



**Scouts**  
SA

# SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY



## **PURPOSE AND CONTEXT**

Scouts SA is the South Australian Branch of the Scouts Association of Australia. We are part of the World Organisation of the Scout Movement and are a not-for-profit, volunteer-based organisation. Our commercial operations and head office exist to support the Scouting development of young South Australians.

The purpose of this policy is to ensure that protective practices for young people (under 18 years) and their families are implemented by Scouts SA to keep them safe from harm and provide them with an understanding of these protective practices.

This document provides all adults in Scouts SA with an understanding of their responsibilities to keep children and young people safe, while fostering a culture of openness and respect of cultural diversity, recognising that all children and young people have a right to be safe from harm, regardless of age, culture, religion, gender, sexuality, identity, or disability.

This policy represents the position of Scouts SA as a prescribed organisation, as defined in the Children and Young People (Safety) Act 2017 (CYPS Act), and the duty that adults in Scouts SA have to ensure children and young people are kept safe from harm.

## **SCOPE**

This policy applies to all adults in Scouting; employees, volunteers, members, office bearers, board directors, Scout leaders, line leaders, Rovers, adult Venturers, adult helpers, or any other person paid or unpaid who is involved in the oversight or delivery of Scouts SA child related services (including retail and campsite businesses).

## **STATEMENT OF POLICY**

Scouts SA has ZERO TOLERANCE for sexual, physical, mental or emotional abuse or neglect of children and young people. We have a duty of care to provide a safe environment and protection from harm. We also have legal obligations to protect children and young people from harm and consider this our highest duty above all else in all activities and, particularly, when recruiting and managing adults.

All adults in Scouts SA are mandated reporters under the CYPS Act and must report any disclosure, allegation or suspicion that a child or young person is, or may be, at risk of harm to the Child Abuse Report Line (C.A.R.L.) on 13 14 78.

All adults in Scouts SA must also report any conduct directly seen or suspected that does not comply with this Policy or the Scouts Australia Code of Ethics and Conduct.

Children and young people are also to be encouraged and supported to report any conduct that does not comply with this policy and are to be regularly reminded/informed through the Scout program of their rights to feel safe and what action they may take if they do not feel safe. This is a key responsibility for those in leadership roles, whether adult or youth leaders.

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## 1. DEFINITIONS

### **At Risk**

is defined by the CYPs Act:

A child or young person will be taken to be at risk if:

- They have suffered harm or there is a likelihood that they will suffer harm, being harm of a kind against which ordinarily they should have been protected
- There is a likelihood they will be removed from the State for the purpose:
  - Of a medical procedure that would be unlawful in South Australia (including female genital mutilation)
  - Taking part in a marriage that would be void or invalid under the Marriage Act 1972
  - Taking part in an activity that would be illegal in South Australia
- Their parent/s or guardian/s are unable or unwilling to care for them, have abandoned them, cannot be found or are dead
- They are of compulsory school age and are persistently absent from school without explanation
- They are homeless or of no fixed address.

### **Board**

is the governing board of The Scout Association of Australia, South Australian Branch Incorporated (Scouts SA).

### **C.A.R.L.**

is the Child Abuse Report Line 13 14 78.

### **CEO**

is the Scouts SA Chief Executive Officer who has been formally appointed by the Board to exercise Executive oversight of Scouts SA's programs and appointed staff. But where a suspected perpetrator of harm is the CEO or someone closely associated with them, or where the CEO is not readily available, it means the Chief Commissioner or next most senior executive officer.

### **Chief Commissioner**

is the person appointed by the Chief Scout of Australia on the recommendation of the Board, made through the Branch Chief Scout, who is responsible to the Board for all uniformed activities.

### **Child / Children / Young Person / Children and Young people**

are persons under the age of 18 years as defined by s16(1) *Children and Young People (Safety) Act 2017*. Any reference to a child or children in this policy also refers to children and young people up to the age of 18. Generally, this document will use 'young people' or 'young person/s' as all-encompassing terms.

**CYPS Act**

is the Children and Young People (Safety) Act 2017.

**Employer**

is The Scout Association of Australia, South Australian Branch Incorporated which employs or engages the worker.

**Grooming**

When a person tries to form a bond or friendship with a child or their family to gain trust and create opportunities to start, maintain and hide their sexual abuse of the victim.

**Harm**

is defined by the CYPS Act as physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental, or emotional harm, abuse, or neglect.

**Mandatory reporting**

is an obligation upon Scouts SA workers to report a reasonable suspicion a child or young person is, or may be, at risk of harm, in accordance with s30 & 31 CYPS Act.

**SCYP Procedures**

is the supporting procedural document for this policy named Safeguarding Children and Young People Procedures.

