



## **HOW SCOUTS HANDLE SERIOUS COMPLAINTS WHEN THE COMPLAINTS ARE STILL BEING DEALT WITH BY THE AUTHORITIES**

Scouts NSW are not allowed to actively involve themselves in investigating any matters when they are already in the hands of DoCS or the Police, who insist on this. Scouts cannot be involved until the authorities have finalized their enquiries, taken appropriate action and approve of Scouts finalising the matter according to Scout NSW policies.

This precludes us from talking to the alleged victim(s), the family, or perpetrator about the case itself. However, in matters such as this we are quite entitled to take whatever action we deem reasonably necessary to ensure the ongoing safety of our Youth Members until the authorities have finalised their case.

It is for this reason and to prevent Leaders **from inadvertently breaking the law** or infringing a person's legal rights, that we insist such matters are not investigated but reported immediately to the State office or Regional Commissioner. This is well publicised in the documents handed out on training courses, in Scouting in New South Wales, Leader Support Guides and The Organisation and Information Handbook.

In considering what action is appropriate, Scouts follow the guidelines set down by the Commission For Children and Young People, as well as taking interim action to prevent any risk to Youth Members as if any allegation made were true. In this way we believe we are providing the maximum protective action that is available to us. During this time Scouts are required and do their utmost to observe procedural fairness in all their dealings.

The Australian Privacy Act restricts what anyone can tell others, including the parties involved, about action taken in the case. Scouts NSW assess the potential risks according to the allegations made and the level of severity accorded such an allegation, as set out in the Commission's Guidelines.

Because of the privacy act, the most we can tell others associated with the alleged perpetrator is he/she is unable to attend for a time. We are also limited by the Child Protection Act from revealing the name of the child or children involved, or the person making the allegations without a Court Order.

The most common reasonable action that we can take is to ensure the Leader follows our desired standard by ensuring that they are never alone with a child without the presence of another responsible adult, or to advise people they will be unavailable for a time. On these occasions the Leader is advised in writing of the conditions in place. The District Commissioner is simply advised that the person is unavailable and as a Commissioner is encouraged to provide some assistance if such an absence will cause problems within the Group.

Initial actions in all matters are instituted at the direction of a Commissioner under delegation of the Chief Commissioner and subject to his approval.

The matter will be dealt with by Scouts once the authorities have given Scouts a clearance to so do.

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### **References regarding Scouts NSW reporting procedures**

- o Personal Protection and Procedures, LSG 1, LSG 5 (handed out on Training Courses)
- o Leader Support Guides 6,15,17,18. Note LSG's 1, 5,6,17 are amongst those suggested as vital reading (see web site).
- o O&I Handbook pages32 to 35 (see web site).