



Scouts
SA

SAFEGUARDING CHILDREN AND YOUNG PEOPLE PROCEDURES



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1. Preamble

This section sets out specific procedural matters which give effect to the Safeguarding Children and Young People Policy (SCYP Policy) of Scouts SA in meeting legislative requirements. It also prescribes other good practice processes that are expected to be applied by the organisation in ensuring a safe environment for young people.

2. Definitions

In addition to the general definitions (see *Safeguarding Children and Young People Policy*), where legislative references are made in these procedures, definitions are predominately from the *Children and Young People (Safety) Act 2017 (CYPS Act)* as the prime source.

PART A: FURTHER DEFINITION OF HARM

3. What is harm?

Legislative definition of harm (s17 CYPS Act)

Physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental, or emotional abuse or neglect.

Psychological harm does not include emotional reactions such as distress, grief, fear, or anger that are a response to the ordinary vicissitudes of life.

The following descriptors relate to the types of harm identified in the CYPS Act:

- 3.1 **Emotional harm**, meaning: A chronic attitude or behaviour directed at a young person whereby a young person's self-esteem and social competence is undermined or eroded over time or the creation of an emotional environment which is detrimental to or impairs the young person's psychological and/or physical development. Behaviours may include devaluing, ignoring, rejecting, corrupting, isolating, terrorising or family violence.
- 3.2 **Physical harm**, meaning: Any non-accidental act inflicted upon a young person, which results in physical injury to the young person. Such harm results from practices such as but not limited to:
 - 3.2.1 Hitting, punching, kicking (indicators: marks from belt buckles, irons, fingers, cigarettes, etc)
 - 3.2.2 Shaking (particularly young babies)
 - 3.2.3 Burning, biting, pulling out hair
 - 3.2.4 Alcohol or other drug administration
- 3.3 **Sexual abuse**, meaning: any sexual behaviour imposed on a young person. The young person concerned is considered to be unable to alter and/or understand the perpetrator's behaviour due to his or her early stage of development and/or powerlessness in the situation. Sexual abuse occurs when someone in a position of

power to the young person uses her/his power to involve the young person in sexual activity.

Behaviour can include sexual suggestion; exhibitionism, mutual masturbation, oral sex; showing pornographic material e.g., DVDs, internet; using young people in the production of pornographic material; penile or other penetration of the genital or anal region and young person prostitution.

- 34 **Neglect**, meaning: the failure of a carer to provide a young person with the basic necessities of life, and which can occur by deliberate action or inaction, and can stem from an inability to understand and provide basic necessities such as food, clothing, shelter, hygiene, medical treatment and supervision.
- 35 **Grooming**, meaning: the deliberate actions of a perpetrator to befriend and influence a young person, and possibly also that young person's family or community, with the intention of engaging in sexual activity of any kind with that young person.

4. Reporting a suspicion that a young person may be at risk of harm

- 4.1 Any worker who suspects, on reasonable grounds, that a young person is, or may be at risk of harm, and this suspicion is formed in the course of their work, must report this suspicion to C.A.R.L. as soon as practicable.
- 4.2 This obligation is placed on all workers by s30 & 31 CYPS Act. It is a criminal offence not to comply with this obligation without a lawful excuse. Scouts SA cannot negate or modify this obligation.
- 4.3 Reporting to C.A.R.L. is done by telephoning the 24-hour Child Abuse Report Line on 131478. After a report is made, the worker should ensure that the young person gains adequate support. This could include:
- referring the young person to a relevant leader
 - referring the young person to other appropriate services
 - continuing to provide support to the young person and their family and monitoring their circumstances.
- 4.4 Reasonable grounds to form a suspicion that a young person may be at risk may include but is not limited to:
- 4.4.1 When they tell you they are at risk or have been harmed
 - 4.4.2 When your own observations of a particular behaviour and/or injuries lead you to suspect they are at risk or harm is occurring
 - 4.4.3 When a young person tells you that they know of someone who is at risk or has been harmed (they may possibly be referring to themselves)
 - 4.4.4 When you hear about a young person at risk from someone who can provide reliable information, such as a relative, friend, neighbour, or sibling.

It does not require proof that any young person has or may suffer harm.

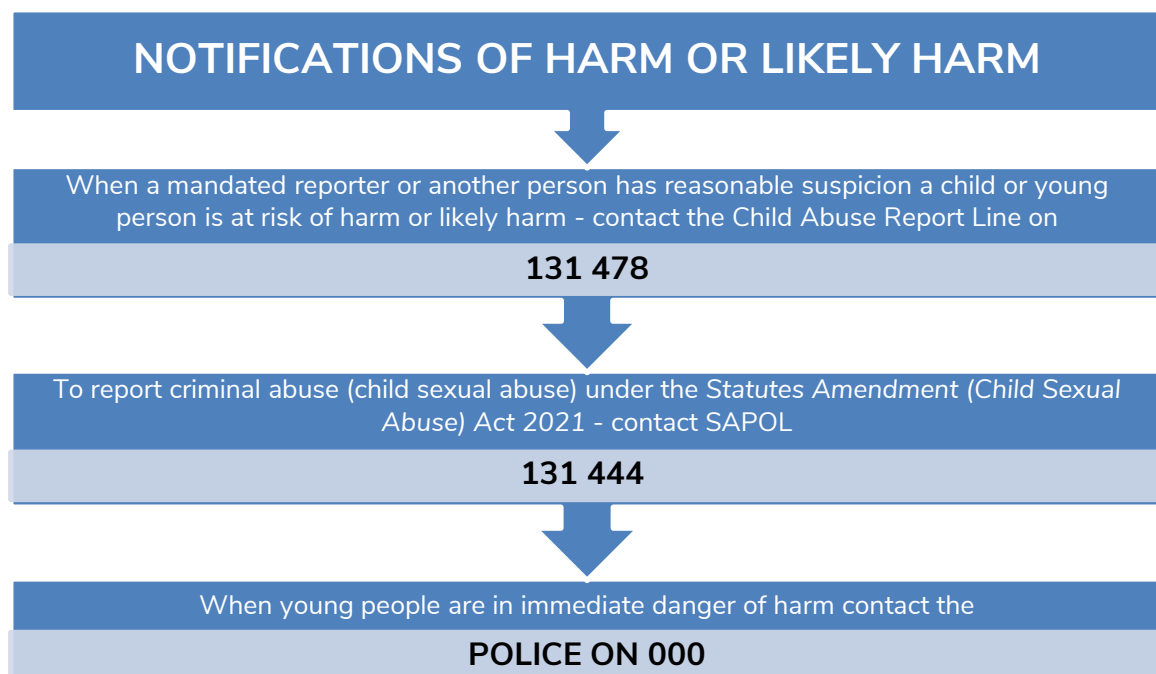
- 4.5 Where a report is made to the C.A.R.L., but only if the young person and/or the suspected perpetrator of harm is associated with Scouts SA, the worker must immediately inform the CEO of the incident.