**National Police Check**

is a national summary of an individual's disclosable offender history gained in South Australia by application through South Australia Police (SAPOL).

**Scouts SA**

is The Scout Association of Australia, South Australian Branch Incorporated.

**SSO**

is the Scouts SA young person Safeguarding Officer: An appointed position to serve as the key contact for child protection matters, and to serve as a liaison point between the CEO and Chief Commissioner (as required).

**Two Deep**

is the leadership requirement to protect young people as well as adults. This practice ensures that when adults are supervising and conducting Scouting activities involving young people, at least two adults are present, except in unexpected, unusual, and unforeseen circumstances. While the minimum ratio of adults to young people will vary from activity to activity, a minimum of two adults is always preferred.

**Victim**

is a child or young person who is reasonably suspected of being subjected to harm or is at risk

of harm.

## **WHS**

is Work Health & Safety.

## **Worker**

is all employees, volunteers, members, office bearers, Board Directors, Scout leaders, line leaders, Rovers, adult Venturers, adult helpers, or any other person paid or unpaid who is involved in the oversight or delivery of Scouts SA child related services.

## **WWCC**

is a current valid, not prohibited, Working With Children Check provided by the Department of Human Services Screening Unit, that has been undertaken within the previous five (5) years.

## **2. PREAMBLE**

This Policy framework seeks to meet legislative requirements as outlined in the CYPs Act, the *Child Safety (Prohibited Persons) Act 2016*, and aligns with the National Principles for child safe organisations, (a set of 10 national young person safe standards arising out of the Royal Commission into Institutional Responses to Child Sexual Abuse) which were implemented in South Australia from 1 July 2021, and are underpinned by the United Nations Convention on the Rights of the Child.

To ensure that a Child Safe environment is maintained, Scouts SA commits to:

- regularly communicating with the wider Membership (Leaders, young persons, parents, helpers, adult supporters and staff) to remind all adults and young people of the necessity to remain vigilant.
- conducting ongoing refresher seminars, presentations, newsletter articles, Leader emails.
- communicating regularly with families and Scouting communities regarding our child safe focus, via marketing techniques as deemed appropriate for that communication.
- inculcate an ethos of “TWO DEEP” (see definitions) and “REPORT, REPORT, REPORT”.

The *National Principles for Child Safe Environments* affirm that every child and young person has a right to be always safe from harm. It is recognised that the wellbeing and best interests of all young people are the responsibility of the entire Scouts SA community who must act to ensure that every environment where young people are present is safe.

The focus of a child safe organisation is not simply to create an environment that minimises risk or danger. It is about building environments which are both child-safe and child-friendly, where all young people can feel respected, valued, and encouraged to reach their full potential.

Child protection legislation in South Australia contains obligations for people who work or

volunteer with young people, towards this goal of ensuring that all young people are safe from harm and are cared for in a way that allows them to reach their full potential.



Accordingly, in alignment with SA State legislation and the National Principles, Scouts SA is committed to giving due attention to:

- a) the safety and protection of young people
- b) how workers recognise and respond to suspicions that a young person is at risk of harm
- c) standards of care for ensuring the safety of young people including standards for addressing bullying and harassment within Scouts SA
- d) codes of conduct for workers within Scouts SA
- e) standards of care for workers that reflect Scouts SA's duty of care to young people.

This policy affirms that:

- a) the safety and wellbeing of young people is to be the paramount consideration, insofar as it is within the power of Scouts SA to promote it
- b) young people are to be protected from any form of harm or risk of harm
- c) in dealing with harm to young people, Scouts SA is to put the interests of victims and young people above those of the organisation.

### 3. GENERAL PRINCIPLES

The principles and philosophy that underpin child safety in Australia are based on the United Nations Convention on the Rights of the Child which emphasise that:

- a) all young people have equal rights to protection from abuse and neglect
- b) all young people should be encouraged to fulfil their potential and inequalities should be challenged
- c) all young people should be encouraged to participate fully in a cultural and artistic life and appropriate and equal opportunities should be provided for cultural, artistic, recreational and leisure activity
- d) everybody has a responsibility to support the care and protection of young people
- e) organisations shall take all appropriate legislative, administrative, social, and educational measures to protect young people from all forms of harm, neglect, or negligent treatment, while in their care
- f) organisations have a duty of care to young people with whom they work and with whom their agents, contractors, and sub-contractors' work
- g) if organisations work through partners (such as contractors, subcontractors, or agents), they have a responsibility to meet minimum standards of protection for the young people in their partners' programs.

We see such a commitment as flowing naturally from our Scouts SA ethos which recognises the unique value and potential of every person, regardless of age, culture, religion, gender, sexuality, identity, or disability.

