, which if proven to be true, would constitute inappropriate conduct.

**'Code of Conduct':** As detailed in the current edition of the National Council of the Scout Association of Australia's 'Policy and Rules'.

**'Code of Ethics':** As detailed in the current edition of the National Council of the Scout Association of Australia's 'Policy and Rules'.

**Commissioner:** District Commissioners, Region Commissioners, State Commissioners and Assistant Chief Commissioners.

#### **Inappropriate Conduct:**

Inappropriate conduct includes, but is not restricted to:

- a. a breach of the 'Code of Conduct for Scouting'
- b. a breach of Scout Association of Australia 'Policy and Rules', of any Scouts Victoria policy and procedure, or of any activity or safety guideline.
- c. bullying of, or discrimination against, a youth member or adult member
- d. theft of money or other Scouting assets
- e. malicious damage to Scouting property
- f. undeclared conflict of interest when in a decision-making role
- g. undeclared criminal convictions
- h. assault on a youth or adult member, or other person
- i. physical or sexual abuse of a youth or adult member, or other person

**State Personnel Team:** The team appointed by the Chief Commissioner Scouts Victoria to address personnel related matters. As of 2018, the leading commissioner of this team is the Assistant Chief Commissioner - Personnel.

### RELATED DOCUMENTS, REFERENCES

- Note: This policy supersedes the 'Inappropriate Conduct or Behaviour Policy' (May 2011). Child Protection Policy 2016 (as amended)
- Privacy Policy 2016
- Conflicts of Interest Policy 2015 Delegations Policy 2016

- National Risk Management System 2006
- Policy and Rules of the Scout Association of Australia – the latest version can be found at [www.scouts.com.au](http://www.scouts.com.au).

## **ATTACHMENTS**

Notification of an Investigation Pro Forma

## **ATTACHMENT 1 – NOTIFICATION OF AN INVESTIGATION PRO FORMA**

### **PRIVATE AND CONFIDENTIAL**

Dear [insert name]

Notification of an Investigation & Invitation to Attend an Interview

I have received an allegation against you relating to inappropriate conduct. If proven behaviour would be a breach of Code of Conduct for Adults in Scouting and could result in relinquishment of your membership.

The allegations are as follows:

- X
- Y
- Z

Please be aware that no conclusions have been reached at this stage, in relation to the allegation outlined above.

If proven these allegations could be considered misconduct and in breach of the Scouts Australia Code of Ethics and Adult Code of Conduct.

You are invited to respond to the above allegations at a meeting the details of which are:

Time:

Date:

Location:

In attendance at the meeting will be [insert name] [insert role] and myself.

You are entitled to bring a support person with you to this meeting and Scouts Victoria encourages you to do so. Please let me know in advance the name of any support person you will be bringing. You should also bring with you to this meeting any other information or documents which you would like us to consider.

As you are aware the allegations contained in this letter are serious and if substantiated, could result in disciplinary action up to and including relinquishment of your membership as well as notification to a relevant external body, if deemed necessary by Scouts Victoria.

You are advised that this investigation is confidential and not to discuss it with any other person unless that person is acting as your support person during this process.

Scouts Victoria understands matters such as these may impact on an individual's health and well-being. If you feel you need to talk to someone in relation to this the first point of call should be your family medical practitioner who can assist with any support necessary.

Yours sincerely

[insert name] [insert position]

CC: State Personnel Team – Scouts Victoria