If the concern relates to the CEO, the worker should inform another person in accordance with the preceding definitions of CEO.

A written report is also to be given by the worker to the CEO or person otherwise designated as soon as practicable.

- 4.6 A worker does not require approval to make a report to C.A.R.L. and must adhere to the reasonable instructions of C.A.R.L. to ensure that all proper processes are followed.
- 4.7 If a worker has any concern about whether the matter meets the threshold for mandatory reporting, they can consult with the CEO on whether a report should be made to C.A.R.L. or they can contact C.A.R.L. to discuss.

Young Person Protection Reporting Overview



In the process of safeguarding young people, the CEO, SSO or delegate will ensure guidance and support of all workers in the reporting process.

They will:

- receive the information as valid
- check that the Child Abuse Report Line has been notified
- consider immediate measures to protect the safety of the alleged victim
- ensure that Scouts SA does not undertake an investigation whilst the Child Abuse Report Line are responding, or the Police, or Department for Child Protection are investigating.

Care is to be always taken in receiving and responding to disclosures from young people and

older persons who may be particularly vulnerable in life and/or from other backgrounds and cultures. The needs of the child or the adult disclosing is the primary concern, and careful listening is important.

- 4.8 In addition to the requirements of mandatory reporting, all workers must also 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. Refer SCYP Policy, Section 4.

Further considerations in dealing with a report:

- When an alleged perpetrator is an adult in Scouting, following advice from the police and Department for Child Protection, Scouts SA will immediately suspend that person pending an outcome with no prohibiting reasons. A formal letter and email confirming this interim suspension from all Scouting activities will be sent to the Member immediately. If the person is a member of staff, the person will be suspended immediately by formal instrument at the Scouts SA sole and absolute discretion, until the matter is finalised to the satisfaction of Scouts SA.
- Where the alleged perpetrator is a young person, the same principles apply. Scouts SA will consult with the relevant authorities concerning a formal report on a person under the age of 18.
- The first requirement for action is to ensure that the survivor (victim) is safe and that others are not at risk. Scouts SA requires that Workers act, as far as practicable, to remove the alleged perpetrator (or the victim) from the scene until the matter is resolved to the satisfaction of Scouts SA.
- Where sexual abuse is alleged and a report has been made to C.A.R.L or the Police, Scouts SA will cooperate fully with those investigations.

5. General provisions in all cases of suspicion of risk of harm

- 5.1 The CEO, Chief Commissioner and SSO are available to provide crisis response and ongoing support and direction to workers throughout the entire process.

This may include but is not limited to:

- 5.1.1 External support or counselling services for the victim and family
- 5.1.2 The provision of advice (of the matter) to other members and parents and/or support if deemed necessary, but only at the instruction of Police or Department for Child Protection
- 5.1.3 The provision of appropriate external support or counselling services to others (including receivers of reports) in Scouting whenever this support is requested.

The victim and family are to be provided the contact details of the CEO and the Chief Commissioner.

- 5.2 A worker is not to inform anyone else of the suspected harm or risk of harm without the permission of the CEO, who in consultation with the Chief Commissioner will

determine who else should be informed of it. (There is a danger of defamation liability against the worker if ultimately an allegation cannot be proved).

- 5.3 Where a worker reasonably suspects that a young person is at risk of harm, and is not confident in making the notification, they are to be instructed to report the matter immediately to their supervisor who will then assist the worker to comply with the necessary procedures. Otherwise, the person should make the report directly to C.A.R.L. as soon as possible.

Where there has been a complaint against a worker of perpetrated harm or placing a young person at risk of harm, the continued engagement of the worker pending the final legal determination of the allegation, is to be decided - if a paid staff member - by the CEO, People, Culture and Capability Manager and a member of the Senior Leadership Team, and if a volunteer, by the CEO, the Chief Commissioner and the Head of Member Services.

- 5.4 The responsible personnel may for the period until the final legal determination of the allegation, and having due regard to relevant employee rights / fair practice, and HR contracts:

- Suspend the worker with or without pay
- Modify the duties of the worker
- Impose conditions on any continued engagement of the worker or on their involvement in the activities of Scouts SA
- Require that the worker not communicate with specified persons

- 5.5 However, the person will not be permitted to work with young people, or supervise workers who do, until an outcome is known with no prohibiting reasons. The purpose is to ensure the safety and protection of young people during this reporting and investigatory stage.

