



The  
Scout Association  
of  
Malta

**Safe From Harm**

## Glossary of terms

**Abuse** - For the purposes of this policy the term 'abuse' is used in its wider sense to encompass actual abuse, alleged abuse, as well as questionable situations which give rise to reasonable suspicion of abuse, or grossly inappropriate behaviour. For the effective running of the scout group and to safeguard the protection of all children within the group, whether abuse is actual, alleged, or merely suspected, it needs to be investigated and dealt with appropriately. These procedures will help to shed light on such matters when they occur.

**Adult member** – any member of The Scout Association of Malta who is 18 years or over.

**Child Protection Board (CPB)** – Members from the Scout Association of Malta (SAM) who were given the special responsibility to intervene in circumstances of abuse when called on to do so by the Chief Commissioner.

**Designate leader** – a member of The Scout Association of Malta with leadership capabilities who has been entrusted with a specific task by his/her Group Scout Leader.

**GSL** – Group Scout Leader – Member in charge of a scout group.

**IHQ** – Island Headquarters – Headquarters of the Scout Association of Malta

**Minor** - any member under the age of full legal responsibility (18 years)

**Section Leader** – A member of the Scout Association of Malta (SAM), entrusted with the care of young members.

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## Introduction

1. The following Safe From Harm policy is an expression of The Scout Association of Malta's (TSAM) commitment towards providing a safe environment and a concrete response to child protection concerns. Every adult member within TSAM should be committed towards providing an environment that protects every child in our care from any harm.
2. This Policy<sup>1</sup> aims to provide best practice guidelines to prevent, detect and address abuse as well as the procedures to be followed when abuse takes place:
  - a. occurs between the children themselves;
  - b. occurs between children and adult members;
  - c. involves people who are not part of the residential setting where the child lives.

## Definitions of Child Abuse

### 3. Physical Abuse/Child Battering

Children under the age of 18 years who have suffered physical injury and where the nature of the injury is not consistent with the account of how it occurred, or where there is definite knowledge or reasonable suspicion that the injury was inflicted or knowingly not prevented by any person having the custody, charge or care of the child. Diagnosis of child abuse will normally require both medical examination of the child and social assessment of the family background.

### 4. Sexual Abuse

Sexual abuse is the improper exposure of a child to sexual contact, activity, material or behaviour. It includes any sexual touching, intercourse or exploitation by anyone in whose care the child has been left, or an individual who takes advantage of a child. Such a person could be a parent, a relative or a stranger.

### 5. Types of Sexual Abuse

- a. *Non-Contact Abuse: refers to two types of experiences:*

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<sup>1</sup> This policy draws upon various elements found in similar policies which were consulted when it was being drafted, mainly: the *Child Protection Procedures for Schools* of the Education Division (Malta, 1999); the *Standards to Safeguard Children and Young People* of the National Council for Voluntary Youth Services (UK, 2002); and St. Patrick's Salesian School's *Child Protection Policy* (Malta, 2016).

- i. Encounters with exhibitionists;
- ii. Solicitation to engage in sexual activity, where no physical contact occurred.

b. *Contact Abuse* applies to all behaviours that involve sexual contact, including fondling of breasts and genitals, intercourse and oral and anal sex.

## Physical Neglect

6. Children under the age of 18 who have been persistently or severely neglected, for example by exposure to any danger that would result in the serious impairment of health and/or development.

- a. Physical neglect is the failure to meet the child's physical needs. This includes failing to provide adequate nutrition, clothing, shelter, health care and protection from harm.
- b. Non-organic failure to thrive may result from neglect but will always require medical diagnosis.

## Emotional Abuse/Neglect

7. Emotional abuse is anything that causes mental or emotional harm to a child. Emotional abuse may take the form of verbal attacks on a child's sense of self, repeated humiliation or rejection.

