

Responding to Harmful
and Unwanted Behaviours
between Youth Members
Policy and Procedure
Scouts Victoria



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1. Purpose

The purpose of this policy is to:

- Articulate Scouts Victoria's commitment to keeping all youth members safe, and our position on harmful or unwanted behaviour (including sexualized) between youth members.
- Protect youth members from all forms of harmful or unwanted behavior in the delivery of activities.
- Set out what youth members can expect in relation to Scouts Victoria's attitude and approach to the safety of youth members, the processes in place to respond to unacceptable behaviour, and related consequences of harmful or unwanted behaviour (including sexualized).
- Document the key principles and components which help maintain a safe environment for youth members (prevention).
- Document the processes Scouts Victoria will follow in managing harmful or unwanted behaviour (response).
- Raise awareness for Scouts Victoria volunteers and staff (adults) of their role and responsibilities when working with youth members, identifying risks and responding to concerns of harmful or unwanted behaviour between youth members.
- Ensure Scouts Victoria Adult Members are confident and competent in responding appropriately to meet their obligations when they become aware of concerns of harmful or unwanted behaviour between youth members.

2. Scope

This policy applies to all members involved with Scouts Victoria, including all youth members, Adult Members, board members, employees, supporters, partners, contractors, and event participants.

This policy relates to the safety of youth members under 18 years of age and should be read in conjunction with **Scouts Victoria Child Safeguarding Policy**.

3. Definitions

For the purposes of this Policy, harmful or unwanted behaviours (including sexualised) means behaviours that cause harm to self or others including: Bullying, cyberbullying, harassment, harmful sexual behaviour, homophobia, intimidation, persistent unwanted attention, racism, sexting, sexual assault, sexual harassment, sexual innuendo, stalking, threats, violence and any other behaviours perpetrated against youth members without their consent.

These behaviours are defined below:

Bullying: An ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm.

Consent: Permission for something to happen or agreement to do something. *Note: in order for a person to consent to sexual activity they have to be over the legal age of consent and have the capacity to understand the context and possible consequences of the act. The legal age of consent in Victoria is 16 years, but sexual contact involving a person of any age with a*

cognitive impairment, affected by alcohol or drugs or with a duty of care may also amount to sexual offending.

Cyberbullying: The use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

Harassment: Any unwelcome behaviour that offends, humiliates or intimidates a person.

Harmful sexual behaviour (HSB): Developmentally inappropriate sexual behaviour which is displayed by children and young people and which may be harmful or abusive (derived from Hackett, 2014). It may also be referred to as sexually harmful behaviour or sexualised behaviour. HSB encompasses a range of behaviour, which can be displayed towards younger children, peers, older children or adults. It is harmful to the children and young people who display it, as well as the people it is directed towards. (Reference: National Society for the Prevention of Cruelty to Children)

Homophobia: Negative, fearful, or hateful attitudes and behavior toward lesbian, gay and bisexual people. Homophobia is a form of prejudice and/or discrimination, rather than a manifestation of an individual phobia. (O'Brien, J, 2001)

Intimidation: To frighten or threaten someone, make them timid or fearful.

Persistent unwanted attention: Attention that makes someone feel pestered and harassed. It includes behaviour that happens two or more times, directed at or towards an individual by another person, which causes feelings of alarm, distress or fear.

Racism: Prejudice, discrimination, or antagonism by an individual, community, or institution against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalised.

Sexting: Distributing (texting, emailing, posting or sharing) an intimate image of a person to others without their consent where the distribution of the image is contrary to community standards of acceptable conduct; or distributing such an image of a person who is under 18 (in this situation, sexting is a crime regardless of whether the person consents). This might include nude, sexual or indecent images using a computer, mobile phone or other electronic device. (Reference: Victorian Legal Aid)

Sexual assault: Includes rape, incest (sex with a close relative), child abuse, and unwanted sexual behaviour, for example, unwanted kissing and touching. It also includes behaviour that does not involve actual touching (eg. forcing someone to watch pornography or masturbation is sexual assault).

Sexual harassment: Behaviour characterized by the making of unwelcome and inappropriate sexual remarks or physical advances.

Sexual innuendo: A remark or remarks that suggest something sexual or something unpleasant but do not refer to it directly.

Stalking: Stalking behaviours are interrelated to harassment and intimidation and may include following the victim in person or monitoring them.

Threats: A statement of an intention to inflict pain, injury, damage, or other hostile action on someone.

Transphobia: Dislike of or prejudice against transgender or transsexual people.

Violence: Behaviour involving physical force intended to hurt, damage, or kill someone or something.

For additional definitions, Refer **Annex A**.

4. Duty of Care

Scouts Victoria recognises its paramount duty to do everything reasonably practicable to protect its members and others from harm, and that this duty includes an obligation to take reasonable steps to avoid harm as a result of harmful and unwanted behaviours between youth members."

Scouts Victoria believes that a culture of respect, safety and appropriate behaviour must be led and modelled by our Leaders and extended to all those we come in contact with.

Our governance arrangements facilitate the implementation of the **Scouts Australia Child Protection Policy, Scouts Victoria Safeguarding Policy** (along with supporting policies), the **Victoria based Child Safe Standards** and **National Principles for Child Safe Organisations** and a **Risk Management Framework** to enhance the rights and safety of youth members.

5. Roles and Responsibilities

For roles and responsibilities, refer **Annex B**.

6. Youth member behaviour standards, expectations and consequences

Scouts Victoria expects youth members to behave in accordance with:

- Scouts Australia Values (Refer **Annex C**)
- Australian Scout Law (Refer **Annex C**)
- Unit Code of Conduct (see below)

Note: In some instances, sections and events may choose to develop their own codes of conduct. These may supplement the standards, expectations and consequences listed below, but do not supersede them.

Unit Code of Conduct

At Scouts Victoria, we have four categories of behaviour to help clarify the standard we expect. See **Diagram 1** below for further detail.

All Scouts Victoria Units are required to ensure this information is available to everyone (Leaders, youth members, parents/carers, visitors etc). Refer **Annex D** for Unit Code of Conduct poster template.

Units must review this poster (in consultation with Youth Members) at least annually, and after an incident or concern has occurred. Youth Members are encouraged to contribute to the poster, and add ideas to categories, however those listed below are core must always be included.

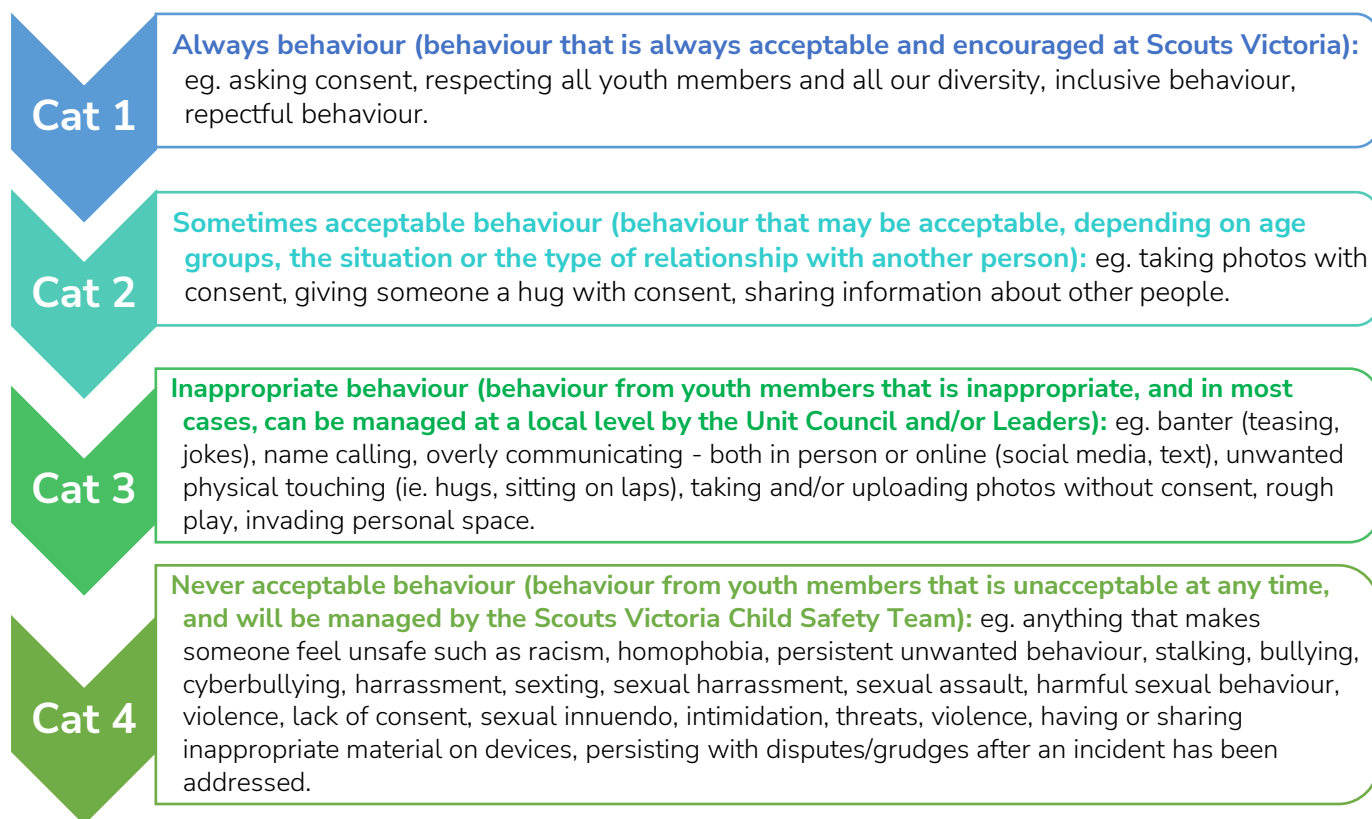


Diagram 1

Note:

- The behaviours listed In Category 3 may evolve over time, and move into Category 4, depending on context, severity, persistence and frequency.
- This Policy applies to the behaviours listed above when they involve youth members and they occur or are suspected to have occurred during Scouts Victoria programmed time, and also when they involve youth members and they occur (or are suspected to have occurred) outside of Scouts Victoria programmed time, if the behaviour is deemed reportable and/or affects the safety or safe participation of the youth member or any other person.

