



# SCOUTS AUSTRALIA

VICTORIAN BRANCH

## INAPPROPRIATE CONDUCT OR BEHAVIOUR POLICY

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### 1. Purpose

- 1.1 The Scouts Australia Victorian Branch *Inappropriate Conduct or Behaviour Policy* has been developed to provide guidelines for responding to an allegation of inappropriate conduct or behaviour by an Adult in Scouting acting in an official Scouting capacity on behalf of the Victorian Branch.
- 1.2 The policy supports the Branch Risk Management Policy, meets requirements of the Branch Public Liability Insurance Policy and will support any action taken in regard to inappropriate conduct or behaviour.

### 2. Definition

- 2.1 “Adults in Scouting” means Leaders, other adult Scouters and Lay persons.
- 2.2 Allegation includes a complaint or other information relating to conduct, which if proven to be true, would constitute inappropriate conduct.

### 3. Background

- 3.1 The Scout Association operates under a Code of Conduct that provides for Adults in Scouting to conduct themselves appropriately whilst involved in Scouting activities. Adults in Scouting need to be aware of the responsibility placed on them by the Association and the trust placed in them by the parents of the youth members. The Code of Conduct places an expectation on Adults in Scouting that they will act responsibly at all times and exercise a duty of care to youth members and other members of the Association.
- 3.2 To assist in ensuring that appropriate Leaders are recruited, a rigorous selection process is undertaken. Prospective Leaders are interviewed by a Group Leader and/or District Commissioner and by the local Personnel Committee to ascertain their general suitability for the role for which they are being recruited.
- 3.3 Referee, Police Criminal Records and Working with Children checks are conducted as part of the selection process for Leaders and Lay persons.
- 3.4 Following selection, Leaders are provided with a comprehensive training and development program, including the provision of support through a Personal Leader Adviser. Leaders are required to complete refresher training after any break in service and undertake ongoing training and development activities.
- 3.5 Regular reviews are conducted with Leaders to monitor their performance and suitability for the role in which they are working.
- 3.6 People recruited to a Lay person role are to be subjected to a selection process and be fully briefed on the duties and responsibilities of the role they are to undertake. Regular meetings should be held with the person to review their performance.

## 4. Managing an Allegation

- 4.1 Inappropriate conduct includes, but is not limited to:
- (a) a breach of the Code of Conduct for Scouting
  - (b) theft of Scouting resources
  - (c) a breach of personal safety precautions in relation to any Scouting activity
  - (d) a breach of Scouting policy
  - (e) assault on a youth or adult member or other person
  - (f) physical abuse of a youth or adult member or other person, or
  - (g) sexual abuse of a youth or adult member or other person.
- 4.2 If the allegation is of a nature that could be a breach of criminal law, the person reporting it should be encouraged to also report the matter to the Victoria Police. This would not necessarily preclude a Scout's investigation being conducted in regard to possible breaches of the Code of Conduct.
- 4.3 If an allegation is made against an Adult in Scouting the District Commissioner (DC), Regional Commissioner (RC) or Branch Commissioner (BC), dependent on the organisational location of the Adult in Scouting, will, considering the information available at the time, determine whether the Adult in Scouting is to:
- (a) remain in their current role
  - (b) be temporarily placed in another role, or
  - (c) be stood down from Scouting duties.
- Note: If the alleged incident has occurred during a special activity, eg. a Jamboree, the nominated leader in charge will make the determination.
- 4.4 The DC, RC or BC considering the allegation must not permit an Adult in Scouting, the subject of an allegation, to continue to carry out any Scouting duties unless and until the DC, RC or BC is satisfied that it has been established that there is no material risk of a future breach occurring by reason of the Adult in Scouting continuing to carry out those duties.
- 4.5 If an Adult in Scouting is stood down from Scouting duties the Chief Commissioner is to be informed immediately.
- 4.6 At any time, an allegation may be referred to the Chief Commissioner, or the Chief Commissioner may at his or her own initiative, assume responsibility for an allegation. The Chief Commissioner may then deal with the allegation as a discretionary matter in accordance with paragraphs 4.7 to 4.9. The factors which may cause the Chief Commissioner to assume responsibility for an allegation or which may cause the DC, RC or BC to refer an allegation to the Chief Commissioner include, but are not limited to the following:
- (a) Where dealing with the complaint in accordance with management procedures, would disclose the identity of a person or of confidential information in circumstances where that identity or information must or should reasonably be

kept confidential;

- (b) the seriousness of the complaint; and
- (c) the extent of future harm to any person or to the Association if the allegation were to be true.