- 5.6 Scouts SA will responsibly and reasonably co-operate with government law enforcement and the Department for Child Protection in their investigation and any prosecution of harm.

- 5.7 No workers are to make any statement to the media about any risk of harm or actual harm (either suspected or formally prosecuted) encountered during their engagement with Scouts SA, and all inquiries about these matters from the media are to be referred to the CEO, and/or Chief Commissioner. (See **Section 2, Part C, paragraph 36**).

- 5.8 Workers are not to make any statements about any risk of harm or actual harm (either suspected or formally prosecuted) encountered during their engagement by Scouts SA to any alleged perpetrator or anyone associated with or representing that alleged perpetrator.

- 5.9 Upon receiving any report about risk of harm or actual harm, and a report having been made to C.A.R.L., the CEO should consult with the Chief Commissioner as soon as practicable about what steps should be taken in respect of it by Scouts SA.

5.10 The CEO is to ensure that all appropriate care/professional support is made available to all persons associated with Scouts SA who are impacted by an allegation. This support will align with relevant policies and procedures.

5.11 Workers are to be alert to any trauma related behaviours and indicators which may be the result of harm including:

- When a young person says that they have been harmed
- When a young person or adult says that they know of a young person subject to harm or
- Observations of a young person's behaviour, change in behaviour, emotional state and/or injuries.

Indicators in many cases overlap and can interrelate to all forms of harm and risk of harm. An indicator in isolation does not automatically mean that a young person is being harmed.

Workers should:

- Listen to the young person.
- Not ask leading questions.
- Reassure the young person that you believe them.
- Reassure the young person that what has happened is not their fault.
- Reassure the young person that telling you was the right thing to do.
- Document the young person's disclosure as soon as possible.
- When documenting the disclosure use the same terminology as the young person.
- Not make promises, which cannot be kept, such as confidentiality.
- Reassure the young person that there are people who can help to protect them.

A worker is not an investigator and must not do any detective work. Even if the harm that is disclosed has ceased, reporting it is still necessary to protect other young people from the perpetrator.

5.12 Where a person 18 years or over discloses that they were subject to harm while they were a young person these procedures do not apply. However, with their permission, the person should be supported to make a formal report to police.

6. Managing potential perpetrators

A child safe organisation is one that creates a culture, adopts strategies, and takes action to promote wellbeing and prevent harm to young people. As a child safe organisation Scouts SA will consciously and systematically create an environment where young people's safety and wellbeing is the centre of thought, values, and actions, and create conditions that reduce the likelihood of harm to young people.

In pursuing this intent, Scouts SA recognises that the *Child Safety (Prohibited Persons) Act 2016* has specific provisions and associated regulations relating to persons who are prohibited from working with children. Scouts SA will regard the safety and protection of young people as being paramount and will ensure that prohibited persons are excluded from any engagement in Scouts

SA child related services.

6.1 A person who:

- 6.1.1 is the subject of an unresolved complaint or suspicion of alleged harm to a young person or
- 6.1.2 is reasonably suspected by Scouts SA of having at any time engaged in harming a young person or placing a young person at risk of harm,
is not to be permitted access at any premises or functions controlled by Scouts SA relating to child or young people services.

Refer also to provisions in SCYP Policy section 7 for additional response measures.

The Scouts SA CEO in liaison with the Chief Commissioner, SSO and relevant Scouts SA Senior leaders, will manage implementation of this requirement.

PART B: WORKER AND YOUNG PERSON SAFETY RESPONSIBILITIES

7. Role of Workers

Any person in Scouts SA involved in young people related services must:

- Have a current and valid Not Prohibited Working with Children Check conducted by the Department of Human Services (DHS) Screening Unit, verified by Scouts SA
- Be emotionally suited to the role to be undertaken
- Be properly trained in mandatory reporting / awareness
- Have been selected for their role in work with young people after a proper investigation and screening of their suitability for such work (see sections 8-10 following)
- Have agreed to and signed a current agreement
- Have their performance in such work periodically reviewed.

8. Screening and selection processes

A major form of prevention relates to appropriate stringent screening and suitability assessment processes. Every worker engaged in young person related services must be interviewed and screened as suitable by the leader relevant to their area of service.

In addition to WWCC requirements, as detailed in section 9 below, all adult Members of Scouts SA must be willing to undertake a National Police Check as part of their membership application process. An additional National Police Check may be requested when there is a change of appointment or location for a member, or at any time the Branch decides.

Police checks are to be conducted for every adult at least every three years. No adult will be admitted to Scouting where a Police Check refers to any offence involving child abuse or sexual assault of any kind.

Scouts SA may deny or limit Membership for any other offence(s) at its sole discretion. Where there is an indication that an applicant has lived outside of Australia, the applicant must provide

an international police check as part of the screening process.

A panel which includes the Scouts SA CEO and the Chief Commissioner (or delegate/s), may be formed as part of an accountable recruitment, selection, and recommendation team.

At least two Referee Checks are required for all workers, and these will be checked as part of the recruitment process. Employment history will also be checked for staff applicants.

Scouts SA maintains a “Four Eye” approach to screening which involves the Branch Chief Commissioner and CEO agreeing on the suitability for any applicant where there is an offence listed on the submitted National Police Check. Decisions regarding suitability will be final and the applicant will generally be advised of the reason(s) the decision was made.

