



## GUIDE TO THE ACTIVITY E1 FORM.

# Leader Support Guide

### Why do we have the E1 Form?

The E1 has been carefully developed to achieve a number of important outcomes including, especially, the protection of our leaders. It is a product of careful evaluation of:

- cases before the courts;
- findings and recommendations by Coroners to the Department of Education and others;

which establish the extent of our duty of care and the breaches of it (negligence).

The old concept of an indemnity form has been proved worthless and in recent times we have, in common with other organisations, adopted a procedure to provide the leader, the youth members and the parents with vital information coupled with a medical authority which meets current requirements.

We emphasise that the E1 is **not** an **indemnity** form but is a document designed to secure **informed consent**.

Such consent focuses on the answer to the question "What information did you provide to your people?"

To reiterate: this is all done to ensure that we fulfil our obligations to inform parents adequately and offer them a contact person and/or number to ask any further questions so that they can give a **fully informed consent**.

These requirements protect both youth members **and** those who follow the correct procedures, which, today, are much more critical than they were even ten years ago.

The properly completed form provides incontrovertible evidence as to the information furnished to parents and guardians. Legally, it has the additional advantage and value that it offers those same parents and guardians every opportunity to clarify any matter of concern before they sign the form.

In filling out the form, you must ensure that you provide as much detail as a parent or guardian unfamiliar with scouting and its activities would need to have in order to make a **properly informed** decision to permit participation by their child in the proposed activity. It is in that context that the details panel on page 2 is designed to allow for more information to be included.

That provision invites parent/guardians: "**If you have any questions please contact .....** **on.**" All leaders **must** complete this information before distributing the form. Thus in defence of any claim of negligence the leader can respond: "*I provided all the information I thought you could possibly need to be able to make a proper decision and also invited you to ask any further questions which you may have.*"

As an example if a parent or guardian has concerns then he or she can communicate that concern, e.g. "How high are the abseil cliffs?", "Do you use safety ropes?" or "Will my child be drinking town water or water out of a creek?"

We need to have had the parent fill in THEIR emergency contact in the box on the first page.

### **WHEN is the E1 Form REQUIRED to be filled in?**

Generally, you do not have to fill in the E1 form for activities within close proximity to the Scout Hall.

This is on the basis that parent/guardians have given their informed consent to the usual types of activities which youth members will be participating in on those nights when they are based AT the Scout Hall.

We **STRONGLY** recommend that at (or before) the time Youth members are inducted, parent/guardians are provided with some Group/Section specific material which outlines particular activities which Youth members from that Group/Section might regularly

undertake. For example, some groups may regularly play games on an oval **adjacent** to the hall, or carry out orienteering activities in the bush around the hall. Sea Scout Groups will regularly go canoeing, rowing or sailing within well defined areas adjacent to the Hall. If these are regular activities which those Group/Sections carry out AND the Scout Group can show that the parents would have expected those types of activities to be generally undertaken by their children, then an E1 form does NOT have to be filled in for them.

However, if it is the same type of activity BUT **not** within the expected proximity to the hall then an E1 Form DOES have to be filled in (e.g. a wide game 10kms from the hall rather than 100 m).

For more examples see the Frequently Asked Questions at the end of this document.

## COMPLETING THE FORMS

### Step 1 Check on the internet that you are using the latest version

You can check this information (the version number) from the Forms page

[Note the **current** E1 is now Part I/Part II (the first 2 pages) and Part III (the last 2 pages).

### Step 2. (Participants & Parents Advice Parts I & II)

Part I.The Activity Coordinator (who might be the same person as the Activity Leader) fills in the first 8 lines at the top of page 1, and the line immediately above the signatures which says "*If you have any questions please contact.*"

For method of transport: you can put 'Own transport', 'Meet at hall', 'Parents are car pooling', 'Please see 'details' section for transport details'.

For leaving time: if its 'own transport' leave blank.

Time on line 4 and/or 5 If uncertain, for one day events the common quick fix is to either put the time details in the 'details' section OR use the 'Leaving time' or 'From' section on line 4 to put the start and finish times for that date and in two day events, where they go home to sleep and come back for the second day, that date and times on the next line (5)..

Emergency contact: On this page it is for the **parents to complete** their emergency contact details **during the activity**, in case **you** need to get in touch with **them** during the activity.