4.7 Unless an allegation is dealt with as described in clauses 4.8 and 4.9, the allegation is to be dealt with in accordance with the management procedures set out in paragraph 4.10 to 4.15.

#### **Discretionary Procedures**

4.8 When dealing with an allegation as a discretionary matter, the Chief Commissioner may, in the Chief Commissioner's unfettered discretion and without any obligation to give notice, to permit a hearing, to afford natural justice or to give reasons:

- (a) withdraw a Leader's Certificate of Adult Leadership (COAL);
- (b) withdraw the Adult in Scouting's membership;
- (c) direct the Adult in Scouting to undertake refresher training and/or development;
- (d) direct the Adult in Scouting that he/she is to conduct Scouting activities only under supervision (this could be for a designated period);
- (e) advise the Adult in Scouting that he/she is to be placed in a different role within their current or a different section;
- (f) advise a Lay person that their authority to act as a Lay person has been withdrawn;
- (g) take no action, or
- (h) refer the matter for determination in accordance with the management procedures set out in paragraphs 4.10 to 4.15.

4.9 Without limiting the Chief Commissioner's unfettered discretion, a decision under paragraph 4.8 may be made by the Chief Commissioner if the Chief Commissioner considers that a person is unsuitable to remain as an Adult in Scouting at all, or in a particular capacity, or if the Chief Commissioner considers that there is a material risk of a breach of the Code of Conduct by that person in future, if the decision is not made. The Chief Commissioner may make the decision without the need to conclude that any past breach of the Code of Conduct has been proved.

#### **Management Procedures**

4.10 When dealing with an allegation under the management procedures, the DC /RC / BC will immediately initiate an investigation of the matter by an independent investigator external to the Group, District, Region or Branch. Advice on the conduct of investigations is available from the Branch Personnel Committee.

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

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

4.13 On the completion of the investigation the DC / RC / BC will consider the recommendation/s of the investigating officer and determine that one or more of the following actions is to be taken:

(a) advise the Adult in Scouting that no further action is to be taken;

(b) direct the Adult in Scouting to undertake refresher training and/or development;

(c) direct the Adult in Scouting that he / she is to conduct scouting activities only under supervision (this could be for a designated period);

(d) advise the Adult in Scouting that he / she is to be placed in a different role within their current or a different Section;

(e) advise the Leader that it has been recommended to the Chief Commissioner that his /her Certificate of Adult Leadership (COAL) is to be withdrawn; or

(f) advise the Lay person that their authority to act as a Lay person has been withdrawn.

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

4.14 The Adult in Scouting is to be advised in person and provided with a written record of the action that is to be taken (see Annex B);

4.15 On the completion of an investigation, a copy of the investigation report and any other documentation is to be forwarded to the Victorian Branch Service Centre.

## **5. Appeal**

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

Annex A – Draft letter to Adult in Scouting notifying them of an investigation

Annex B – Draft letter to Adult in Scouting advising outcome of investigation

### **Notification of Investigation**

Dear

I have been advised that you have acted in a manner, which if proven to be true, could be a breach of the Scouting Code of Conduct. It is alleged that on (date and time) at (place) whilst involved in (outline Scouting activity) as a (role at the time) you (outline of conduct or behaviour).

I have appointed (name of person) to investigate this matter and you will have the opportunity to speak with that person to explain your understanding of the circumstances and if you wish have a support present at the time. I will keep you informed of the progress of the investigation.

Until the investigation is completed you are to:\*

- Remain in your current role;
- Be temporarily placed in another role; or
- Be stood down from Scouting duties.

(\* insert as appropriate)

If you have any questions on this matter at any time please contact me on (Telephone Number).

Yours in Scouting

### **Advice of Outcome of Investigation**

Dear

I refer to the letter dated (date) advising that an investigation was to be conducted into an allegation that you may have acted in a manner, which if proven to be true, could be a breach of the Scouting Code of Conduct.

The investigation has been completed and as a result I have determined that:\*

- No further action is to be taken;
- You are to undertake the following refresher training and or development (insert details)
- You are to conduct scouting activities only under supervision (this could be for a designated period);
- You are to be placed in the role of (insert role);
- A recommendation will be forwarded to the Chief Commissioner that your Certificate of Adult Leadership (COAL) be withdrawn; or
- Your authority to act as a Lay person is to be withdrawn.

(\*insert as appropriate)

If you wish to appeal against this determination your appeal should be submitted in writing to the Chairman, Branch Personnel Committee, Scouts Australia, 152 Forster Road, Mt Waverley 3149 within 21 days of the date of this letter.

Yours sincerely