Following any approval for appointment, the induction process is to comprise a face-to-face discussion and include formal training in the Code of Conduct, the requirements of the SCYP Policy and these procedures, and the Rules of the Association.

The person/s who approves a member is responsible for ensuring these matters are addressed thoroughly.

Membership Safeguarding. Scouts SA requires the following safeguarding questions to be answered in all applications for Branch membership:

- Have you ever been found guilty of an offence of any sexual nature committed in Australia or in any other country?
- Have you ever been charged, reported, or defended in a court of law any allegation of sexual abuse, assault, or a sexual offence of any kind in Australia or in another country?
- Have you ever been (or are you currently) subject to any restrictions regarding your contact with young persons in any employment, volunteer, or personal capacity (other than any Child visitation rights as part of a Divorce Agreement)?
- Have you ever been dismissed or resigned as a volunteer or employee (or reported by any authority) for improper conduct relating to young people in any jurisdiction?
- Have you been named as the defendant in an intervention order, restraining order, apprehended violence order or domestic violence restraining order, or equivalent, in any jurisdiction?

In sum the screening process must include:

- Agreement to undergo a WWCC
- Evidence of a current valid WWCC which must be verified for accuracy through the Scouts SA DHS Screening Unit portal. Sighting an email will not be sufficient.
- An immediate report to the DHS screening unit if certain information becomes known concerning serious criminal offence, child protection information, or disciplinary or misconduct matters relating to young people
- Agreement to undertake a National Police Check (NPC) if an adult
- The completion of an application form
- A planned and prepared interview process approved by Scouts SA leadership
- Presentation of references
- The follow up of no less than two referees

- Agreement by the applicant to meet with CEO if required
- Agreement to read, agree, abide with, and sign the Safeguarding Children and Young People policy and Procedures document.

The responsibility for membership suitability for Scouts SA rests with the CEO and Chief Commissioner. Generally, other than for staffing appointments, new persons will not be appointed to worker roles within their first 6 months of being a part of Scouts SA.

9. Working with Children Checks

To meet the requirements of the *Child Safety (Prohibited Persons) Act 2016* all workers, contractors, governance team members, as well as all volunteers over the age of 14 years involved in children and young people related services, must have a current and valid Not Prohibited Working with Children Check (WWCC) issued by the Screening Unit of the Department of Human Services (DHS).

This must all be obtained as part of any membership application process.

Verification of WWCC's will be done online through the Scouts SA Portal accessed via the DHS Screening Unit in accordance with the *Child Safety (Prohibited Persons) Act 2016*, Section 17(1)(b) and Regulation 11(1)). All workers must obtain a WWCC every 5 years and undertake appropriate training every two years.

Scouts SA utilise a technology solution for WWCC registers, renewal dates and training compliance. A warning is given when a WWCC renewal is approaching, and the worker is deregistered as a Scouts member if it expires. Mandatory training is also monitored and communicated through this system. Ultimately the CEO and Chief Commissioner are the responsible people.

Workers who are found to have not undergone a WWCC, are required to immediately do so and cease working with young people until a Not Prohibited WWCC is obtained and verified through the Scouts SA Portal via the DHS Screening Unit.

If any current or pending worker refuses to undergo a WWCC check, they must not be appointed to any child-related position and must be excluded from any regular programs which involve them working with people under the age of 18 years.

A person waiting for their WWCC may not commence in a worker role until a valid and current 'Not Prohibited' WWCC is obtained and verified by Scouts SA.

If a WWCC determines a person is prohibited, it will remain the discretion of Scouts SA to permit individuals to serve within the life of the organisation that does not involve them working with people under the age of 18 years or managing those people who work with people under the age of 18 years. Depending on the nature of other offences, strict conditions may be applied to such an individual attending any Scouts SA program having regard to section 6 above.

Although a WWCC does not disclose outcomes, where Scouts SA becomes aware of any source

of sexual abuse related offences, this will preclude that person from having any contact with, or responsibilities in young people related activities, or managing people who work with young people. In some cases, an offender may not be permitted to attend Scouts SA premises or programs under any circumstances. All mandatory and criminal reporting obligations will be followed in such cases.

Any person undertaking any role in young people related services must complete and sign an agreement form which agrees to the WWCC requirement.

10. Working with Children Checks – Contractors

All contractors engaged to carry out work on Scouts SA premises where children and young people are present must produce a current and valid WWCC prior to being engaged/employed. The WWCC must be verified through the Scouts SA DHS portal process.

Where a contractor is simply delivering an item to an authorised Scouts SA worker, and will not be engaged in any contact with young people, evidence of a WWCC will not normally be required.

It is acknowledged that from time-to-time additional contractors are engaged to provide support in relation to special events/activities. It is unrealistic to expect those who fall into this category on a random basis to undergo additional training. In these instances, an authorised worker must be in attendance and accompany an “unauthorised” person at all times.

However, where possible a Working with Children Check (WWCC) should be obtained and verified.

11. Character Reference Requests

Any worker who is seen to be a Scouts SA representative is not to accept requests to provide a character reference for anyone known to have been charged with a criminal offence.

12. Worker identification

All workers involved in child related services should, while carrying out their appointed responsibilities, be clearly identifiable by wearing official uniforms or name tags for Scouting activities. Where this is not possible, workers will ensure young people know, or are able to identify, the workers clearly through an introduction session.

13. Punctuality

Workers should keep to timetables to the best of their ability. If an activity is running significantly overtime, parents should be notified as soon as possible of the new anticipated time that their child may arrive at the pre-determined point. If the activity is off-site and a delay has occurred, it may be appropriate to telephone one person who could inform all parents of the circumstances.