Refer **Section 8** for more information.

Standards of behaviour and related consequences

Some types of behaviour may be managed at a Unit level, whilst some require reporting centrally and potentially involving authorities. For behaviours observed in Category 3 and 4:

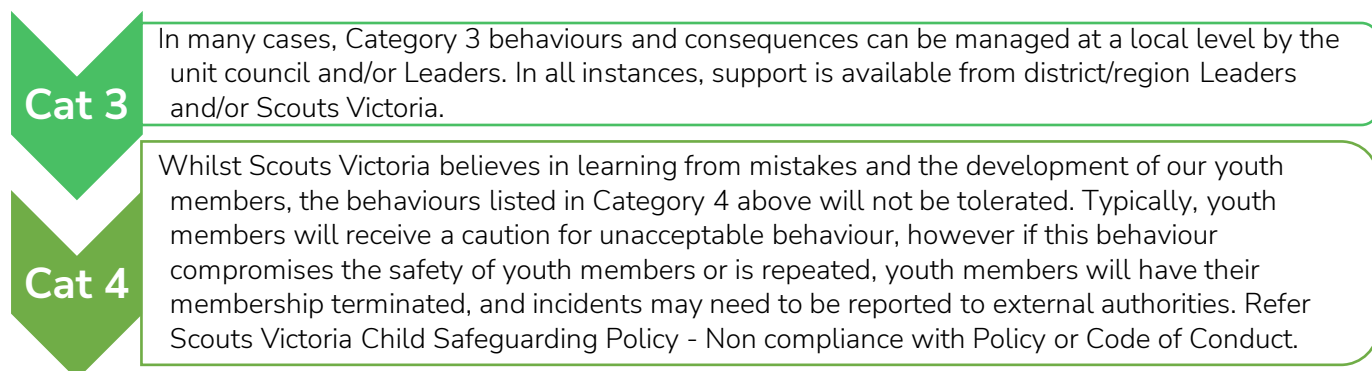


Diagram 2

7. Support and Education

Education: All Adult Members will be provided access to mandatory education both at induction and annually, which outlines their role and is designed to ensure they have the knowledge, confidence and competence to play their part. Youth Members will be provided with age-appropriate education regarding acceptable and non-acceptable behaviours, and how to raise concerns. This education is re-visited each term, post an incident, and refreshed at the commencement of each year. Refer [Child Safe Scouting](#).

Guidance: Scouts Victoria will provide guidance in identifying and responding to harmful or unwanted behaviour to all Adult Members and youth members and families, and roles and responsibilities are clearly communicated. Leaders will be required to confirm their understanding via annual training.

Support: Receiving, responding, and handling concerns that relate to harmful or unwanted behaviour between youth members can be challenging for all parties involved. Scouts will provide adequate support and supervision to all members.

Resources: Adult Members, youth members and families will have access to policies, procedures and accompanying tools and resources to ensure easy access to helpful and best practice information.

Refer **Annex E** – Youth Member friendly poster about harmful or unwanted behaviours.

Refer **Annex F** – Sexual Behaviours in Children and Young People.

Refer **Annex G** – Fact sheet, Online Safety.

Refer **Annex H** – Support resources and organisations.

8. Complaints, disclosures, allegations, incidents, concerns

All Scouts Victoria Leaders must respond to any complaints, disclosures, allegations, incidents and concerns (including observations) of harmful or unwanted behaviour between youth members.

This includes behaviour that involves youth members **outside of Scouts Victoria programmed hours** (ie. cyberbullying, sexting, harassment), if the behaviour is deemed reportable and/or affects the safety or safe participation of a youth member. Refer **Annex J**.

At times, it may be difficult to determine if youth behaviour is considered harmful or unwanted (and this may change over time), however Adult Leaders must seek advice if unsure if the behaviour requires a response or intervention. Support is available via the Scouts Victoria Child Safety Team.

Concerns of harmful or unwanted behaviour may become known via many different methods, and Scouts Victoria Leaders are required to be confident and capable of recognising such behaviours and responding appropriately. Situations in which Scouts Victoria Leaders must respond include:

- witnessing an incident which is believed to be harmful or unwanted
- observing a consistent pattern of concerning behaviour between youth members
- a youth member states that they are a victim of harmful or unwanted behaviour
- allegations or evidence of harmful or unwanted social media posts/contact

- someone states they know or suspect a youth member who has been a victim of harmful or unwanted behaviour
- someone states that they know or suspect a youth member who has engaged in harmful or unwanted behaviour.

Note: Scouts Victoria will support local Leaders to manage situations of harmful and unwanted behaviour between youth members by providing: education, advice, response assistance and escalation.

Refer **Annex I** – Reporting process flowchart.

Barriers to reporting

Scouts Victoria recognises that there are many barriers that may prevent youth members, or Adult Members from reporting concerns of harmful or unwanted behaviour. This may include:



Diagram 3

Note: Understanding this, Scouts Victoria will work alongside youth members (youth leading) to remove or reduce these barriers, and build a culture that is open, transparent, caring and responsive.

9. Responding

The way in which Scouts Victoria interacts with youth members about expectations and behaviours can have a significant impact on:

- The experience of the youth member and/or their advocate, including the likelihood of them raising concerns in the future.
- The way in which the youth members and/or their advocates feel heard and involved throughout the process.
- The long-term impact of harm on the youth members and/or their advocates.
- The opportunity for youth members to learn about the impact of their behaviour and take action to change.

It is critical that all responses are safe and supportive for youth members and/or their advocates and are facilitated by skilled and knowledgeable representatives of Scouts Victoria.

Adult Members becoming aware of a complaint, disclosure, allegation, incident or concern must act quickly to address any immediate safety concern, and take steps to ensure that Scouting activities do not pose any further risks to any young people. Further actions may involve:

- separating, removing, or standing down youth members
- communicating with parents
- seeking appropriate advice or consulting with other professionals or agencies
- reporting the behaviour to appropriate authorities (eg. Victoria Police and DFFH Child Protection)
- arranging appropriate (immediate and ongoing) wellbeing support for impacted youth members, (alleged victim/s and youth member/s demonstrating harmful or unwanted behaviour)
- sharing information with other Scouts Victoria Adult Members or external authorities who may also be responsible for monitoring and providing ongoing support to the youth member/s
- documenting concerns, allegations and actions taken.

See Section 11 (Risk Management) for specific requirements when responding to different categories of behaviour.

Scouts Victoria Adult Members are to ensure all responses to harmful or unwanted behaviour are youth member-centred. This youth member-centred culture needs to be fostered at all levels of Scouts Victoria and upheld by all Adult Members. In summary this means:

- Ensuring every action and decision is made with the best interests of the youth members involved in a concern of harmful or unwanted behaviour.
- A safety lens is applied, and risk to safety is reviewed throughout each part of the process.
- The rights of children and young people underpin every stage of the process.
- A trauma-responsive approach is adopted as a precautionary response.

Trauma responsive principles:



Trauma responsive approach:

- Listen empathically
- Collaborate and ensure choice; consistently seek views about what facilitates safety
- Don't assume parents/carers' views represent those of the victim-survivor; prioritise the voices of children and young people
- Pay close attention to verbal and non-verbal communication
- Follow through, do what you say you'll do, foster trust
- Consider timing, tone and quantity of any communication – setting, mode, supports
- Identify and mitigate organizational triggers and always consider how safety can be established
- Reflection, supervision, support for self, colleagues, members; seek what you need to practice effectively.

Tips when responding to disclosures, allegations, or concerns from youth members:

Listen carefully
<ul style="list-style-type: none"> • Ensure the situation is safe. Stay in sight, but out of hearing of others. • Listen to what the young person wants to share. • Let them take their time, and encourage their own words. • Ask open questions such as “can you tell me more about that?” instead of leading questions such as “Did they touch you here?”
Support the young person
<ul style="list-style-type: none"> • Hold back your own emotions and judgements. • Let the young person know it's not their fault and they are not in trouble. • Acknowledge that it must have been difficult to share. • Inform them that you will report to Scouts Victoria so we can work together to help keep them safe. Do not promise to keep it a secret. • Be a listener, you are not an investigator.
Document everything
<ul style="list-style-type: none"> • Be as specific as you can. • Use the young person's own language and words where possible. • Differentiate direct quotes from general statements. • Include who was present, and any other discussions you've had, eg with your GL or other Section Leaders.

