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Dr Janine Bush
Executive Officer
Family and Community Development Committee
Parliament House
Spring Street
East Melbourne, Vic 3002

8 March 2013

Dear Dr Bush

RE: SCOUTS AUSTRALIA – VICTORIAN BRANCH SUBMISSION

This submission is made on behalf of Scouts Australia – Victorian Branch (Scouts Victoria) to assist the Committee in its enquiry into the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations.

The submission includes the following

1. Scouts Victoria's response to the Family and Community Development Committee Questionnaire
2. Supporting attachments

Scouts Victoria would also request that Committee treat information pertaining to its Public Liability Insurance as confidential and not make it available for public review.

On behalf of Scouts Victoria I would like to thank the Family & Community Development Committee for the opportunity to make this submission. I understand that this submission and the appendices may be made public. Scouts Victoria has no objection to this.

Yours sincerely

Martin Thomas - AFAIM, MAICD
Executive Manager & General Secretary
Scouts Victoria

SCOUT AUSTRALIA – VICTORIAN BRANCH - (Scouts Victoria)

Response to the Family and Community Development Committee questionnaire on criminal abuse of children within Organisations

PROCESS

Q. 1 The number and dates of complaints that have been received

Please refer to Attachment 1 for the list of child criminal abuse complaints received by Scouts Victoria.

Q. 2 The manner in which the complaints were or are treated or the processes, if any, put in place to deal with complaints including

a) The date the process was put in place

Since as early as 1938 Scouts Victoria has operated in accordance with a document originally referred to as Policy Organization & Rules (PO&R) and later called Policy & Rules (P&R). Before 1958 this document was issued by the British Association of Scouting and after 1958 the document was issued by the Australian Scout Association. The 1938 version of PO&R contained the following statement of policy in rule 72:

"In view of the responsibility to parents and of the dangers which have been found to exist, L.A.s. and D.Cs. must take every precaution to ensure that no one whose moral character is open in any way to suspicion should be admitted into the Movement, and they must show no false mercy in any case where such a person has gained admission."

In the 1947 edition of PO&R the following sentence was added to rule 72:

"Where circumstances indicate that a criminal offence may have been committed, the D.C.[District Commissioner] must see that the police are informed"

Although there have been variations in the drafting of this policy over the decades the above has remained a central tenet of Scout policy for example the 1961 version of PO&R contained the following rules:

"3/13 Applications for warrants as Group Scouters are made in the first place by the individual concerned. The application must be made on the form prescribed by BHQ and must be dealt with by the procedure set out in the following rules"

3/14 Applications must give the names of at least two persons of repute who will know the applicant personally and can vouch for his character and general suitability.

3/15 Applications from Scouters of sponsored groups must be approved by the Sponsoring Authority as prescribed in Rule 7/13 (4)

3/16 The DA (District Association) must satisfy itself in every case the applicant is fitted by character and previous history to be entrusted with the care of boys and has in particular

- 1. The necessary qualifications required by the rule relating to rank in question*
- 2. A full appreciation of the religious and moral aim underlying the scheme of Scouting*
- 3. Personal standing and character such as will ensure a good moral influence and sufficient steadfastness of purpose to carry out the work with energy and perseverance*
- 4. A willingness to avail himself of any facilities offered for training appropriate to his rank"*

"3/17 In view of the responsibility to parents and of the dangers which have been found to exist, DC's and DA's must take every precaution to see that no one whose moral character is open in any way to suspicion should be admitted into the Movement and they must show no false mercy in any case where such a person has gained admission. Where circumstances indicate that a criminal offence may have been committed, the DC must notify BHQ who will see that the police are informed."

“3/18 When a person whose character and past history are not fully known makes an offer of service to or seeks to be associated in any way with , the Movement or member of it as such the following procedure shall be observed

- 1. The appropriate scouter or other member approached or aware of the approach shall report it immediately to the DC*
- 2. If the DC knows or is able to ascertain enough about the person making the approach, he shall give prompt direction and /or advice*
- 3. If the DC, does not know and quickly cannot ascertain enough he shall at once consult his AC if his District is part of an Area or Branch Headquarters if it is not*
- 4. If the AC knows or is able to ascertain enough about the person making the approach, he shall give prompt direction and/or advice; otherwise he shall promptly consult Branch Headquarters*
- 5. In the case of an emergency or urgency or if it is otherwise impractical to consult the DC and/or the AC, a Group Scouter or other member shall consult the AC or Branch Headquarters directly*
- 6. Branch Headquarters, when consulted shall furnish a confidential report to the AC, if the relevant District is part of an Area, or to the DC if it is not and if the circumstances warrant it, at its discretion direct to another Scouter or other individual.”*