14. Moral wellbeing

Workers must ensure that any online streaming, television programs, videos, music, magazines and/or displays shown or used as part of the group's activities are suitable in content and appropriate to the age group represented. While official television and movie ratings should be observed, there will be situations where those in leadership will have the responsibility of approving the viewing of certain material. Every worker is expected to maintain a high moral code. Foul, demeaning, bullying, racist or sexist language is not acceptable, and will not be tolerated by anyone working with Scouts SA.

15. Sexual activity

Any form of sexual activity between a young person and an adult in Scouting is not permitted (notwithstanding if the young person has reached the age of consent or not) and must be reported to C.A.R.L. on every occasion, and to Scouts SA CEO or Chief Commissioner immediately.

The individuals concerned should be advised of any breach of law (where this is alleged) and the adult in charge of the activity or event must remove the 'offender' from the Scouting event or activity.

Any form of sexual activity between young people in which one or both have not reached the legal age of consent is a criminal offence and will be reported in accordance with this policy. Scouts SA will notify C.A.R.L. on every occasion.

In consultation with C.A.R.L., the young people concerned are to be counselled to desist from such behaviour and, at the discretion of the adult in charge of the activity or event, may be removed from the Scouting event or activity and returned to their home (or other nominated place of residence), the cost of which will be met by the parent(s)/guardian(s).

Where individuals have consensual sexual contact in the context of scouting activities and no unlawful act has occurred, Scouts SA may specifically decide to treat the matter within Code of Conduct provisions. In this case, the individuals concerned are to be counselled to desist from such behaviour in Scouting and, at the discretion of the adult in charge of the activity or event, may be removed from the scouting event or activity and returned to their home.

16. Inappropriate behaviour of a worker

Any person who is concerned about the behaviour of any worker in terms of harm or possible harm (as defined under s17 CYPS Act and outlined in this document section 3) must contact C.A.R.L. first and then refer the matter to the relevant leader for consideration of an appropriate response.

As role models for young people, and as ambassadors of Scouts SA, all workers and contractors will meet the following core behavioural expectations:

- treat all people with dignity and respect and without favouritism or discrimination

- be objective in carrying out organisation procedures, judgements, and reporting
- abide by all government laws, Scouts SA policies, procedures, and guidelines regarding the safety of young people
- promptly report and record all allegations or suspicions of harm in line with this policy
- promptly raise all concerns, issues, and problems with the relevant worker
- perform all tasks with diligence and the highest of standards
- maintain professional boundaries, physically and emotionally
- not establish connections with current young people other than at a professional level, and only use Scouts SA endorsed technologies.

All workers and contractors are expected to familiarize themselves with these broad expectations in all interactions with young people. Any concerns, issues and problems should be raised with the CEO, Chief Commissioner, and/or relevant Senior Scouts SA Officers.

A Code of Conduct to be signed by all workers.

17. Bullying and harassment

Bullying is a form of persistent harassment, which demeans, threatens, intimidates, or humiliates a person. For any worker to act in such a manner towards a young person is unacceptable, will not be tolerated, and must be reported as soon as possible to the CEO and / or the Safeguarding Officer (SSO).

Any form of bullying behaviour by young people within scouting activities will also not be tolerated and must be reported to the CEO and / or the Safeguarding Officer (SSO).

18. Young Person Safety Responsibilities

In Scouts SA:

- 18.1 All workers will make every effort to provide an inclusive and safe environment for all young people involved in Scout activities including special provisions of care and safety for those with physical, intellectual, or sensory impairments, and will respect the cultural values of all participants and encourage and support their involvement in cultural activities.
- 18.2 All workers will do everything reasonably available to them to promote the physical, emotional, mental, and spiritual wellbeing and safety of the young people who are involved in the life of Scouts SA ("the duty of care"). What is reasonable in a particular situation depends on its circumstances including the nature of the risk of harm to young people and the practicability of the steps needed to eliminate it.
- 18.3 While no set of detailed rules can be devised which when applied to a particular situation will define what is the applicable duty of care, the paragraphs in sections 8 to 32 of this document contain some processes that are always prudent to observe.

19. Participation of Young People

- 19.1 To instill a culture of safety and awareness, young people who attend any regular Scouts SA programs will participate in an awareness session, led by the workers who

oversee these activities. This will happen whenever there is first contact with a participant, and then at least annually. In particular, the process for feedback and complaints should be explained to young people and their family/carers at least annually. The following may serve as a useful guide to areas that should at least be covered:

- 19.1.1 Expectations concerning appropriate behaviour by workers and young people
- 19.1.2 When, how, and who to speak to if they feel uncomfortable
- 19.1.3 Protective behaviour strategies
- 19.1.4 Other rights, responsibilities, and expectations in line with the Codes of Conduct and the Safeguarding Children and Young People Policy
- 19.1.5 WHS information and procedures applicable to young person related services/programs
- 19.1.6 How to make a complaint or raise a concern over any matter.

For each of the above, workers will use consultation methods suited to each group, considering factors such as young person's age, developmental level, and cultural background. It will be important to plan ahead to ensure people have any interpretation support that may be required.

Parents should be notified of the details of such consultations ahead of time and also be made aware of the Scouts SA Safeguarding Children and Young People Policies and the Codes of Conduct which can be accessed on the Scouts SA website.