Diagram 4

Applying a sensitive and adaptive approach

All youth members and Adult Members, and families/carers need to feel that their sense of self, their identity and their dignity is valued by the people around them. Creating a safe organisation and one that respects diversity requires a willingness to learn, understand and respond to the diverse needs of the community.

Scouts Victoria Adult Members are expected to be aware of barriers facing youth members due to common experiences of minority stress, stigma and discrimination, in particular those who:

- Are Aboriginal or Torres Strait Islander.
- Are from Culturally and Linguistically Diverse backgrounds.
- Have a disability.
- Experience poor mental health.
- Identify as LGBTQI+.
- Are socially isolated.
- Are children and young people in out of home care.

It is important to remember that EVERYONE has the right to be safe and raise concerns, so it is the job of the Scouts Victoria representative receiving information to ensure all Youth Members are heard. This may require time, patience, a safe and confidential environment and some additional supports.

10. Reporting Requirements, Pathways and Process

Requirements

Scouts Victoria wants all Adult Members and youth members to feel comfortable in raising concerns about harmful and unwanted behaviour. We have a zero tolerance to **not** reporting concerns, and reinforce the moral, ethical, legal and policy requirements to do so. Refer **Scouts Victoria Child Safeguarding Policy** and [Child Safe Scouting](#).

Pathways

Scouts Victoria provides the following pathways for members (both Adult Members and youth members) to raise concerns about harmful or unwanted behaviour:

Speak	Speak directly to a Youth Unit Council representative, or fellow youth member
Speak	Speak directly with any adult member (Adults should speak to their own supervising Leader.)
Call	Call a trustworthy adult at Scouts on: 1800 870 772
Complete	Complete a form, located on the Scouts Victoria Website - link
Email	Email: childsafes@scoutsvictoria.com.au

Diagram 5

Note: If a concern relates to behaviour outside of Scouts Victoria programmed hours, and is deemed reportable, the most appropriate pathway may be to report to an external authority listed in Annex H.

Process

Some concerns of harmful or unwanted behaviour will require **internal reporting** and some may require reporting to **external authorities**. Adult Members, with the support of Scouts Victoria Child Safety Team must ensure the appropriate process is applied to concerns of harmful or unwanted behaviour between youth members. Refer **Annex J**.

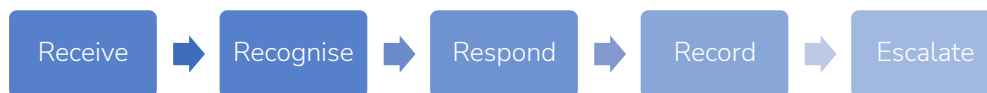


Diagram 6

Internal reporting

Harmful or unwanted behaviours that fall into categories 2 and 3 (as set out in section []) will on most occasions be managed at Unit level by either the Youth Unit Council or local Scout Leaders, drawing on agreed expectations (Code of Conduct) and age-appropriate consequences. However, some behaviours may persist or escalate over time, and change in their nature. Support is available from Group Leaders, District, Region and State Teams to deal with these behaviours. Behaviors that reach the Category 4 threshold must be reported to Scouts Victoria Child Safety Team, using the [Child Safety Concern form](#).

External reporting

Where a matter is deemed to be reportable to external authorities, depending on the nature and seriousness of the case, Scouts Victoria may need to work closely with other bodies such as Victoria Police, child protection authorities and oversight bodies/regulators throughout the process. Scouts Victoria will co-operate and work collaboratively with authorities and ensure all reporting obligations are met, including reporting requirements mandated by law.

11. Risk Management

If harmful or unwanted behaviour has taken place, or is at risk of taking place, Leaders must take reasonable steps to protect all youth members and other stakeholders.

For behaviours in Category 3 that are *not* reportable matters, Leaders must:

- Separate youth members (and others involved), and ensure appropriate supervision is in place
- Arrange and provide immediate first aid where necessary
- Activate a safety plan
- Communicate with stakeholders (ie. parents/carers, other Leaders, other youth members)
- Follow steps in section 12.

For behaviours in Category 4 (reportable matters), Leaders must:

- Separate youth members (and others involved) and ensure appropriate supervision is in place
- Arrange and provide immediate first aid where necessary
- Activate a safety plan
- Request Victoria Police assistance if any youth members pose an immediate risk to the health and safety of any person

- Communicate with stakeholders (ie. parents/carers, other Leaders, other youth members, Scouts Victoria)
- Follow steps in section 12.

Note: Risk management strategies may need to remain in place, and be monitored for a significant period of time, depending on the individual case.

12. Fact Finding and Investigation Process

Once an incident of harmful or unwanted behaviour becomes initially known to a Scouts Victoria member, a determination of the appropriate approach to resolution is required. Depending on the level of concern, this response may include:

- Local Scouts Victoria Unit resolving the issue with the support of the Youth Unit Council.
- Local Scouts Victoria Unit resolving the issue with the support of Adult Members and parents.
- Escalating the issue to Scouts Victoria Child Safe Team for further investigation and resolution.
- Reporting to external authorities for further investigation and resolution.

The decision on an *appropriate* response to each concern or case will be made by a member of our Child Safe Team. In all cases, an *appropriate* level of fact finding and/or investigation (internal or external) is to occur, to ensure a thorough and fair methodology is applied.

Refer Fact Finding and Investigation process – **Annex L**.

Whilst this process is occurring, any youth members involved may be requested to not attend Scouts events. This decision will be made by the Chief Commissioner and communicated to all relevant stakeholders (youth member/s, parents/carers, others).

Refer Adult Members Checklist – **Annex K**.

Internal Investigations (Scouts Victoria)

Cases of harmful or unwanted behaviour escalated to Scouts Victoria Child Safety Team will involve an investigation process. An internal investigation may occur in instances where:

- External authorities have chosen not to investigate, however the issue is deemed serious; or authorities, e.g. Victoria Police, have otherwise provided clearance for an internal investigation to proceed; or
- The incident does not meet a reportable threshold however requires an internal investigation to determine an appropriate outcome.

In these instances, the following roles will be activated:

- **Case Manager** - each case will be designated a Case Manager. This role will be undertaken by a Scouts Victoria Leader who will monitor the case via the case tracker system.
- **Investigator** - Investigations conducted by Scouts Victoria Child Safety Team will be undertaken by an appropriately qualified and/or experienced person.
- **Support role** - Stakeholders involved in an investigation process will be provided with a contact person to provide a support role throughout the investigation and up to

6 weeks post the conclusion of the investigation. Different support roles will be offered for each stakeholder.

Refer Roles and Responsibilities (**Annex B**) for further information.

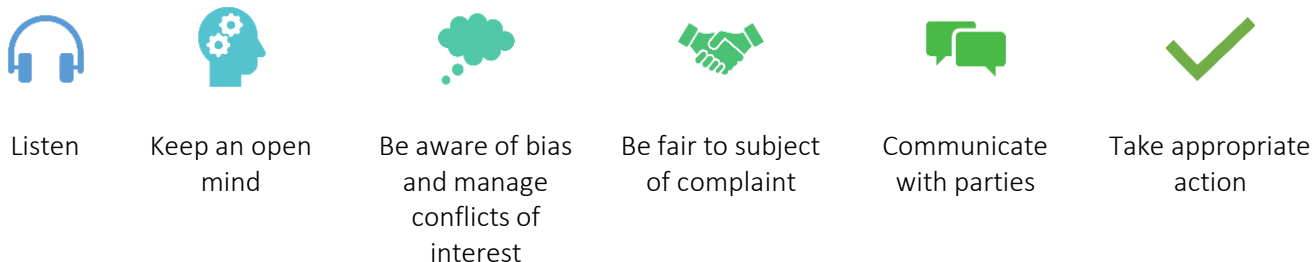
Investigation Principles

Scouts Victoria commits to undertaking prompt and effective investigations with the utmost sensitivity and diligence. Investigations will be conducted with the principles of:



For more information, refer: [National Office for Child Safety: Complaint Handling Guide, Upholding the Rights of Children and Young People, Guideline 7: Being Fair and Objective.](#)

When investigating, Scouts Victoria will:

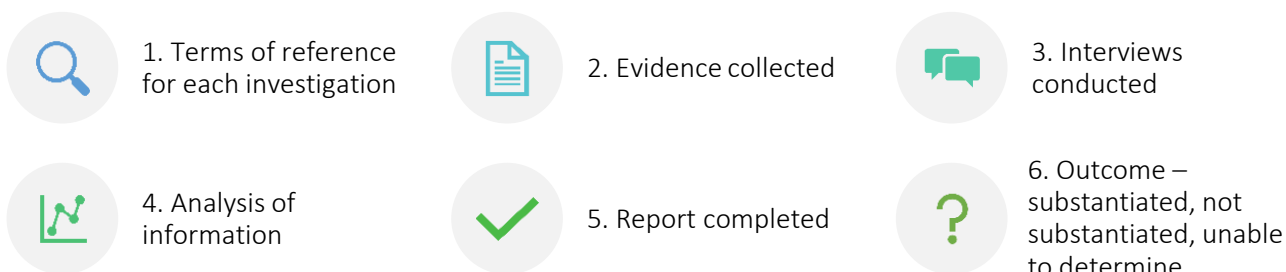


Timeframes

Scouts Victoria will investigate cases and provide an outcome to relevant stakeholders as quickly as possible and aims to complete all investigations no later than three months after receipt of notification. If the matter cannot be resolved within this time, Scouts Victoria will advise relevant stakeholders of the reasons for the delay and provide a revised timeframe.