From about 1994 Scouts Victoria, although still subject to PO&R, developed and adopted its own specific Child Protection Policy (Attachment 2). In 1996 PO&R was rewritten as P&R and implementation of National Policy was devolved to State Branches, the 1994 Child Protection Policy seems to have been prepared in anticipation of this devolution. The 1996 P&R also introduced the concept of an Adult Code of Conduct which all leaders were required to agree to. Although reporting of inappropriate behaviour was at all relevant times a policy of Scouts Victoria and Scouts Australia the Code of Conduct had the following clause added to it in 2003:

“10 Adults in Scouting must report any conduct seen or heard that does not comply with the Code of Conduct.”

A copy of the current Code of Conduct is attached as Attachment 3.

The Branch Executive Committee of Scouts Victoria currently has before it for consideration at its March meeting a further more specific draft Reporting Policy. Attachment 4 is a copy of the draft policy.

b) The level within your organisation that was/is responsible for the handling of complaint

Scouts Victoria centralised its complaint reporting process in 1994 by requiring all complaints to be handled directly by Chief Commissioner or his delegated nominee at its State Office. The role of reporting allegations to the Police is the responsibility of the senior paid staff member of Scouts Victoria currently, the Executive Manager.

c) Any instructions issued within your organisation regarding reporting of complaints

Serious Incidents and Misconduct are referred to as a Reportable Incident and must be reported to the Executive Manager of Scouts Victoria. It is essential that all details relating to the Incident or Misconduct are recorded on an Injury, Illness or Incident Report form and sent immediately to the Executive Manager, a copy of this form is available from the Scout Association's website.

Scouts Victoria has a zero tolerance policy in respect of any criminal child abuse. All allegations must be reported directly to the Police. In the event that the alleged abuse is against an adult the practice of Scouts Victoria is to encourage the adult to report the matter to the police. In either case the leader concerned is immediately stood down from all Scouting responsibilities until such time as the Police have completed their investigations.

d) Whether there was any follow up in your organisation on receipt of a complaint, regarding the possibility of similar conduct the subject of the complaint in respect of others

The normal practice within Scouts Victoria is that on receiving a complaint, the person concerned is immediately stood down until such time as the complaint has been dealt with by the Police. Reporting the incident to the Police would not preclude a Scout

investigation of the person or persons concerned in regard to possible breaches of the Scout Code of Conduct and other Association Policies and Rules however the normal practice is for Scouts Victoria not to investigate matters while a police investigation is under way.

In addition to standing down leaders in the case of a complaint of criminal abuse, leaders in respect of whom no complaint is received but who have been accused of or charged with counts of inappropriate criminal behaviour are also stood down regardless of whether the incident occurred in connection with a Scout Activity or whether a complaint was received.

e) Was there any change in the process if the person the subject of the complaint had previously been the subject of another complaint

No – the matter would be reported to the Police and the person stood down

f) Any instruction or documentation setting out the protocols for dealing with complaints. If so, please provide the Committee with copies of such documents

Q. 3 Whether the manner in which complaints were treated or the processes of dealing with them has changed, and if so, the details of those changes.

Scouts Victoria has followed the same process since 1994 and continually provides details of its policies relating to inappropriate behaviour and requirements for reporting of incidents, to its members.

Q. 4 If the manner in which the complaints were treated or processed has changed, the number and dates of complaints and dates of complaints received since those changes were implemented

There have been no changes in the processes since the adoption of the Youth Protection Program Policy in 1994.

Q. 5 If the manner in which complaints were treated or processed has changed, whether those who made previous complaints were informed of those changes of their complaint reconsidered in accordance with those changes

Not applicable, Refer above

Q. 6 Whether complaints amounting to criminal conduct were or are referred to police and if so;

a) The number and dates of the complaints that were referred to Police

Please refer to Attachment 1 –

b) Any process, instructions or recommendations within your organisation made to facilitate police inquiries on receipt of a complaint. Please provide the Committee with copies of any relevant documents.

Refer to Youth Protection Program, PO&R, and the Code of Conduct.