- 192 Information may be provided in the form of a simple hand out and/or a wall poster about services that can assist young people and their families (such as the Kids Helpline on 1800 55 1800 and Youth Helpline on 1300 13 17 19) in areas accessed by them.
- 193 Adults and young people (who are not prescribed mandated notifiers) can discuss or disclose harm related matters or seek support by contacting the Scouts SA CEO or SSO.
- 194 Young people and their parents should be enabled full opportunity to provide feedback, complain, or make suggestions about young people's services through the Scouts SA communications systems. This may include focused discussion sessions, survey, suggestion box, etc) printed feedback forms, as well as email, online, and verbal feedback. These avenues for feedback are advertised online. A copy of this policy document is also readily accessible to children and their parents via the Scouts SA website.
- 195 Scouts SA will disseminate annually (and more often as required) its latest communication and feedback processes to facilitate the handling of questions, comments, complaints, and compliments. This will be done through Leader Updates and direct email, to all workers.
- 196 As a matter of general practice Scouts SA will use every endeavour and opportunity to openly communicate with families and local communities about our child safe focus.

This includes canvassing young people, families and local communities for input and comment about our approach.

- 19.7 Our Code of Conduct and Safeguarding Children and Young People Framework are to be always readily available to our workers/members as well as to the public. This includes access 'online' and physically, by application. Our focus on child safe principles and our procedures is a public discussion.

20. Physical health and safety

The physical environment should always be such that the safety of young people is paramount, e.g., any electrical equipment used is in safe working order, floors are kept free of slippery surfaces, food is handled with the utmost care to as far as possible avoid contamination.

It is the role and responsibility of the Scouts SA Work Health and Safety (WHS) Officer to oversee all established WHS standards. Relevant accredited training must be undertaken for an appointed officer to carry out their duties.

Any faulty equipment/plant, which constitutes a hazard to the safety of a young person, should be immediately removed where possible, and its condition should be reported to the WHS Officer in writing, without delay. For specific WHS information refer to the Scouts SA WHS policy.

All these will be aligned with the prevailing Work Health & Safety and Risk Management Policy as approved by the Board.

21. Visitor Sign in

Visitors at Scout activities: All Visitors (including parents) to a 'closed' Scout activity (for example a major National event) are to:

- Sign in and out with an accompanying adult member or staff member (this does not apply to parents and guardians delivering and collecting children to/from Scout halls or major camps)
- Wear a badge clearly labelled VISITOR
- Be always accompanied by an authorised escort
- Be briefed (by the authorised escort) on and follow the Scouts Australia Code of Conduct
- Comply with the accompanying member's requests, including leaving if asked to do so.

Exceptions to this process may be granted by the "Camp Chief" of the event where the nature of the event (example: Jamboree) has determined special arrangements for the attendance of Visitors at the event.

Additional care and vigilance are to be incorporated in the risk management planning for 'Open Scout Activity' (such as activity at fetes, royal shows and in other public places). This may require additional adults to keep watch over activities.

22. Risk Management

Scouts SA recognises that it is not possible to eliminate all risks of young person exploitation and harm. However, through child safeguarding principles and strategies, Scouts SA aims to identify, mitigate, manage, and reduce the risks to young people in their operations.

Risk management is covered in more detail in the Scouts SA *Risk Management Policy and Procedures*. Risk assessment and risk management practices are embedded in procedures for all services, programs or activities authorised by Scouts SA.

In addition to general risk management, a specific priority is to minimise risks of harm of any kind to young people in Scouts SA care, and to ensure their physical safety in the buildings or activities of Scouts SA. Risk and safety assessments will be integrated into practice at every stage of intervention with a young person.

Any identified risks occurring in Scouts SA programs or its environment, will be assessed and recorded along with the specific action to be taken to reduce or remove the risks (i.e., risk controls) and the relevant worker will monitor and evaluate the effectiveness of implementation. This also means identifying, assessing, and minimising the risks of harm to young people because of the action or inaction of any other worker involved with Scouts SA.

Driving alone with a young person is not permitted. Cars must be registered and only driven by fully licensed drivers, in accordance with the conditions subject to that license and the type and class of vehicle driven.

All persons involved with Scouts SA who notice matters of concern, must raise these concerns with a relevant leader who will then determine the appropriate response in accordance with this policy.

23. Overnight Scout Activities

Scouts SA must approve of and endorse all camps and excursions as an official activity, and parental/guardian consent must be always obtained for activities that are conducted off site. All standards identified in this document in terms of transportation, young person management and ethical values apply.

In the case of camps and off-site special events, parents/guardians must be supplied (in writing) specific information about the activity, including venue, contact details, all proposed activities as well as transport and sleeping arrangements, emergency/first aid arrangements and the names of designated leader/s.

Special event medical information is managed through use of an independent application system (Operoo) that gives parents/guardians the control of who can access the information. If a young person is attending an event, a request to access that information by the event supervisors/leaders (just for the period of the event) will be sent to the parents/guardians for approval. The same process applies for regular leader access in a Scout Group.

For all activities conducted away from the Scout/meeting hall, an activity permission form is also completed in Operoo indicating the permission of parents/guardians for young people to attend these special Scouting activities.

Operoo is used by the majority of parents but not all. Where parents do not utilise the Operoo system they use the Y4 Advice Form.

Leaders who have the ultimate oversight and responsibility must be appointed and have undergone all relevant training and preparation for such events by the prescribed timeframes. All workers must have completed a Scouts SA approved mandatory reporting/child protection awareness training program as well as hold a current WWCC.

For camps/overnight activities, each person must have separate bedding and provision must be made for private changing and showering facilities. If adults are required to stay overnight with their child, they are not to sleep next to any child unless that child is their own, that is, not between children. This is understood as the joey / parent situation, where a parent can only sleep next to their joey and not another youth member in the hall etc.

