

## 10.9 SCOUTS ACT CHILD AND YOUTH PROTECTION POLICY

### Statement of Commitment

1. The Scout Association of Australia, ACT Branch Incorporated (Scouts ACT) is committed to creating and maintaining the safest possible environment for children and young people in Scouting. Scouts ACT recognises the United Nations Convention on the Rights of the Child and seeks to ensure that young people and children are treated with respect and protected accordingly.
2. Scouts ACT is committed to complying with the Scouts Australia Child Protection Policy.
3. Scouts ACT has zero tolerance of actual or suspected abuse or neglect of any form towards children and youth.
4. Scouts ACT is committed to working with other Scouting and community organisations to provide a framework for continuous improvement of a best practice approach to child protection.
5. There are four key principles underlying this policy:
  - a. The best interests of the victim must always be the primary consideration.
  - b. All children and young people must be treated fairly and with dignity and respect.
  - c. All children and young people have the right to protection from all forms of harm, abuse, neglect, and exploitation.
  - d. All children and young people have the right to express their view on matters that affect them.
6. Scouts ACT is committed to:
  - a. Delivering programs that promote an inclusive and safe environment for all children, including providing care and safety for children with physical, intellectual, or sensory impairments.
  - b. Developing and delivering programs that promote an environment in which there is respect for the cultural values of all children and encourage and support the involvement of children of all backgrounds.
  - c. Ensuring that Members understand the rights and obligations of young people and leaders and the resources available within and outside Scouting to ensure that young people are safe when Scouting.

### Scope

7. This policy applies to all Members of Scouts ACT as defined in the Scouts ACT Constitution. The policy also applies to all employees, contractors, and other volunteers of Scouts ACT. For the purpose of this policy, the term Members includes employees, contractors and other volunteers of Scouts ACT. For the avoidance of doubt, Member includes Youth Members.

## **Child Protection Framework**

8. The BEC will approve, and the Chief Commissioner will implement, a Child and Youth Protection Framework (the Framework) that establishes procedures for reporting, recording, and managing of child and youth protection issues, including child abuse and sexual misconduct. This includes information on conducting inquiries.
9. The Framework will meet the Branches obligation to establish a comprehensive framework for Child and Youth Protection in accordance with mandatory requirements of the Scouts Australia Child Protection Policy, the recommendations of the Australian Human Rights Commission's National Principles for Child Safe Organisations and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.
10. The Framework will include procedures that comply with Territory and Commonwealth legislation, the Scouts ACT Constitution, the Scouts Australia Policy and Rules, the Scouts Australia Child Protection Policy, and this Policy.
11. All Members of Scouts ACT will comply with the procedures within the Framework, and any responsibilities the Framework assigns.
12. The Framework will be reviewed annually.

## **Reporting Child Abuse and Neglect**

13. All Members of Scouts ACT must report suspected or actual child abuse. This includes physical abuse, emotional abuse, sexual abuse, grooming, neglect, exposure to domestic violence and any other form of abuse.
14. Where a crime has allegedly been committed, child abuse must be reported to the appropriate police service. In all other cases where a member suspects or knows that a child is being abused or neglected, they must report it to ACT Child and Youth Protection Services.
15. Members must comply with the requirements of the Crimes Act 1900 (ACT) that requires all instances of suspected or actual child sexual abuse be reported to ACT Policing. This requirement applies to historical, current, and future events.
16. All allegations of child abuse, neglect and other child protection incidents must also be reported to the Child Protection Commissioner as soon as reasonably possible. This includes child protection incidents (including child abuse or neglect) that occur on Scout activities or outside Scout activities.
17. All child protection reports must be actioned without delay.

## **Suspension of Membership**

18. The Chief Commissioner, President or their authorised delegates may, on the recommendation of the Child Protection Commissioner, other authority, or based on available information, suspend a member (including a Supporter, as defined under the Scouts ACT Constitution), pending the outcome of any inquiry. The Chief Commissioner has delegated their authority to suspend a Member to the Assistant Chief Commissioner Health and Wellbeing.
19. In Child Protection matters, a suspension is mandated in the following situations:
  - a. The report contains allegations that a Member has committed a crime.
  - b. The report contains allegations that a Member has committed child abuse.
  - c. The report contains allegations that a Member has committed child neglect.
  - d. The report contains allegations that a Member's actions do not comply with expectations outlined in the Code of Conduct, National Child Protection Policy or the Scouts ACT Child and Youth Protection Policy.
20. A suspension may also be considered when a Member poses one or more of the following:
  - a. An unacceptable risk to the safety or wellbeing of other members of Scouts ACT
  - b. An unacceptable risk to the reputation of Scouts ACT as a child safe organisation.
21. When suspending membership, the ACC Health and Wellbeing must ensure that the Chief Commissioner, the Branch Office, the Appointments Committee, and the Branch Executive Committee are made aware of the suspension.
22. Suspensions will remain in place until membership is terminated or the suspension is lifted.

## **Termination of Membership**

23. Termination of membership will only be considered after Scouts ACT has conducted an inquiry.
24. When an inquiry recommends termination the Assistant Chief Commissioner Health and Wellbeing, or their delegate, will notify the Chief Commissioner in writing of the recommendation. If the Chief Commissioner supports the recommendation, the Chief Commissioner will notify the Branch Executive Committee. The Branch Executive Committee makes the final decision regarding membership status.
25. The Assistant Chief Commissioner Health and Wellbeing, or their delegate, will advise all parties involved that the recommended outcome of the inquiry is termination. Individuals whose membership is being terminated will be provided a letter to this effect.

26. Scouts ACT may terminate the membership of any member even if a Child Protection matter is under police investigation, not concluded or not resolved with certainty.
27. If a Member of Scouts ACT has their membership suspended whilst they are under investigation by Scouting or the civil authorities, a member may resign from Scouts ACT at any time irrespective of the stage of the inquiry into their actions. This may be recorded on the Appointments Committee list as a “resignation” until such time as the inquiry has concluded. However, the resignation will not prevent the inquiry from continuing, and does not prevent the individual from engaging with the inquiry. If the inquiry is completed and it is recommended that the individual should have been terminated (and this is subsequently approved by the BEC) the Appointments List will be amended to reflect that the person did not resign and were instead terminated.
28. Where a member is terminated because of concerns related to Child Abuse or Neglect, Scouts ACT will inform the Working with Vulnerable People (WWVP) Card Registrar.

### **Legal Compliance**

29. Members of Scouts ACT must comply with all Commonwealth and Territory legislation including:
- a. *Working with Vulnerable People (Background Check) Act 2011 (ACT).*
  - b. *Crimes Act 1900 (ACT).*
  - c. *Children and Young People Act 2008 (ACT).*
  - d. *Criminal Code Act 1995 (Cth).*
30. Scouts ACT will ensure that all members aged over 16 obtain and maintain a current WWVP card.
31. When attending activities interstate, Members must comply with the legal child protection obligations of that State or Territory. Members of Scouting from overseas or from other Scout Branches must comply with the ACT child protection legislation when in the ACT.
32. Adult members of Scouts ACT who are identified as “Mandatory Reporters” under the Children and Young People Act 2008 (Cth), must also comply with any additional reporting requirements.

### **Delegations**

33. The Delegate does not have authority to further delegate their authority unless explicitly authorised in this Policy or the Framework

### **Authority**

34. This policy replaces Policy 10.9 and was approved by the Branch Executive Committee on 24 February 2022.