Conducting the Investigation

The formal Scouts Victoria internal investigation process will include:



All records of an investigation process will be maintained digitally by Scouts Victoria, and where appropriate, be communicated to Units and relevant stakeholders as per section 13.

Stakeholder (including youth member) interviews

All relevant parties will be involved in an investigation process, including children and young people as appropriate.

Those interviewing children or young people will be appropriately qualified and/or experienced, and supported to do so. Children and young people will have a supportive adult accompanying them.

As the investigation process can be a stressful and anxious time for children, young people and their family/advocates, it is critical that the following is applied:

- Any questions stakeholders have throughout the process are answered wherever possible (noting that some information may not be able to be shared due to confidentiality)
- Stakeholders are given clear advice about what will happen next, and the steps moving forward
- Stakeholders are given information on how they will be supported (including referrals if required).

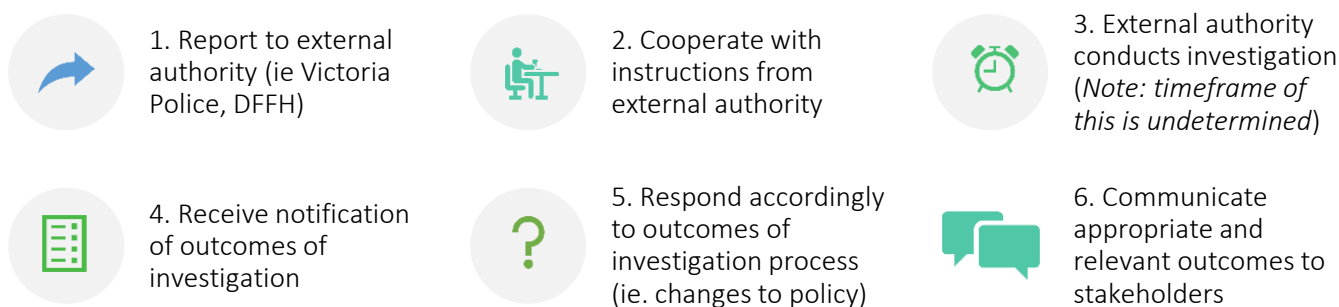
External Investigations (by an authority such as Victoria Police, DFFH)

In instances where a report is required to an external authority, an external investigation may occur.

When an external investigation is taking place, there may not be visibility of the process for Scouts Victoria or the individual stakeholders involved. Timeframes for external investigations could be lengthy, and this could be the reason for stakeholders not receiving timely information.

Note: Scouts Victoria is required to comply with the conditions of the investigation, as dictated by the external authority/authorities involved.

The external investigation process includes the following steps:



Refer Fact Finding and Investigation Process – **Annex L**.

For more information, refer: [National Office for Child Safety: Complaint Handling Guide, Upholding the Rights of Children and Young People, Appendix K – Tips for Interviewing children and young people.](#)

13. Outcomes

Managing outcomes

Scouts Victoria acknowledges that each case has unique circumstances. Our goal is to be diligent in the process, always attempting to make decisions and deliver outcomes that are fair and consistent. This means treating similar issues in a similar way but does not mean treating people or cases the same where the circumstances are different. The focus needs to be on achieving an outcome that is in the best interests of the youth members and fair to all parties.

Youth members and families will be provided with information when a concern has been raised, highlighting the process and possible outcomes. Immediate outcomes may include:



ACKNOWLEDGEMENT



APOLOGY



EXPLANATION



ACTION



PROVISION OF
COUNSELLING OR
REFERRAL



STANDING
DOWN AND/OR
TERMINATION
OF MEMBERS

Refer Information sheet for youth members and families about fact finding process – **Annex M.**

Communicating the Outcome

Communicating the outcome of a case of harmful or unwanted behaviour can be challenging and sensitive. Some considerations that may assist in the process include:

- The process must be centred around youth members involved.
- Youth members should always be invited to have a support person present during discussions.
- Information about the process and the steps taken will be provided in as much detail as possible.
- Access to support services will remain in place, after the process has been completed.

Explaining outcomes and decisions

Scouts Victoria may provide primary parties the following details at the completion of an investigation:

- What action was taken to investigate the case,
- The outcome and the rationale for the decisions and findings, including the main evidence that was obtained or unable to be obtained,
- Action taken, or that will be taken, to address the concern, including by whom and when,
- Any interim arrangements available or required while action is being taken.

Requesting an Appeal

If a youth member or family member is not satisfied with Scouts Victoria's response to the case, they may notify the Executive Manager or the Chief Commissioner.

The Executive Manager, Chief Commissioner (or delegate) will respond within thirty (30) days of receiving the appeal request.

Seeking an External Review

If a youth member or family member is not satisfied with Scouts Victoria's response, the individual may seek an external review by [Scouts Australia](#).

14. Communication With Families and Stakeholders

Assuming it is safe to do so, Scout Victoria Leaders will make sensitive and professional contact with parents/carers of the impacted youth members as soon as possible after Scouts Victoria becomes aware of an incident involving harmful or unwanted behaviour. Whenever it is safe and possible to do so, this will be done in collaboration with the youth members involved, reflecting our focus on the wellbeing and development of all our members.

Ideally, this enables parents/carers to take steps to prevent or limit their youth member's exposure to further harmful or unwanted behaviour and ensure that their youth member receives the support they require. Ensuring stakeholders, particularly Youth Members and their families, receive the right level of information, and in a timely manner throughout the process is critically important.

When discussing concerns with family members or carers, the below guidance may assist:

Do
<ul style="list-style-type: none">• Remain calm• Be empathic to feelings• Acknowledge concerns• Provide appropriate details of the incident, disclosure, suspicion or concern• Outline the action the Scouts Victoria has taken to date• Inform them of who the incident, disclosure, suspicion or concern has been reported to if appropriate• Provide information on whether they are likely to be contacted by DFFH Child Protection or Victoria Police• Inform them that the investigation process may take some time and ask what further information they would like• Ask how Scouts Victoria can assist them• Provide key contact point within Scouts Victoria• Provide information on how Scouts Victoria can provide support, or referral pathways
Don't
<ul style="list-style-type: none">• Lay blame• Disclose private information about youth member/s at centre of concern/complaint (see Information Sharing below)• Minimise or exaggerate the situation• Provide misleading information

Refer Information sheet for youth members and families about fact finding process - **Annex M**.

15. Recovery and Ongoing Support

In addition to responding, reporting or resolving situations involving harmful or unwanted behavior between youth members, Leaders have a critical role to play in supporting *all* impacted youth members:

- Victim/s.
- Youth member/s who have engaged in harmful or unwanted behaviour.
- Those who have witnessed the behaviour or otherwise been impacted.

Support can include direct support from Scouts Victoria Adults Members or referral to external wellbeing professionals and community services. Where appropriate this support should be provided in ongoing partnership with the youth member's parent/carer. Refer Annex H.

Note: For youth members involved, well-informed parents/carers can assist with supporting their child through the process.

Parents, carers and Scouts Victoria Adult Members may also require ongoing support (via adequate debriefing, supervision practice and referral to external support professionals) for an extended period after an incident of harmful or unwanted behaviour.

15. Privacy, Confidentiality and Information Sharing

Privacy and confidentiality of personal matters remains very important to Scouts Victoria and discretion and respect should be applied. Consultation with Youth Members involved (about who their information will be shared with) is critical, and an important aspect of a sound youth member-centred approach.

Scouts Victoria Leaders are permitted to share certain information about a youth member who has been impacted (or is suspected to have been impacted) by harmful or unwanted behaviour with:

- Other appropriate Scouts Victoria Adult Members in order to enable the best support and protection for youth member/s involved.
- Officers from DFFH Child Protection Department, if the information requested may be of assistance to their investigation process.
- Victoria Police if the information may assist in the investigation of potential criminal offences, or may aid in the immediate protection and safety of youth member/s.

Note: Planning and care should be taken before providing any information about youth members to the broader Scouts Victoria community. Information provided to representatives of Scouts Victoria, Adult Members, youth members and family members is at the discretion of the Case Manager, Executive Manager and Chief Commissioner. Not all information about youth members is permitted to be shared and any sharing of information will only be done in line with the Australian Privacy Principles.

Records of incidents are maintained digitally by Scouts Victoria, and all hard copies destroyed.

16. Continuous Improvement

Incidents of harmful or unwanted behaviour between youth members will be analysed and learnings will be used in planning, service design and education processes to ensure the



quality and effectiveness of services at Scouts Victoria. Potential modifications or actions following a case may include:

Scouts Victoria commits to continuously improving our services and support, to ensure all youth members are safe and free from harmful or unwanted behaviours during their time with Scouts.

A follow up process, to be completed 4-6 weeks after an incident or concern has been initially resolved, assists with 'checking in' on all stakeholders, and determining further continuous improvement strategies. Refer **Annex N**.