8. Emotional neglect is the failure to meet the child's emotional needs for affection and a sense of belonging.

## Preventive Measures

9. It is important to mitigate the possibility of abuse taking place. Some ways of doing this could be by implementing the following:

- a. The presence of adults with the young members;
- b. A safe and thorough recruitment and selection policy and procedure;
- c. Awareness training for leaders and children on the subject topic;
- d. Ensuring that there are at least 2 leaders with every group of young members;

- e. Good management and supervision of leaders and helpers;
- f. Clear lines of accountability for leaders, as well as supervision by the Group Scout Leader;
- g. Encouragement of open communication among members;
- h. The provision of an updated policy, detailed guidelines, to avoid misunderstandings;
- i. Having a child protection policy and procedure and making members aware of its existence;
- j. The availability of professional specialist help from outside sources such as government and NGO's.
- k. Targeted sessions for young members which aim at increasing awareness among children regarding abuse, and its prevention.

## Detection of Abuse

10. One needs to keep in mind:

- a. Reports regarding abuse may come from children, leaders or persons outside the group.
- b. Leaders need to be aware of what constitutes abuse, so a common definition of abuse is necessary.
- c. For the purposes of this Policy, non-members helping within the group are also considered to be part of the group.
- d. Duty to refer: Children may disclose to a *trusted adult* member of their choice (i.e. an adult they spontaneously choose to trust). Trusted leaders need to refer whatever information they have appropriately in accordance with the present Policy.
- e. As dilemmas sometimes arise about what to do in particular circumstances, it is important to follow this Policy in all cases and to refer to the *GSL and Chief Commissioner* as appropriate.

f. For the safety of both children and adult members, the risk of false or malicious allegations is a factor which needs to be given due consideration in our practice as well as in these procedures.

g. Particular effort should go into preventing, detecting and addressing emotional abuse as it might be the most common type of abuse encountered, e.g., there may be incidents where a child is ridiculed in front of other members and leaders, belittled and called names and since this does not seem so severe, it is more likely that it would not be tackled adequately.

h. If a leader or adult member is concerned in regard to the behaviour of an adult towards a young person, it is important that the member shares his/her concern with the GSL without delay. If the concern regards the GSL, the Chief Commissioner should be approached immediately. All information received and discussed will be treated in the strictest confidence and only shared with those individuals who will be able to manage and resolve the situation. It may though be necessary to seek advice elsewhere or inform the statutory agencies e.g. Child Protection Services or the Executive Police.

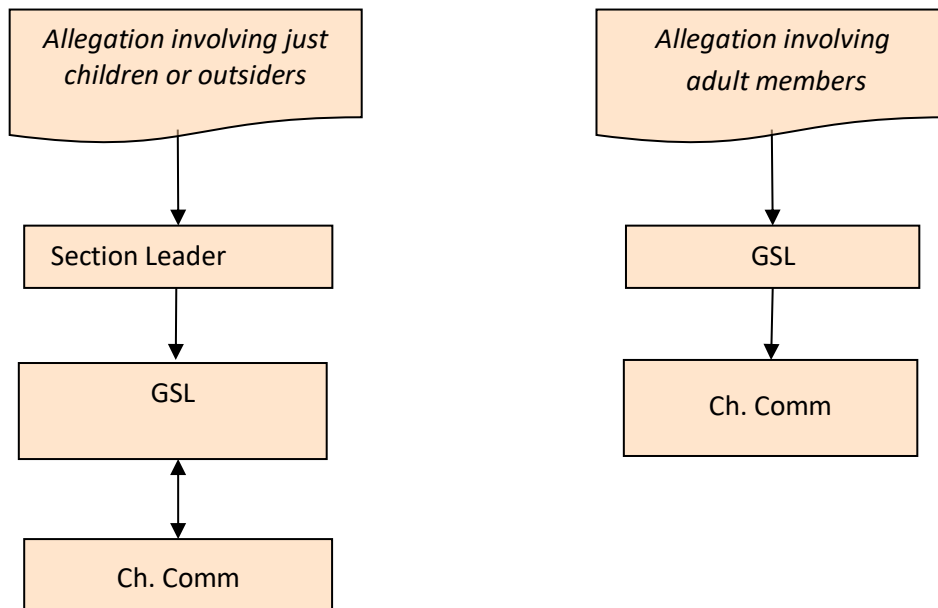
## How to Make a Referral

11. Leaders are to report any allegations or suspicions of abuse **involving just children** or else **involving children and adults** to the GSL who will in turn inform the Chief Commissioner, at the earliest convenience.