**Key action areas** related to these national principles and standards, which particularly guide the procedural matters associated with this policy include:

**ACTION REQUIREMENT - ALL WORKERS IN SCOUTING in SA**  
 are to immediately report any incident concerning harm or likely harm to the Child Abuse Report Line 13 14 78 notwithstanding the wishes of the Child or any other person. [PRINCIPLE 5, 6 & 7]

**ACTION REQUIREMENT – Respond positively and quickly to the person disclosing harm and report on matters observed by you to the Child Abuse Report Line 13 14 78 in accordance with the Scouts SA Child Protection Policy. [PRINCIPLE 2 & 6]**

**ACTION REQUIREMENT - All Child Protection Reporting processes and associated safeguarding measures will be attended to without delay and treated strictly in accordance with the Scouts SA Safeguarding Children and Young People Policy. [PRINCIPLE 8]**

**ACTION REQUIREMENT – Reports and disclosures must not be internally investigated at the receiving point, or, between the receiving point and the Scouts SA Office. All Reports and disclosures must be forwarded as soon as possible to the Department for Child Protection – through the Child Abuse Report Line 13 14 78 – and then the Scouts SA Head Office as per this policy. [PRINCIPLE 6].**

**ACTION REQUIREMENT - “BE TWO DEEP”**  
 No Leader, Helper or Staff Member should be alone with a child or young person.  
 The only exception is in a case of an unavoidable emergency. [PRINCIPLES 2 & 5]



## 4. MANDATORY REPORTING

An obligation rests upon all Scouts SA workers to report a reasonable suspicion a young person is, or may be, at risk of harm, in accordance with s30 & 31 CYPS ACT.

All Workers including those persons who comprise the Governance oversight of Scouts SA are recognised as mandatory reporters and therefore are expected to comply fully with their obligations of mandatory reporting under the CYPS ACT.

If you believe a child or young person is in immediate danger or in a life-threatening situation, contact the South Australian police immediately by dialing 000.

To report your suspicions (on reasonable grounds) that a child or young person is, or may be at risk of harm, this must be reported to the Department for Child Protection by calling the 24-hour Child Abuse Report Line (C.A.R.L) on 13 14 78 (SCYP Procedures part A, section 4).

In addition to the requirements of mandatory reporting, all workers must comply with the reforms under the *Statutes Amendment (Child Sexual Abuse) Act 2021*, which changed the *Criminal Law (Consolidation) Act 1935* in relation to the protection of young people from sexual abuse. Specifically:

**\*In relation to failure to report suspected child sexual abuse** (Section 64A), penalties apply IF:

1. a prescribed person is guilty of an offence if the person knows, suspects or should have suspected that another person (the **abuser**) —
  - a. has previously engaged in the sexual abuse of a child or young person while an employee of the institution or, if the prescribed person provides out of home care, while also providing out of home care, and—
    - i. the child is still under the age of 18 years; or
    - ii. the abuser is still an employee of the institution or another institution or still provides out of home care; or
    - iii. the sexual abuse occurred during the preceding 10-year period; or
  - b. is an employee of the institution or, if the prescribed person provides out of home care, is providing out of home care, and is engaging, or is likely to engage, in the sexual abuse of a child or young person

**\*In relation to failure to protect a child or young person from sexual abuse** (Section 65A), penalties apply IF:

1. the prescribed person knows that there is a substantial risk that another person (the **abuser**) who is also an employee of the institution or, if the prescribed person provides out of home care, who is also a provider of out of home care, will engage in the sexual abuse of a child or young person —
  - a. who is under 17 years of age; or
  - b. in relation to whom the abuser is in a position of authority; and

2. the prescribed person has the power or responsibility to reduce or remove that risk but negligently fails to do so.

Additionally, due account must be given to the requirements of Section 50F of the *Civil Liability (Institutional Child Abuse Liability) Amendment Act 2021* in which an institution is taken to have breached its duty unless the institution proves that it took all reasonable steps to prevent the abuse [s 50F]. Section 50F (3) sets out several matters that are relevant to deciding whether the institution took all reasonable steps to prevent the abuse.

Scouts SA recognises all these legal obligations, which stand alongside meeting the legislative requirements of the CYPS Act.

If a member of Scouts SA is found to have been involved in a child protection matter or a matter deemed to be misconduct relating to children, then Scouts SA recognises its legal obligation to provide this information to the DHS Screening Unit.

## **5. INVOLVEMENT OF PERPETRATORS OF HARM IN SCOUTS SA ACTIVITIES**

Where Scouts SA knows, believes or reasonably suspects that any person associated with Scouts SA is or has been a perpetrator of harm towards young people, it will act to reasonably protect young people from any risk that person might pose having due regard to the provisions of the *Child Safety (Prohibited Persons) Act 2016* and the *Statutes Amendment (Child Sexual Abuse) Act 2021*.