17. Policy and Procedure Review

This document was created in consultation with key stakeholders (both Adult Members and youth members) at Scouts Victoria during 2021-2022. Scouts Victoria commits to reviewing the **Responding to Harmful or Unwanted Behaviours Between Youth Members Policy and Procedure** as required, and at a minimum, every two years. Review of the Policy will also include consultation with key stakeholders, including youth members. Changes to the policy or procedure will be communicated to all stakeholders in a timely manner.

18. Related Documents

- Scouts Australia Child Protection Policy
- Scouts Victoria Safeguarding Policy
- Scouts Victoria Info Book
- Scouts Victoria Privacy Policy
- Scouts Victoria Whistleblower Policy
- Code of Conduct, Ethics and Unacceptable Behaviours (Adult Members)
- National Interviewing Guidelines

19. Related Legislation

[Child Wellbeing and Safety Act 2005 \(VIC\) \(Child Safe Standards\)](#)

[Children, Youth & Families Act 2005 \(VIC\) \(Mandatory/Voluntary Reporting\)](#)

[Crimes Act 1958 \(VIC\)](#)

[Children Legislation Amendment \(Information Sharing\) Act 2018 \(Vic\)](#)

[Privacy and Data Protection Act 2014 \(Vic\)](#)

[Australian Privacy Principles](#)

20. Annexures

The below listed annexures are developed and/or adapted by creditable organisations (including Child Wise) and are provided as guidance/sample documents. Each should be read in conjunction with the related section in the body of the policy/procedure.

Annex A: Definitions

Adult Member: any person over the age of 18 who has been accepted as a member of Scouts Victoria.

Allegation: A claim or assertion that someone has done something illegal or wrong.

Appeal: To apply for review of a case or particular issue.

Barriers: A circumstance or obstacle that prevents people from sharing feedback or making a complaint.

Confidentiality: The state of keeping or being kept secret or private.

Complainant: A person raising a complaint, including those advocating on behalf another person.

Criminal conduct: Conduct that breaks a law where a criminal penalty can apply.

Complaint: Any matter ranging from a general expression of dissatisfaction with a service or program, or a particular experience with a person or persons involved with Scouts Victoria.

Disclosure: The action of making new or secret information known.

Duty of Care: Duty to do everything reasonably practicable to protect members and others from harm.

Incident: An instance of something happening; an event or occurrence.

Information sharing: The exchanging, collecting, using or disclosing of personal information by one organisation with organisation for certain purposes.

Investigation: The action of investigating something or someone.

Outcome: The way a thing turns out; a consequence.

Peer: Another youth member at Scouts.

Personal information: Personal information is information that can be used to identify you, such as your name, address and contact details.

Privacy: Someone's right to keep their personal matters secret.

Procedural fairness: Fairness in the procedures followed when arriving at an administrative decision.

Responsive: reacting promptly and in an inclusive and affirming manner.

Safeguarding: The responsibility that Scouts Victoria has to make sure its members, programs and operations do no harm to youth members by preventing, detecting and responding effectively to risk.

Subject of the complaint/allegation: the person whose conduct is the focus of a complaint/allegation.

Transparency: A situation in which activities are done in an open way without secrets, so that people can trust that they are fair and honest.

Timeliness: The fact or quality of occurring at a suitable or opportune time.

Young person: older children and adolescents (up to 18 years of age).

Youth member: A child or young person (under the age of 18) who is a member of Scouts Victoria.

Youth member centred: putting the youth member’s needs first.

Annex B: Roles and responsibilities

<p>Branch Executive Committee</p>	<ul style="list-style-type: none"> • Ensuring systems and structures are in place within the organisation to implement and monitor the effectiveness of the Responding to Harmful and Unwanted Behaviour Between Youth Members Policy and Procedure. • Monitoring the effectiveness of complaints and incident handling processes via the Executive Manager and Chief Commissioner. • Overseeing complaint and incident handling when escalated to Board level. • Implement changes required as a result of learnings and continuous improvement cycle.
<p>Chief Commissioner</p>	<ul style="list-style-type: none"> • Head of the organisation for all purposes, including accountability and reporting child safety issues. • Makes the final decision on any and all memberships as per the Scouts Royal Charter
<p>Executive Manager</p>	<ul style="list-style-type: none"> • Ensuring the Responding to Harmful and Unwanted Behaviour Between Youth Members Policy and Procedure is implemented effectively across the organisation. • Receiving and responding to cases in line with the Responding to Harmful and Unwanted Behaviour Between Youth Members Policy and Procedure. • Monitoring and ensuring all reporting requirements are met as outlined in Scouts Victoria Child Safeguarding Policy. • Implement changes required as a result of learnings and continuous improvement cycle. • Reporting complaint trends and information to the Board.
<p>Assistant Chief Commissioner –</p>	<ul style="list-style-type: none"> • Embedding change and improvements via the review and updating of policies, procedures or practice manuals. • Informing training and education plans to upskill volunteers and staff.

People and Culture	
Commissioners	<ul style="list-style-type: none"> • Receiving and responding to concerns of harmful or unwanted behaviour between youth members. • Logging Child Safety Concern form within expected timeframe. • Supporting those who have raised a complaint. • Supporting the investigation process when asked.
Group Leader	<ul style="list-style-type: none"> • Following the Responding to Harmful and Unwanted Behaviour Between Youth Members Policy and Procedure when responding to concerns of harmful or unwanted behaviour. • Receiving/observing concerns. • Participating in the identification, response and investigation (or fact finding) processes, as requested or assigned. • Logging Child Safety Concern form within expected timeframe. • Maintaining appropriate records relating to concerns and observations. • Participating in relevant training and professional development opportunities.
Unit Leader /Youth Council	<ul style="list-style-type: none"> • Supporting those who have raised a complaint. • Responding within capability level to concerns. • Escalating concerns to Adult Members as required.
Case Manager	<ul style="list-style-type: none"> • Maintaining oversight of cases. • Owning or delegating ownership of each case of harmful or unwanted behaviour to an appropriate representative. • Ensuring that concerns are investigated in line with investigation process and conducted in a timely and effective manner. • Overseeing the management of the Scouts Victoria Case Tracker. • Implement changes required as a result of learnings and continuous improvement cycle.
Investigator	<ul style="list-style-type: none"> • Following the investigation process as outlined in Scouts Australia Investigation Guidelines. • Investigating complaints in line with investigation processes. • Ensuring effective, timely investigations are completed. • Ensuring the principles of investigation are upheld, including fair and robust processes.
Support role	<ul style="list-style-type: none"> • Supporting those who have raised a complaint. • Supporting other relevant stakeholders.

Annex C: Scouts Australia Values and Australian Scout Law

Scout Australia Values

- The importance of individuals developing a sense of personal identity and self-worth which leads to responsibility for oneself and one's actions as a citizen.
- The belief that young people are able and willing to take responsibility and contribute to society.
- The belief in the right and responsibility of individuals to regulate their own health.
- The importance of adults in providing suitable role models for young people.
- The importance of not exposing young people to harm or exploitation.

- The importance of individuals and the community adopting a lifestyle that allows ecologically sustainable development through preventing environmental overload, environmental degradation and resource depletion.
- The importance of respect for and equity in dealings with all people, irrespective of culture, gender, religion or impairment.
- The importance of mutual support and help between members of a community to maximise the quality of life for all.
- The importance of the development of understanding between individuals as a contribution to peace between nations.
- The importance of gainful employment in contributing to the sense of dignity and self-worth of the individual.

Australian Scout Law

Be Respectful

Be friendly and considerate.

Care for others and the environment.

Do What is Right

Be trustworthy, honest and fair.

Use resources wisely.

Believe in Myself

Learn from my experiences.

Face challenges with courage.

Annex D: Unit Code of Conduct Template

We have created a Code of Conduct Template, so Groups can create their own Code of Conducts. [Download the template here.](#)

Scouts Victoria
Code of Conduct – Template



Use this template to help present your Unit Code of Conduct.

Category 1: Behaviour that we would like to see <i>This is behaviour that we encourage you to display.</i>	Category 2: Behaviour that is sometimes appropriate <i>This is behaviour that you need to seek permission before doing.</i>
Category 3: Behaviour that is not appropriate <i>This is behaviour that is generally not intentional and can be fixed by the young person after being reminded.</i>	Category 4: Behaviour that is not acceptable <i>This is behaviour that is contributing to someone being or feeling uncomfortable or unsafe and it will not be tolerated. Any of these actions must be reported to the Child Safe Team at Scouts Victoria.</i>

Scouts Victoria Child Safe line on 1800 870 772 or childsafe@scoutsvictoria.com.au

2. UNDERSTAND

Children show their needs and wants through their behaviours. Understanding the reason behind a child's sexual behaviour is important. When children or young people do not have the language, experience or ability to seek help, adults must look carefully at the behaviour to interpret it.

When sexual behaviours are identified as concerning or harmful, it is essential to think about why the child or young person is exhibiting the behaviour. Recognising the behaviour and the way it happens will help you understand what is going on for the child and indicate what is needed.

Q1. What are the issues or concerns regarding the child or young person and their behaviour?

Q2. What might these concerns indicate?

- lack of accurate sexuality information
- consent
- sexual equipment
- lack of social skills
- medical needs
- conflict in relationship
- confusion about sexuality, relationships and sexual activities
- lack of care and competence
- lack of information about the risks of the behaviour
- overexposure to explicit sexual activity and materials
- lack of adult supervision and support
- awareness of physical, emotional or sexual abuse or neglect
- lack of consistency across environments
- anxiety about adult or family relationships

Understanding the child or young person and the issues that may be contributing to the behaviour guides the planning of effective responses.