Where adult leaders, who are not the parent of a young person, are required to supervise overnight sleeping arrangements, there will always be at least two leaders present and they must not sleep next to any child.

The guiding principle is that the young person feels safe and has a sense of privacy. Supervision should be within ear shot but not visual as much as possible. Adults are to avoid placing themselves in a situation where young people feel uncomfortable or compromised or where adult's actions could be misinterpreted. If further support is required for a specific young person, then a plan should be put in place with the parent prior to attending an overnight activity.

24. Travel

Driving alone with a young person is not permitted. When a young person is travelling in a vehicle driven by a worker or designated person, the vehicle will be driven carefully, always adhering to the legal speed limits and road laws. At no time should there be more passengers in a car than the number of seat belts which are in working order and available for use. Cars must be registered and only driven by fully licensed drivers, in accordance with the conditions subject to that licence and the type and class of vehicle driven.

While the registered owner may use motorcycles, the carrying of young people as a pillion passenger during official scouting activities without parental consent is prohibited. Hitch hiking is always prohibited.

No young person will be permitted to travel in a vehicle driven by a worker who possesses a learner permit or probationary licence unless approved and signed by a parent on form T4.

In the event of an accident in which any person is injured, the CEO, staff and parents must be informed as soon as possible. All state legislation regarding the reporting of an accident must be followed.

Negligent driving can have painful emotional and legal consequences. Anyone who is observed or reported as not driving according to prevailing road rules and generally accepted due care, will not be permitted to transport young people.

In addition, drivers must take young people directly to and from arranged venues and not spontaneously detour or make additional arrangements without parental/leadership consent.

No driver may provide transport if there is any possibility that they may be driving under the influence of illegal, illicit, or prescription drugs that can inhibit a person's ability to drive safely, or alcohol, or under any condition that would inhibit their ability to safely control a motor vehicle. It is the responsibility of the driver to inform senior leaders of any situation that may inhibit their ability to safely be in charge of a motor vehicle.

In addition, alcohol must not be consumed eight hours prior to or during young people scouting activities. The use of illicit substances is not permitted at any time.

On certain occasions (for example transporting a young person from venue to venue) it is possible that only one adult will be supervising. In these circumstances, prior informed consent (this may be verbal) is to be obtained from the parent(s)/guardian(s) of the young person concerned. In such a situation, care should be taken that the adult is never alone with only one young person, that is, the young person must always be in the company of another young person.

Other than for a young person in a clear emergency, adults must not travel alone with one young person in a motor vehicle, watercraft, or an aircraft (other than a two-seater glider or two seat powered aircraft, land yacht, or 2 seat watercraft such as canoes or equivalent) the use of which has the prior approval of the parent/guardian.

Under no circumstance must any adult accept a third party into travel arrangements without the prior informed written consent of parents (unless the third party is another Scout Member). A young person must feel safe and comfortable with the arrangements. This means that they must be asked. Adults are to avoid placing themselves in a situation where young people feel uncomfortable or compromised or where an adult's actions could be misinterpreted.

25. Supervision

Two Adults present: The standard when adults are supervising and conducting Scouting activities involving young people is that at least two adults are present (except in unforeseen circumstances such as an emergency). While the minimum ratio of adults to young people may vary from activity to activity, a minimum of two adults is always the preferred minimum required. This TWO DEEP requirement is to be the first consideration when planning any event or Scout activity. While an inability to achieve this standard should not preclude the Scouting Activity from occurring, every effort must be made to achieve the standard before commencement.

If TWO DEEP cannot be achieved, the situation and details of all attendees is to be recorded by the Leader in Charge. It is important to be aware that in terms of Section 50F of the *Civil Liability*

(Institutional Child Abuse Liability) Amendment Act 2021 'TWO DEEP' could be the only method of proving that an abuse could not have occurred. In this light, 'TWO DEEP' becomes a vital precaution to any misconceived conduct on behalf of adults, and for the legal position of the wider Association in law. This makes it imperative for all adults in Scouting to be advised that the TWO DEEP policy should be the primary standard.,

In consideration of the TWO DEEP action-requirement, 'private' messaging between an adult in Scouting and a young person (unless family) must be avoided. 'Privately messaging' a young person is considered the equivalent of going into a room alone with that young person and is counter to the requirement of never placing oneself in a position where your words or actions could be misinterpreted.

26. Internet, social media, and electronic communications

Internet access, email, social media and 'smart-phone' facilities are in most cases available for the purpose of communication, research, and business purposes.

In using these means of communication, workers hold positions of trust and leadership and are at all times prohibited from: sending, receiving, downloading, displaying, printing or otherwise disseminating material that is sexually explicit, obscene, profane, discriminating, fraudulent, offensive, defamatory, or otherwise in any way unlawful.

Media access: Where possible planned media access to young people must be authorised in writing by the parent(s)/guardian(s) in advance of any event.

Where this is not possible (unplanned) - every effort is to be made to contact parents/guardians to seek permission by the fastest means possible. If permission cannot be obtained, media access is not to be given.

Child abuse and grooming can and does occur on-line. It is important that adults do not place themselves in situations where their actions and communications could be misinterpreted. Adults must always include another adult (TWO DEEP) or a parent of the young person when communicating with young people on-line. This includes all forms of social media and emails. Leaders are to regularly remind young people of the Scout Law and Promise regarding 'respect' for others when on-line, and the dangers of sharing personal information with persons only known on-line.

Importantly, young people are to be reminded of the dangers of the increasing peer pressure to share very personal photographs on social media, on-line, on mobile phones or any other way. Young people are to be encouraged to report this pressure to their family or someone they trust for help.