Q. 7 What process is in place in your organisation if a complaint is rejected

The reporting of an incident to the Police and their subsequent action including not proceeding with a prosecution does not preclude a Scout investigation of the person or persons concerned in regard to possible breaches of the Scout Code of Conduct and other Association Policies and Rules and cancelling their membership of Scouts Victoria.

COMPENSATION SUPPORT

Q.1 Whether the person making the complaint (a complainant) has received financial compensation from your organisation

Scouts Victoria does not pay compensation to complainants. Any claims for compensation are handled by the Association's insurers.

Q.2 The number of complainants who have received financial compensation from your organisation

Since 1983 Scouts Victoria has only two recorded case where its insurers have paid financial compensation.

Q.3 Whether any financial compensation received by a complainant is the subject of a confidentiality agreement. If so, please provide the Committee with the form of confidentiality agreement

Scouts Victoria does not have a policy of requiring confidentiality, however terms of settlement negotiated with insurers may contain confidentiality clauses as is common.

Q.4 Were there any instances where a person's conduct was the subject of more than one confidentiality agreement. If so, the number and dates of occasions that this occurred

Based on the records available we are not aware of any instances of this nature

Q.5 When, if at all, was insurance taken out by your organisation to cover liability arising from complaint

Scouts Victoria has had public liability insurance policies in place since 1956 which include molestation cover. The contents of our Insurance policies are confidential and we would request that the committee respect this confidentiality.

Q. 6 Whether your organisation has set up its own process for claiming and determining compensation as a consequence of a complaint

Scouts Victoria has not set up its own process for claiming or determining compensation

Q.7 If your organisation has set up a process for compensation, does that preclude a complainant applying for compensation elsewhere

Not applicable - Please refer to Q.6

Q.8 If your organisation has set up a process for compensation, is the process conducted by an external body, an external body appointed by your organisation or an internal body of your organisation

Scouts Victoria has not set up its own process for claiming or determining compensation

Q.9 What supports, if any, including counselling, was or is a complainant offered once a complaint is made

Scouts Victoria has no formal process in place to provide counselling to a complainant, each case is dealt with on an individual needs basis

CONSEQUENCES OF COMPLAINT

Q. 1 What procedures are adopted in respect of the person the subject of a complaint

It is the practise of Scouts Victoria to stand down the person or persons concerned and inform them that they are to have no further dealings with Scouts until the allegation against them have been investigated by the Victorian Police.

Q. 2 Whether your organisation or an external agency is responsible for any disciplinary action being taken against the person the subject of a complaint

All complaints of child sexual abuse are referred directly to the Victoria Police

Q. 3 Whether the details of a complaint and the person the subject of a complaint are recorded and available to others in the organisation or to the public

The complaint is recorded in the Scouts Victoria Incident register, an incident file is created and the Victorian Police are notified. Scout Associations in other States are also able to request a background check be done on adults who have relocated from Victoria and wish to join their organisation.

Q. 4 What procedures or processes if any are adopted to reduce the risk the person the subject of the complaint will re-offend

If a person has committed an offence, their Membership is cancelled and their details removed from the current membership data base. The incident file is noted accordingly and Membership would not be renewed

Q. 5 When were such procedures or processes to reduce the risk the person would re-offend put in place

It has always been the practice of Scouts Victoria to reject applications for membership by persons who have committed criminal offences, especially offences of this nature.

REVIEW / POLICY

Q. 1 Whether there are avenues for review / appeal of a decision made regarding a complaint

There is no right of appeal if membership is cancelled as a result of the person committing a criminal offence of this nature.

Q. 2 Whether any review /appeal is carried out by an external body, an external body appointed by your organisation or your organisation

As above

Q. 3 What, if any accountability mechanisms apply to your organisation's policy/process and are they open to outside scrutiny or review

All adults in a Leadership role within Scout Victoria receive an Information Handbook at the start of each year which outlines our key policies and the incident reporting process. The Policies and procedures of Scouts Victoria are also available to members on its website. Key policies are also available to members of the public via the Scouts Victoria website. Additionally adults wishing to join Scouts Victoria are required to,

1. Complete a National Police check
2. Hold a valid Victorian Working with Children's Card
3. Agree to and sign the Scout Associations Code of Conduct and abide by its Polices & Rules
4. Agree to undertake the training appropriate to the role they wish to take up
5. Undertaken suitability interview with their Group Leader and District Personal Committee
6. Provide two personal referees