Expressing sexuality through sexual behaviour is natural, healthy and a basic aspect of being human. Sexual behaviour which makes children or young people vulnerable or causes harm to another requires adult intervention to provide support and protection. All children and young people have the right to be safe.

RED

Sexual behaviours which indicate an acute harm because they are:

- involving coercion, blackmail, extortion, bribery or threatening
- involving independence or power (adult or young)
- not appropriate for the age and stage of development
- between children with a significant difference in age, developmental ability or maturity

These behaviours signal the need to provide immediate protection and follow up support.

ORANGE

Sexual behaviours which show concern because of:

- persistence or duration
- the type of activity or knowledge for the age and stage of development
- intensity in age, size, power or developmental ability
- risk to the health and safety of the child or young person
- awareness of a sexual offender

These behaviours signal the need to monitor and provide extra support.

GREEN

Sexual behaviours which are part of normal and healthy development and are:

- appropriate for the child's age and developmental ability
- activities or play appropriate for the child and adult's level
- sexual understanding and terminology appropriate to the child's level
- curiosity about other people's bodies

These behaviours provide opportunities to talk, explain and support.

THEN TALK WITH A TRUSTED ADULT OR CONTACT

Annex G – Fact Sheet, Online Safety

IF YOU SEE OR HEAR VIDEOS, PHOTOS OR WORDS THAT YOU HAVE QUESTIONS ABOUT OR MAKE YOU FEEL

Uncomfortable

Nervous

EMBARRASSED

Sad

Confused

ANXIOUS

Scared

Gross

YOU CAN:

SAY TO YOURSELF "THAT'S NOT FOR ME"

CLOSE YOUR EYES

LOOK AWAY

TURN THE DEVICE OFF

THEN TALK WITH A TRUSTED ADULT OR CONTACT

Annex H: Support Resources and Organisations

Support Services

- [Kids Helpline](#)
- [Lifeline](#)
- [Parentline](#)
- [1800Respect – National Sexual Assault, Domestic Family Violence Counselling Service](#)
- [eSafety Commissioner](#)
- [Centre for Multicultural Youth](#)
- [Bravehearts](#)
- [Australian Childhood Foundation](#)
- [Beyond Blue](#)
- [Headspace](#)
- [Blue Knot Foundation](#)

Bullying, Harassment and Discrimination

- Victoria Legal Aid – [Discrimination, Harassment and Bullying](#)
- Victoria Legal Aid – [Bullying online or at school](#)
- Victoria Legal Aid – [Sexual Harassment](#)
- Victorian Legal Aid – [Young People, Sex and the Law](#)
- Bullying - <https://bullyingnoway.gov.au/>

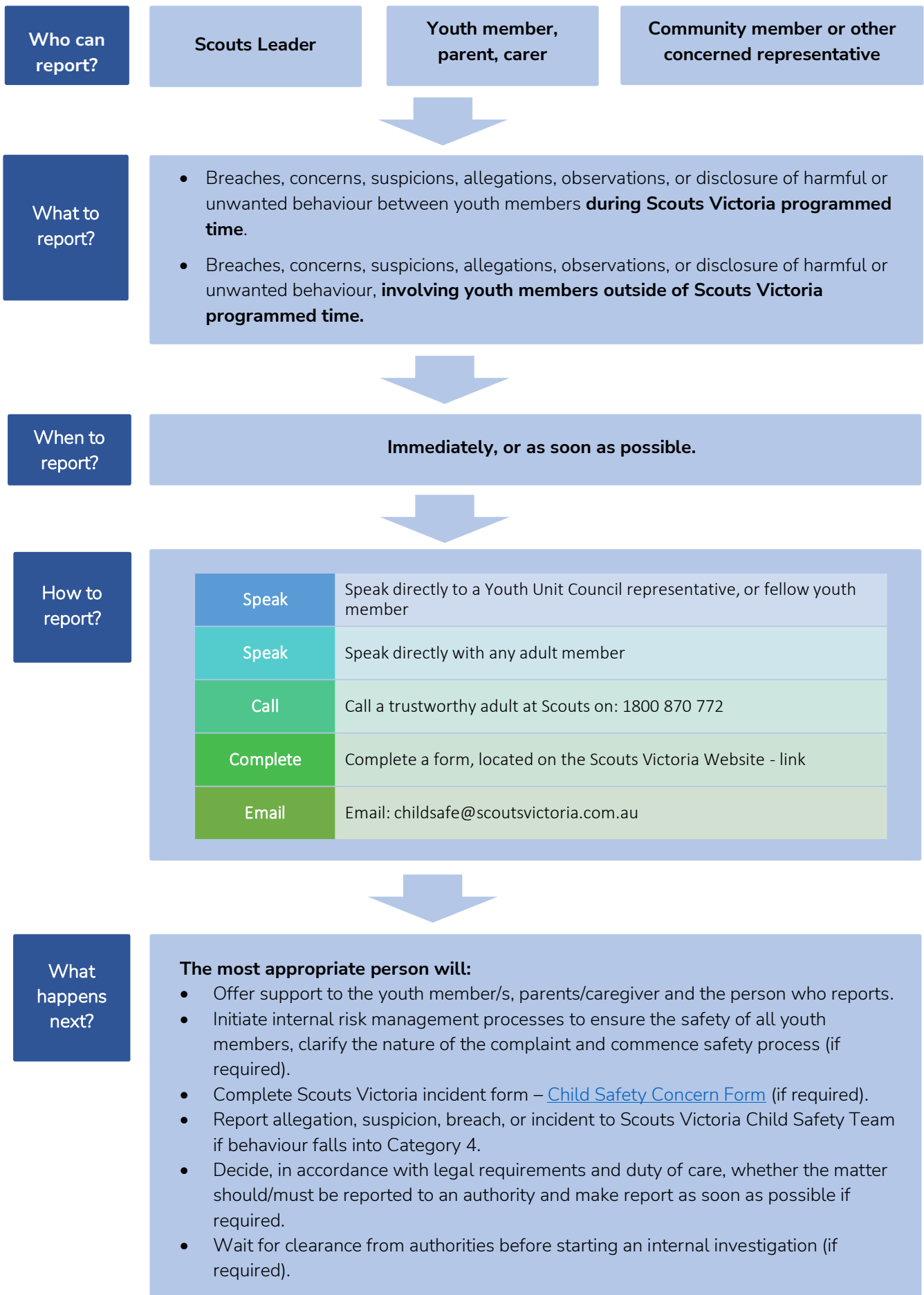
Harmful Sexual Behaviour

- Raising Children - [Problematic and harmful sexual behaviour in children and teenagers \(2-18yrs\)](#)
- Raising Children - [Supporting children who have engaged in harmful sexual behaviour with other children \(5-17yrs\)](#)
- Raising Children - [Child sexual abuse: talking to teenagers \(12-18yrs\)](#)
- Raising Children - [Signs of sexual abuse in children and teenagers \(0-18yrs\)](#)

Online safety

- [Australian Centre to Counter Child Exploitation](#)
- [ThinkUKnow](#)
- [Tips for parents to keep your children safe online](#)
- eSafety Commissioner – [Sending nudes and sexting](#)
- CCYP (Vic) - [Keeping children and young people safe online during the COVID 19 pandemic](#)
- [Zoom meetings and the sensitive child](#)