It logically follows that adults in Scouting must not befriend young people on social media, nor respond to requests to befriend (except family). Adults in Scouting must not interact privately with young people in any form of social media. Where social media is used to organise trips and events (Scouting activity) a publicly 'open group' involving more than one adult and more than

one young person is to be used.

27. Photographs and digital images

Photographs: Adults in Scouting must refrain from taking photographs of young people unless they are intended for use by Scouts SA. Written permission must be obtained from the young person and their parents/guardians before photographs are taken for use by the Scouts SA.

This is best done by the parent/guardian approving the appropriate field on the membership application 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 young person concerned being photographed. Scouts SA always requires the positive approval of the young person and their parent/guardian prior to the taking of, or the use of photographs of young people. A young person or parent/guardian can withdraw their consent at any time. Images will not have any identifying information included that may be used by a third party to contact a young person (eg surname, residential location, hobbies, age etc).

Digital recording: Scouts SA acknowledges the difficulty in controlling the use of digital cameras, phone cameras and similar devices. Adults should exercise good judgment in this area on a case-by-case basis and always keep the rights and safety of the young person at the centre of any decisions. Adults and young people must not use recorders of any kind in sleeping, changing, or bathing (washing) areas.

28. External Parties

Contact by external parties: It is the responsibility of all adults to ensure, as best as practicable, that while engaged in Scout activities, young people are protected from unauthorised contact by external parties. Scouts SA maintains security procedures to protect young people and their personal data. This includes 'signing-in' processes at Scout HQ locations, and any site of a Scout activity, by third parties or 'visitors'.

Scouts SA also maintains a strict access policy (photographs) which demands parental consent before images can be used by Scouts SA and 3rd Parties.

All members must be alert to the dangers of 'remote access' to young people, for example: smartphones, cameras, internet (see 26 & 27 above), and other remotely controlled devices and this is to be included in the risk assessment for all major and branch Scout events.

Scouts SA requires that there is no contact by any adult in any scout activity with a young person, who has not yet completed WWCC / NPC screening.

29. Initiation/secret ceremonies

Initiations and or secret ceremonies are prohibited.

30. Meetings/Locations

To ensure that safety and integrity is maintained for all concerned, workers must always conduct

a one-on-one meeting with a young person in an area that can be private but not isolated and still within sight. Workers will not meet with an individual young person in a secluded/blind area. Where possible it is desirable that the room used for such sessions have glass inserts in doors, which will maintain confidentiality, whilst eliminating a secluded or blind area. Any form of touching in a secluded or blind area must always be avoided. Workers must not visit young people at home without obtaining parental/guardian permission.

31. Hiring out of Scouts SA facilities to outside groups

Groups privately hiring or using Scouts SA facilities where young people will be a part of that program must provide proof that persons responsible for any program relating to the care and supervision of young people, have completed a South Australian Government Child Safe Environment Compliance process and that workers have current, valid and verified WWCC.

32. Care/Support/Counselling

It is the responsibility of Scouts SA to ensure that all workers are made aware of the difference between a qualified “counsellor”, and a person providing “pastoral care” and support. The term “counsellor” relates only to a suitably qualified person.

Workers should always keep their CEO /supervisor informed of their service caseload, who they are meeting with, and who they are providing direction or support to via an ongoing process of supervision and support.

Any form of touching without permission is to be avoided unless for emergency or safety purposes. In a secluded or blind area touching must always be avoided. All touching of a sexual or suggestive manner is not permitted. Workers must not visit children at home or at isolated locations without obtaining parental/guardian permission, and if no other person is present.

PART C: Miscellaneous

33. Privacy

All information concerning young people must be kept confidential and only disclosed to authorised persons. Procedures for storage of information concerning young people should be managed by the relevant Scouts SA worker. Refer to the Scouts SA Privacy Policy as amended from time to time.

34. Communication

The Scouts SA Safeguarding Officer (SSO) will annually:

- Communicate the availability of these policies to attendees to the Scouts SA community.
- Encourage and facilitate feedback on all services/activities relating to young people (section 19 above).

35. Workers' awareness

The following is a brief outline only. If you wish to know more on these topics, you should seek further advice on them.

Workers should be aware:

- 35.1 Section 166 (4) of the CYPS Act protects workers against civil and criminal liability for having reported suspected risk of harm to C.A.R.L. under s30 & 31 of the CYPS Act. S163 (1) of the CYPS Act provides that the identity of a notifier to C.A.R.L. is not to be disclosed, but by the worker agreement this does not prevent some SA Scouts officers being informed of it.
- 35.2 By s165 of the CYPS Act it is an offence to cause detriment to a person who makes a report to C.A.R.L.
- 35.3 Apart from a report to C.A.R.L. a worker who informs another person of suspected risk of harm, which cannot ultimately be proved, can be liable for civil damages for defamation. Extreme care needs to be taken in sharing allegations to anyone other than C.A.R.L. and the Scouts SA CEO or delegate. In making an allegation a worker serving Scouts SA is likely covered by insurance against any damages, which may be awarded for defamation.
- 35.4 Other than for damages for defamation, the Volunteers Protection Act 2001 relieves an unpaid worker acting for the organisation from civil liability for any breach of duty provided they have acted in good faith and without recklessness.

36. Media Management

As a part of the Scouts SA commitment to open, accountable, and professional responses, the persons authorised to make media comment concerning matters pertaining to alleged breaches of the Safeguarding Children and Young People Policy and any other procedural matters relating to safeguarding young people, are limited to:

- The Scouts SA CEO or delegate
- President of the Scouts SA Board or delegate
- The Chief Commissioner.