*The rest is for the parents to fill in and Leaders should avoid attempting to put in details. This prevents the parents claiming they didn't fill in illnesses because they thought they only had to sign the permission, when they saw the names and addresses etc. had already been added by the leader. It happens, especially when they are complaining.*

### Step 3. (Participants & Parents Advice Parts I&II)

Part II. (If filling it in on the computer then the first 7 lines are automatically filled in).

All three boxes need to be ticked if you know the answers. If you don't, then make a comment in the 'Details' box. e.g. 'An adult female will also attend if there are female scouts at the activity.' (The adult female doesn't have to participate in all the specified activities, just be there.)

Emergency Contact: This is for the emergency contact for parents if they are concerned. It doesn't have to be a Leader just someone accessible during the activity, often a Leader's partner; this shouldn't stop it being another Leader who isn't going.

Details Section: This is the most important section from the Leader's point of view. This is where you can prove you gave the parent enough information so they could make an **informed decision** before signing any permission.

A one line 'We will be camping' is NOT sufficient. You should provide some **reasonable** explanation of what will happen (*not all scouts have been to camp before*).

*(The adequacy of the information provided and proof it was provided has saved a few people in Court cases. This is where the "if you have any questions" on page 1 pays off. If parents complain at a later time they 'didn't know that' and it wasn't in the details section and yet there was a reasonable amount of detail they*

*then can be asked “Why didn’t you ring?” Scouts or the organisers offered to answer questions.”*

**Sample Details:** *(These are based mainly on questions and complaints we have received from parents)*

- A. The Scouts will be sleeping in same sex tents; cooking own food on LPG stoves: there will be swimming in the river (buddied up with another scout for water activities), as well as other appropriate bush type activities. *and/or*
- B. In addition there will be some abseiling training on an 8 metre high rock face. They will be closely supervised by two leaders who both hold senior abseiling qualifications. Each scout will wear a helmet; be in a safety harness; as well as being attached to a safety line (a belay). *and/or*
- C. In addition there will be some canoeing and each scout will wear a ‘personal floatation device’ and buddied up with another scout. *and/or*
- D. This is a water activity which features youth members experiencing boating activities, and learning the safety actions needed around and in boats
  - The boats available are small sailing boats that hold two people and canoes. Each craft carries an experienced older scout to assist the youth member acquire the necessary skills.
  - At all times the boating is in sight of the shore, under constant supervision by an adult, who in turn is in contact with the rescue boat which is on the water.
  - All those attending **MUST** wear the personal floatation devices that are issued (often called life jackets)
  - Safety lectures are given on arrival. *and/or*
- E. Parents please remind you child to take his/her water bottle on the hike, not good if forgotten.

**Step 4.** Part III (Activities and Rescue pages)

Common sense must prevail. On the first of these pages you only **need** to fill in the relevant boxes. For example if a standing camp at a local training camp map references and alternate routes are not really necessary. However, it would be **vital** for hikes in to the forest or mountains. Ensure all appropriate lines are completed and boxes ticked, you can never provide too much information.

All details **MUST** be filled in on the last page. However, to meet the 14 day lodgment it might not be possible to give all the names of those participating at an early stage.

**If** you cannot provide all the participants’ names before lodging this E1 then ensure a full list, with changes, arrives with the appropriate people before the activity. **BUT** make sure you note this will happen in the section where the names should go.

**Step 5**

When checking the parent/participant’s returned form, prior to camp, you look for 3 things:

- I. Has the parent put in the identifying details of the child and signed the form. (NO? Then back it goes to the parent).
- II. Has the parent indicated if the child can swim 50 metres, or can participate in the activities by ticking those particular boxes, **no - they haven’t**? Simple answer: that particular Scout can’t participate in those activities. Fairness would indicate the need to explain to the Scout what he/she will miss, and get them to take the E1 back to their parents. This helps guarantee the Scout will have the parents tick the correct boxes very quickly. (When sent back to be completed the parent should initial the ticks so you can be sure the Scout didn’t simply go outside and do it themselves).
- III. If the parents haven’t indicated any illnesses that’s their prerogative, as is providing a Medicare number. *We don’t ask for Health or Ambulance Fund anymore, too many parents complained about Scouts authorising private care, it is the parents’ choice not ours. The care the Scout gets is the same until the hospital or doctor talks to the parents. Ambulances now send the*

*account to the patient for lodgment with their fund.*

As always note the medical conditions marked, on the front and back of the first page, and ensure you are up to date on how to administer first aid to these conditions and if necessary make appropriate arrangements. e.g. No peanut products/oil if you have a Scout with peanut allergy, and advised parents to ensure their children don't smuggle in peanut products.