Annex I: Reporting Flowchart



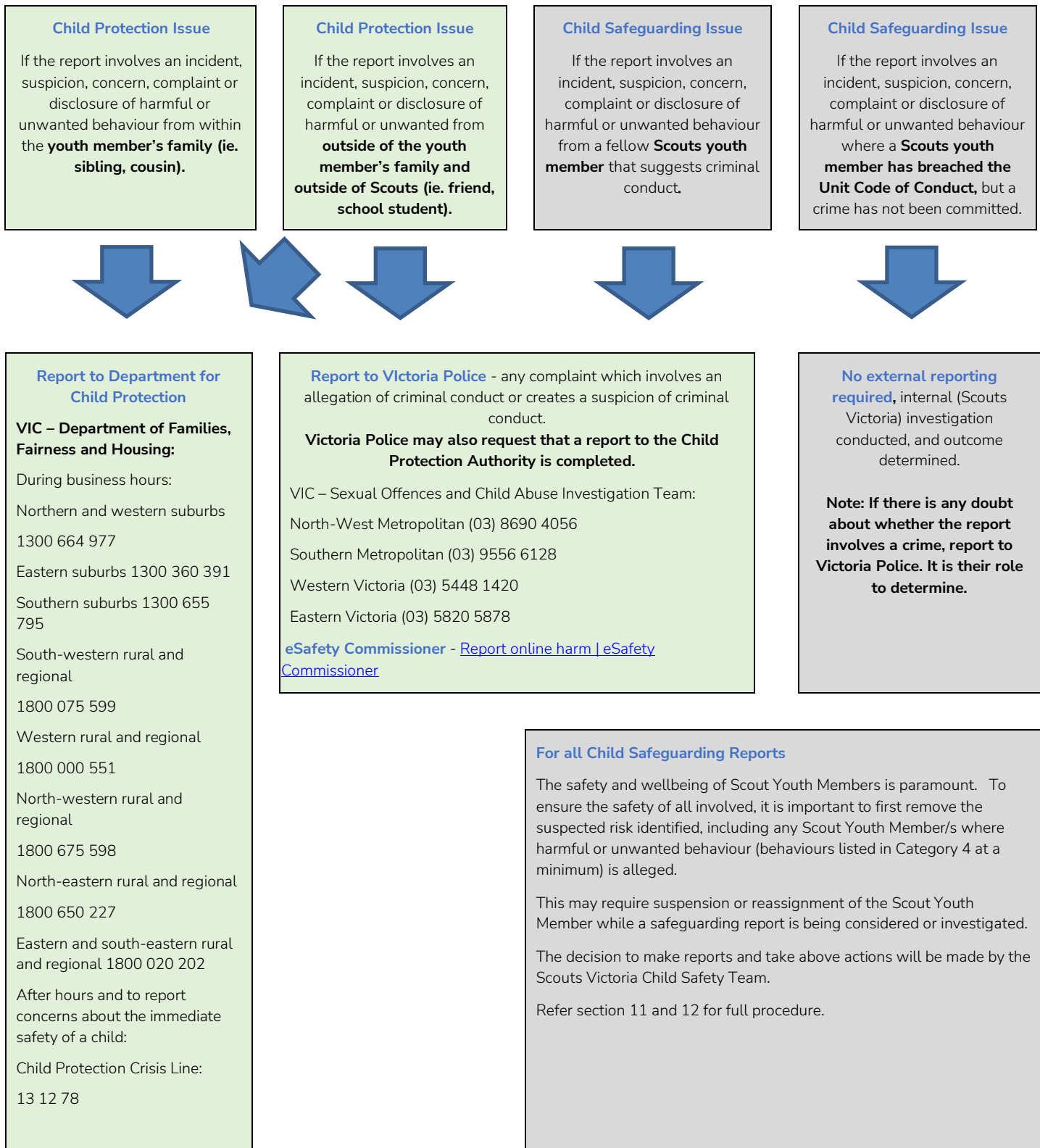


Outcome

An investigation (or fact finding process) will be completed ensuring:

- The best interests of the youth member/s are taken into account.
- Procedural fairness throughout process.
- Interviews conducted with support person/s present (if required).
- Confidentiality is maintained.
- Outcome decided (and action taken if required).
- Any improvements or changes made (ie. to policies or training).
- Outcome communicated to appropriate stakeholders as soon as possible.

Annex J: A Guide to Making a Report to Authorities



Annex K: Adult Members Checklist

Scouts Victoria – Adult Member’s Checklist

Purpose: This checklist needs to be completed after a concern, incident, disclosure or suspicion of harmful or unwanted behaviours between youth members in Category 3 or 4 comes to your attention.

Immediate Response (from the local Leaders)

	Separate youth members (and others involved) and ensure appropriate supervision is in place.
	Arrange and provide immediate first aid (where necessary).
	Activate a safety plan (if necessary).
	Request Victoria Police assistance if any youth members pose an immediate risk to the health and safety of any person.
	Notify parents/carers, Group Leader, other stakeholders as required.
	Request other assistance (ie. Scouts Victoria Child Safety Team) if required.

Recording and Reporting (from the local Leaders)

	Ensure you have read all parts of the Responding to Harmful or Unwanted Behaviour Between Youth Members Policy and Procedure Document.
	Complete a Child Safety Concern Form (be as specific as you can).
	Complete and store any additional information as required.
	Report to the Scouts Victoria Child Safety Team within 24hrs (or as soon as possible) via: 1800 870 772 or childsafes@scoutsvictoria.com.au if required.

Ongoing Communication (from the Local Leaders and Scouts Victoria Child Safe Team)

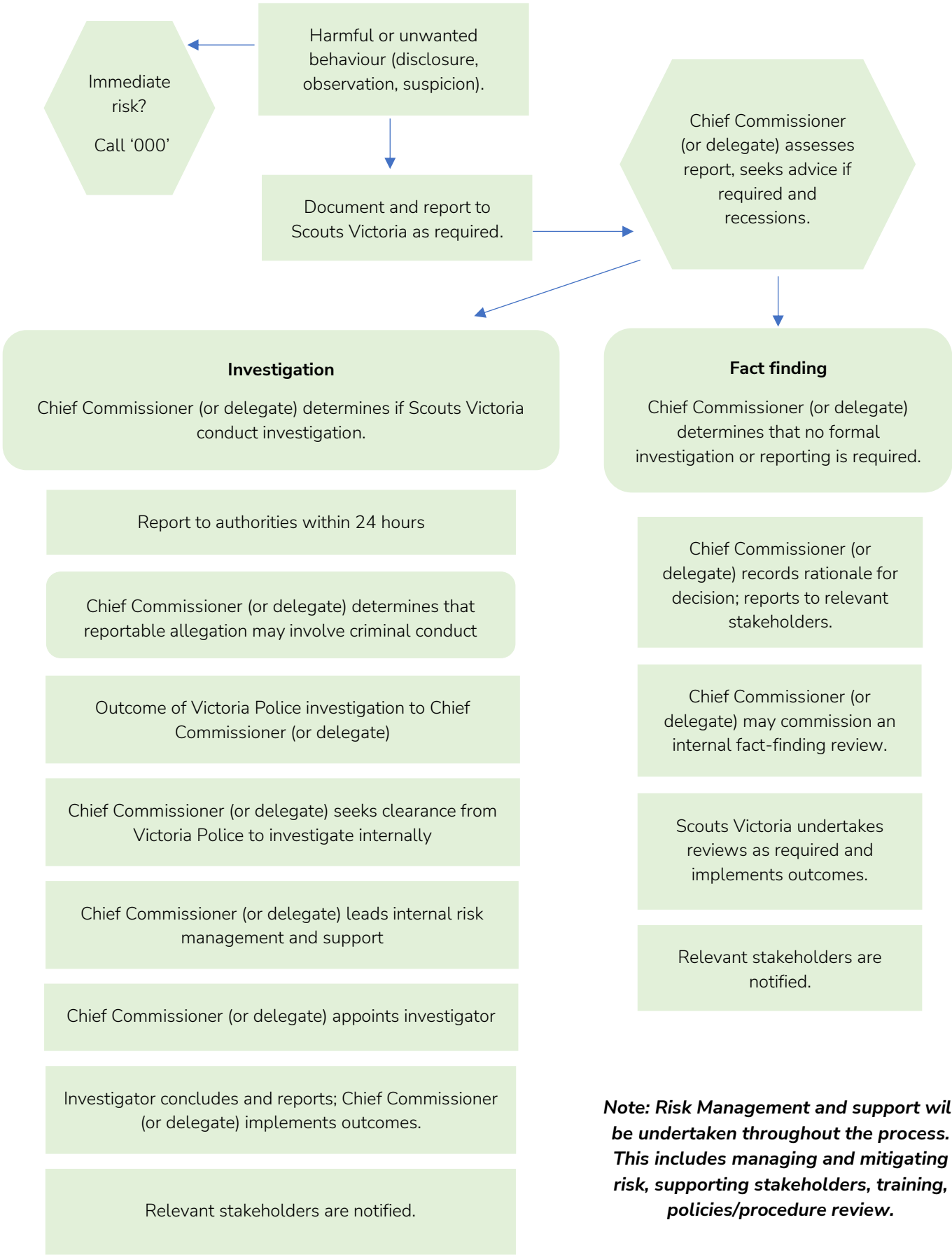
	All youth members involved, and full unit (establish agreed communication channels and intervals).
	Parents/carers of all impacted youth members (where appropriate, following advice from authorities).
	Ongoing liaison/communication with: Scouts Victoria other relevant parties until the investigation is completed (if appropriate).
	Other stakeholders:

Providing Ongoing Support (from the Scouts Victoria Child Safe Team)

	Overseeing the development of a short-term action plan for all youth members involved, in consultation with all relevant stakeholders.
	Ensuring that ongoing education and support services are provided for all youth members involved via: <ul style="list-style-type: none"> • Implementation and review of a Support Plan in partnership with youth members and their parents/carers (this plan should list appropriate supports and should assist youth members in returning to Scouts). • External support agencies where appropriate.
	Addressing concerns as they arise.
	Provision of/referral to wellbeing services as needs arise (noting this may be some time after an initial incident).
	Continued monitoring of the situation and the health and wellbeing of impacted all impacted Members (youth and adult).
	Undertake a review process 4-6 weeks post incident.
	Ensuring the provision of ongoing support for the youth member, families and Adult Members involved (please seek assistance on how to provide ongoing support if required).