A key preventative component is to ensure that all people who will be working with young people or undertaking young person-related work have undergone a comprehensive screening and suitability assessment prior to their engagement by Scouts SA as detailed in the SCYP Procedures part B, section 8.

The *Child Safety (Prohibited Persons) Act 2016* has established a *Working With Children Check* scheme in South Australia to strengthen and simplify the laws for people working or volunteering with Children and Young People. Scouts SA will comply in full with the requirements of this Act.

## **6. COOPERATION WITH AUTHORITIES**

Scouts SA will responsibly and reasonably co-operate with government law enforcement and the Department for Child Protection. If a Scouts SA worker is found to have been involved in a child protection matter or a matter deemed to be misconduct relating to children, then Scouts SA recognises its legal obligation to provide this information to the DHS Screening Unit.

## **7. INTERIM MEASURES PENDING DETERMINATION OF ALLEGATIONS OF HARM**

Where a worker is reasonably suspected of perpetrating harm against a young person, their continued role with Scouts SA during the period taken to report and gain a final determination of whether that worker is guilty of any offence, is to be decided:

- if a worker is employed as a paid staff member, by the CEO, Head of People, Culture and Capability and a member of the Senior Leadership Team
- if a worker is a volunteer, by the CEO, the Chief Commissioner and the Head of Member Services.

To ensure the safety and protection of young people during this reporting and investigatory stage, the person will not be permitted to work with young people until an outcome is known with no prohibiting reason. It is recognised that even a finding of not guilty may not mean that the person poses no risk to young people. Accordingly, such risk will be assessed and satisfied before any further role engagement.

During this stage the responsible personnel do not serve any investigatory function, but only decide on appropriate interim measures for engagement of a worker pending any legal investigation and outcome.

Where an allegation or suspicion of harm or risk of harm has been proven through a court of law, Scouts SA will terminate the Membership (and / or the employment) of any Member. Scouts SA will reserve the right to terminate employment and membership of any person even if a Child Protection matter is not concluded or ultimately resolved with certainty.

In any case, Scouts SA will automatically suspend the membership of an alleged abuser until the matter is resolved by the appropriate authority. Further, Scouts SA will not proceed with an application for Membership of an adult if screening processes indicate there is any doubt concerning suitability.

## **8. TRAINING**

Scouts SA workers are expected to attend regular child protection and professional standards training programs made available by Scouts SA. Scouts SA Child Protection training is mandatory and is designed to achieve the following:

- participants are to be able to identify the signs of harm or risk of harm to young people.
- participants are to be imbued with a strong awareness of Child Protection, Child Safe Scouting, and the associated reporting imperatives.
- review of case study scenarios to provide examples of responding to children who report abuse. This is to include disclosures by young people or adults from diverse backgrounds and circumstances.
- practice of Child Abuse incident reporting.

## **9. WORKER AGREEMENT**

All workers are to complete a signed agreement dealing with their suitability to serve young people within Scouts SA, agree to abide by this Safeguarding Children and Young People Policy and the associated SCYP Procedures. This includes approval for the conduct of relevant criminal history

searches, WWCC, and agreement to interim measures in any case of allegations of harm.

## **10. MANUAL OF PROCEDURES**

Scouts SA will publish a procedural manual (SCYP Procedures) to guide the implementation of this Safeguarding policy.

## **11. CODE OF CONDUCT – SAFEGUARDING YOUNG PEOPLE**

A Code of Conduct for all workers who serve young people shall be adopted by Scouts SA and signed by all workers. This Code of Conduct details the standards of conduct expected by workers who serve young people and provides guidance in areas where there is a need to make personal and ethical decisions.

Any observed breaches concerns, issues, or problems relating to the Code of Conduct should be raised and reported to the Scouts SA CEO and / or Chief Commissioner and / or relevant Senior Scouting SA Officers.

A breach of this Code of Conduct will, in accordance with Scouts SA policy, lead to the implementation of actions which may include, but are not limited to:

- temporary suspension from duties with or without pay while a decision is reached on the breach
- modification of duties
- imposition of conditions on any continued involvement in Scouts SA activities
- requirement of non-communication with young people, or specified persons
- suspension of role / employment
- being reported to the Department for Child Protection or police and charged with a criminal offence.

## **12. REVIEW OF POLICIES**

The CYPS Act requires a review of policies and procedures at least once in a five-year period. Scouts SA will review this policy every three years, and on a needs basis to respond to any identified risks. The Scouts SA Board will be responsible for initiating this process.

This policy will be reviewed in February 2026 and the Scouts SA Board will lodge a new child safe environments compliance statement after each review.