### **Points to remember:**

E1s are for one specific activity on the mentioned dates, the information relevant to that specific activity. It's preferable to give too much, rather than not enough information to parents and authorities.

#### **The form must show who and how many are participating in the activity.**

In an emergency the police and other authorities involved in rescue consider it essential to know how many are in the party and we need to know who they are so as to be able to immediately communicate with parents and guardians. If, two weeks ahead, despite a leader's best endeavours, he or she cannot be precise, then the leader should give as accurate an estimate as possible.

It is quite permissible (as the form indicates) under the heading "Participants" on page 4/4 to enter "See attached list" and then simply update the attachment (and send it to those who need to have it) as changes occur.

Changes at the last minute which do not permit the sending of an updated attachment should be notified in person or by phone call to the Emergency Contact who will then pass that information on to the Local Area Contact (LAC).

#### **The identity and details of the Emergency Contact must be current.**

If there is any change in the Emergency Contact then all parents, guardians and others must be immediately informed. If such a change occurs in time for the leader to notify the parents etc. then the leader should do so. If the change occurs at a time and in circumstances where the leader may not be aware (e.g. the Emergency Contact falls ill) then it is the responsibility of the Emergency Contact or some person delegated by him or her.

The Emergency Contact person does **not** have to be a member of scouting.

## **SOME QUESTIONS AND THEIR ANSWERS**

### **1. Does a leader responsible for an activity have to fill in an E1 if the activity is in the nearby park?**

No - see the ScoutSafe Risk assessment forms which should be displayed on the inside wall of the scout hall which identifies those activities where an E1 is necessary. Those forms can be found on the website at:

<http://www.nsw.scouts.com.au/leaders/ScoutsSectionContent.aspx?Id=429> (After the E1 forms, before A2)

### **2. What is "close proximity" to the Scout Hall?**

This varies depending on whether the activity involves Joey scouts, cub scouts or scouts (and to a lesser extent venturers and rovers) but as a general rule would be a combination of:-

For Land Activities within approximately 2 kilometre radius of the scout hall, for Sea Scouts water activities - within well defined limits not more than 1 kilometre radius of the Hall.

What a reasonable parent or guardian would expect to be a normal part of the section's meeting.

### **3. What if the youth members are travelling in cars not driven by their parents or someone on behalf of their parents?**

You need parental permission for them to travel in any other private vehicles - see LSG25.

### **4. Is it true that I have no indemnity and can be sued if I don't have a signed E1 form and whilst out on an activity a child is hit by a car crossing the road?**

Whether you have a signed E1 or not your duty/liability is the same. The leader must establish a reasonable level of care e.g.:

- a) the crossing of the road was personally supervised.

- b) the youth members crossed in an order manner such as one six at a time, holding hands.
- c) all risks had been assessed along the lines of the ScoutSafe Risk Assessment guide sheets displayed on the inside wall of the scout hall (available since 2006),
5. **Why don't I just get one or a bundle of E1's signed at the beginning of the year to cover all activities?**
- Don't even think of it! All the requisite information has to be provided for **each** activity otherwise there cannot be **informed consent**.
6. **What is the activity number?**
- Up to the leader - it is an identifying number which the person responsible for the activity can allocate to it. This may change with the advent of electronic form entry.
7. **Why does there have to be complete medical details each time - that is on file from when the youth member joined?**
- Simple - like all of us youth members can have their medication changed, suffer new illnesses (such as diabetes) develop a serious allergy (e.g. asthma) or even break a limb!
8. **Is a risk assessment required for normal meetings?**
- Yes, that is what **Be Prepared** is all about. The reason the ScoutSafe Risk Awareness chart is displayed inside the hall is so that it can be a guide for all activities including meetings. If there is an accident one of the first questions asked is "Was a risk assessment carried out". It is recognised that a leader cannot think of everything. But he or she needs to be able to show that commonsense was used in making a reasonable assessment of potential risks and a means of minimising them.
- If the hall does not have a laminated ScoutSafe Risk Assessment chart on display then a copy can be downloaded from the scout website [www.nsw.scouts.com.au](http://www.nsw.scouts.com.au) under "Leaders", then "Policies", then "Forms" - it is immediately after E1 forms and before the A2 Form.
9. **If it is not clear whether I should be sending in the Part III, Activity & Rescue Information sheets, what do I do?**
- If in doubt "go for broke" - fill in them in and lodge them. (for overnight/ bush activities/air/alpine/ rock related / or other potentially hazardous activities.
10. **If we are making it a group activity can I add our travel plans to a Region E1 before sending it out?**
- Yes, on page 2/4 in the "Details" show the group plans as specific to the group together with any other Group specific information.
11. **What happens if I don't bother with an E1 at all?**
- You are on your own! You will not have the support of the movement nor any coverage under its insurance.
12. **What happens with the E1 form?**
- The leader responsible for the activity completes the top half of Part I, all of Part II. The parents or guardians complete all the details in the 'participants details section on the bottom half of page 1, including their name and address details. Part I must go to the Activity with the person responsible for the scouts.
13. **What about Region or District activities?**
- The Region or District leader responsible for the activity completes the form to the extent that he or she is able, sends it "down the line" to the next level for such contribution as can be made at that level until it reaches the section leader who will add section specific information in the "Details" panel on Part II together with any special transport plans. Then the form goes to the parents.
14. **What about two day events within region or district where everyone goes home at night?**
- An E1 part1 only. This is not considered an 'overnight' event.
15. **What if the parents only sign the E1 and don't fill anything in?**
- They must fill in the name address information or the child stays home.
- If they simply don't fill in the medical information then that's their prerogative/ responsibility.