Annex L: Fact Finding and Investigation process

Fact finding or investigation decision:



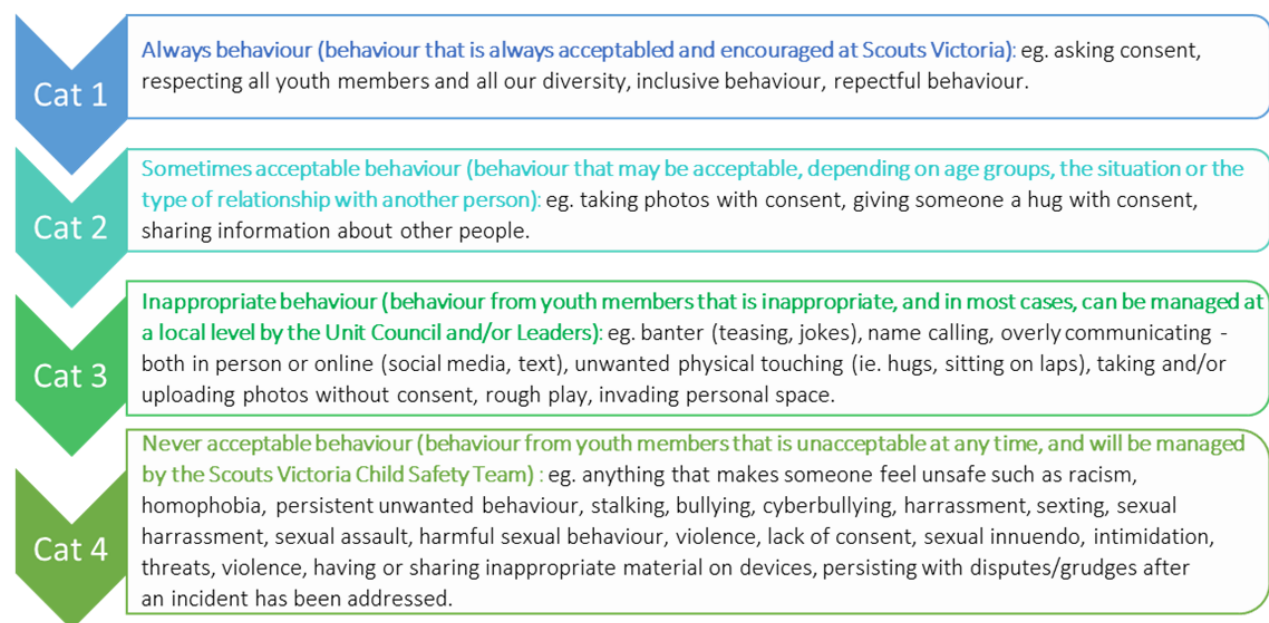
Note: Risk Management and support will be undertaken throughout the process. This includes managing and mitigating risk, supporting stakeholders, training, policies/procedure review.

Investigation process

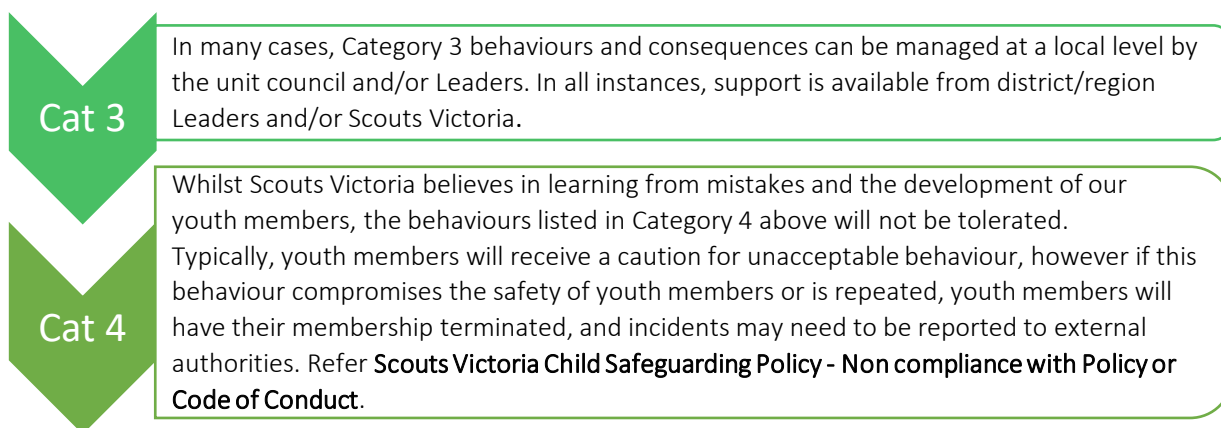
Action/Step	Person/s responsible
1. Initial assessment / identify concern / information gathering.	Unit Member
2. Clarify exact nature of allegation and threshold for concern.	Unit Member, with support from Scouts Victoria Child Safety Team if required
3. Clarify what policy, code, procedure, rules or laws have been breached or violated and escalate if required.	Scouts Victoria Child Safety Team
4. If required, determine type of investigation (internal or external). Note: if authorities involved, seek permission before commencing internal investigation.	Scouts Victoria Child Safety Team
5. Identify documents and other data that the investigation will need	Scouts Victoria Child Safety Team with support from Adult Members.
6. Scope out Terms of Reference and appoint investigation lead / team.	Scouts Victoria Child Safety Team
7. Plan process and interviews.	Scouts Victoria Child Safety Team and/or external investigator
8. Conduct risk assessment.	Scouts Victoria Child Safety Team and/or external investigator
9. Create safety plan.	Scouts Victoria Child Safety Team and/or external investigator
10. Complete investigation.	Scouts Victoria Child Safety Team and/or external investigator
11. Produce final report and action plan.	Scouts Victoria Child Safety Team and/or external investigator

Annex M: Information sheet for youth members and families about fact finding process

Unit Code of Conduct



Unacceptable standards of behaviour and related consequences



Investigations will be conducted with the principles of:



When investigating, Scouts Victoria will:



Listen



Keep an open mind



Be aware of bias and manage conflicts of interest



Be fair to subject of complaint



Communicate with parties



Take appropriate action

Outcomes may include:



ACKNOWLEDGEMENT



APOLOGY



EXPLANATION



ACTION



PROVISION OF
COUNSELLING OR
REFERRAL



STANDING
DOWN AND/OR
TERMINATION
OF MEMBERS

Privacy, Confidentiality and Information Sharing

Privacy and confidentiality of personal matters remains very important to Scouts Victoria youth members and discretion and respect will be applied. Consultation with youth members involved (about who their information will be shared with) is critical, and an important aspect of a sound youth member-centred approach.

Scouts Victoria Leaders are permitted to share certain information about youth members with:







- Other appropriate Scouts Victoria adult members in order to enable the best support and protection for youth member/s involved.
- Officer's from DFFH Child Protection Department, if the information requested may be of assistance to their investigation process.
- Victoria Police if the information may assist in the investigation of potential criminal offences, or may aid in the immediate protection and safety of youth member/s.

Note: Planning and care should be taken before providing any information about youth members to the broader Scouts Victoria community. Information provided to representatives of Scouts Victoria, adult members, youth members and family members is at the discretion of the Case Manager, Executive Manager and Chief Commissioner. Not all information about youth members is permitted to be shared and will be done so in line with the Australian Privacy Principles.

Additional information (include above information as well) for parents/carers:







Conducting the Investigation

The formal Scouts Victoria internal investigation process will include:

-  1. Terms of reference for each investigation
-  2. Evidence collected
-  3. Interviews conducted
-  4. Analysis of information
-  5. Report completed
-  6. Outcome – substantiated, not substantiated, unable to determine

Note: Scouts Victoria is required to apply the conditions of the investigation, as dictated by the external authority/authorities involved.

The external investigation process includes the following steps:

-  1. Report to external authority (ie Vic police, DFFH)
-  2. Cooperate with instructions from external authority
-  3. External authority conducts investigation (*note: timeframe of this is undetermined*)
-  4. Receive notification of outcomes of investigation
-  5. Respond accordingly to outcomes of investigation process (ie. changes to policy)
-  6. Communicate appropriate and relevant outcomes to stakeholders

Annex N: Follow up form

Scouts Victoria – Follow up form

Purpose: This form should be completed 4-6 weeks after a concern, incident, disclosure or suspicion of harmful or unwanted behaviours between youth members in Category 4. Please consider and list actions that can be taken to build the Unit or Scouts Victoria’s capacity to respond to harmful or unwanted behaviours.

Review of response	
	Was the appropriate decision taken (initially) as to when to act regarding harmful or unwanted behaviour? Yes/No, Please comment:
	Could the harmful or unwanted behaviour have been detected earlier? Yes/No, Please comment:
	Did Adult Members take appropriate action in an emergency situation? Yes/No, Please comment:
	Were youth members appropriately supported through interviews/process? Yes/No, Please comment:
	Was the support plan put in place effectively? Yes/No, Please comment:
Recording	
	Were accurate records maintained initially and throughout the process? Yes/No, Please comment:
	Were records appropriately stored? Yes/No, Please comment: Yes/No, Please comment:
Reporting	
	If required, was the incident escalated through Scouts Victoria pathways, in a timely and effective manner? Yes/No, Please comment:

	If required, were external authorities reported to, in a timely and effective manner? Yes/No, Please comment:
	Were subsequent reports made, if required? Yes/No, Please comment:
Communication	
	Were parents/carers notified in an appropriate, sensitive and timely manner? Yes/No, Please comment:
	Have parents/carers continued to be engaged throughout the process in an appropriate and sensitive manner? Yes/No, Please comment:
	Have all youth members involved continued to be engaged throughout the process in an appropriate and sensitive manner? Yes/No, Please comment:
	Have any complaints been received? Yes/No, Please comment:
Continuous improvement	
	What should Scouts Victoria do differently next time?
	What things did Scouts Victoria do well in this instance?
	Should an external organisation provide a learning review?