If they don't fill in the little bit giving permission for the child to participate in certain types of events (abseiling –water etc) explain to the child they will not be able to do them... this usually means the form goes home and the parent fills it in very promptly. (*Nothing better than a child insisting mum fills it in*)

#### 16. Do youth members ever complete an E1 form?

Only under the **Leader's direct supervision** for training reasons only. Then only for Scout/Venture hikes and camps which are under the control of a youth member but will have no adult supervision. The Leader must still take full responsibility for the accuracy and completeness of the information.

#### 17. How long do we have to keep the E1 form after an event?

If you are confident that **no incidents** or injuries occurred on an activity or event, **then 5 years**. If something did occur/someone was injured, then keep the forms for that/activity indefinitely.

#### 18. Why the difference in times?

In general terms, when a minor was injured prior to the commencement of the Civil Liability Act 2002 they had 6 years after turning 18 years to bring a claim. Since December 2002, a personal injury must be brought within 3 years on the date on which it should have been discoverable that an injury occurred. This applies both to adults and minors (whose parent generally is to bring the claim on their behalf). So, 5 years where no injury is known of will cover 99% of cases. If we do know of an incident however, there are provisions to extend the limitation period for much longer – so keep the record indefinitely.

#### 19. Do we have to keep the E1 form in hard copy?

No. It is permissible to save the E1 Forms in soft copy format (preferably PDF) providing that they are preserved safely (e.g. to a CD), their whereabouts is properly recorded, and the person who scans the documents certifies (again best in another PDF document) their name, the date, their position within Scouting, contact details and the fact that the images are true copies of the originals

#### 20. Remember the E1 is NOT a permission 'to attend' but a permission to 'approve and get medical assistance for the person'.

That's the reason everyone attending, including leaders and parent must complete an E1. If something happens you have the medical permission and details of current medical background to give to the ambulance or hospital. Especially important if it's an adult, who is unconscious or very ill.

Signing the E1 form simply shows that the parent/guardian has read the details and associated risks you have provided, and as a result allows their child to attend and authorises you to get medical help if necessary.

#### ADDITIONAL COMMENTS

1. A Sydney coroner in his recent finding on the death of a young hiker with a group from school criticised the procedural deficiencies including the lack of records. The teacher responsible for the activity could well find him/herself liable for damages and not therefore covered by the school's insurance.
2. For region activities including training and first aid courses some regions post a partly completed E1 form on their websites from where it then can be downloaded by a double click on the activity.
3. Many sections/units have a list of all members stored on computer as a word document which they can call up, delete those not participating and send it off as an attachment. They make sure that the E1 is sent in time but with a note that the "Participants" attachment will follow.
4. The E1 forms and Leader Support Guides, especially numbers 5, 17 and 27 are there to help leaders comply with the legal requirements.
5. The *Civil Liability Act, 2002 (NSW)* provides that a leader who strictly adheres to scouting policies and procedures will be protected from personal liability..

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**SHOULD YOU NEED FURTHER CLARIFICATION YOU SHOULD CONSULT EITHER  
THE REGIONAL COMMISSIONER FOR YOUR SECTION OR  
REGIONAL COMMISSIONER (ACTIVITIES.)**

*Scouts Australia NSW acknowledges the contribution of Dr Warwick Bateman AM in the development of this Leader Support Guide.*