12. Any allegations **involving the GSL him/herself**, are to be made directly to the Chief Commissioner at IHQ as early as possible.

## Confidentiality:

13. Having referred the matter appropriately, members will not disclose information to any other member, adults or children unless they receive permission to do so by the Chief Commissioner or his delegated representative.



## Addressing Allegations of Abuse

14. Minor instances of sexual misbehaviour between children are to be immediately tackled through the usual channels that lend themselves to maintaining discipline within the group.

15. The following pages describe in detail the procedures to be followed in cases when an allegation of grave physical or sexual abuse is reported, which allegation involves children in the sections:

- a. Abuse between young members within the group.
  - i. Abuse between leaders and minors
  - ii. When an allegation of abuse is made against a leader
  - iii. When an allegation of abuse is made against a young member by a leader.
  - iv. A Note about Whistleblowing
- b. Abuse outside the group.



c. Abuse between Children within the same group

16. When a child or someone else reports a case of grave abuse to a leader, he/she is to:

a. IMMEDIATE: Assess the immediate risk and take the steps s/he deems necessary in good faith, in order to provide the necessary support and protection. When an injury is suspected to be caused by abuse,

i. the GSL or designate leader is required to inform parents at once.

ii. the GSL or designate leader needs to see that the child is taken to hospital/clinic by a leader for treatment;

iii. a Medical Certificate is to be requested by the leader. (NB. General Practitioners employed by the State are obliged to issue a certificate.)

b. REPORTING: Report the case as soon as possible and within 24hrs of its occurrence to the Group Scout Leader who will in turn report, file<sup>2</sup> and refer to the Chief Commissioner. The Chief Commissioner will refer the case to the CPB Chairperson who may also refer the case to the "Agenzija Appogg" or the Police. The parents are to be informed immediately by the Group Scout Leader with the guidance of the Section Leader.

c. The CPB will assess the situation and investigate as appropriate. They may call meetings with any or all of the parties involved, or, and on the basis of the report submitted or following investigation, refer the case to "Agenzija Appogg", to the Police directly.

d. Action: The CPB will recommend to the Chief Commissioner the *action to be taken with regards to those involved*;

e. CLOSURE:

i. The Chief Commissioner will communicate his decision to the GSL keeping the CPB in copy;

ii. The child involved will be approached by the Section Leader with the group scout leader, who will communicate the outcome to him.

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<sup>2</sup> Given their sensitivity, these reports will be filed in the Group Scout Leader's office and will just be accessible to him, the CPB and the Chief Commissioner on request.

## Abuse between adult members and children

17. The allegation is usually made to a trusted leader or parents. The section leader unless he/she is involved will inform the Group Scout Leader who will assess the immediate risk and take the steps s/he deems necessary in good faith to provide the immediate necessary support and protection.

18. Although Adult members may be subjected to mistaken or malicious allegations, every allegation of abuse between children and leader or adult member should be dealt with. This, however, is to be done sensitively and fairly.

19. \_\_\_When an allegation of abuse is made against a leader

**a.** When an allegation of abuse is made against a leader or adult member from a minor, the following actions are to be taken:

1. The adult who receives this allegation is to report the case to the GSL without delay and certainly within 24 hours. When an injury is suspected to be caused by abuse,

2. the GSL needs to ensure that the child's parents are informed at once, and if it is agreed that the child needs to be taken to hospital/clinic, an Adult leader and another adult person will accompany the child. ;

3. a Medical Certificate is to be requested by the leader after discussing the matter with the child's parents or guardians. (NB. General Practitioners employed by the State are obliged to issue a certificate.)On receipt of an allegation or accusation that a leader (adult) or youth member may have been involved in the abuse, this individual or individuals are suspended until such time that internal investigations are carried out.

**b.** The GSL will inform the Chief Commissioner who will communicate appropriately with the designated members regarding the emerging situation, since, should the nature of the allegation and the circumstances surrounding it be likely to lead to criminal prosecution, further processing from the scout group could constitute a situation of "tampering with evidence".

- c. The Chief Commissioner will refer the case to the CPB, who may recommend to the Chief Commissioner that (or take immediate action to):
  - 1. The matter is referred to the Police;
  - 2. The matter is referred to “*Agenzija Appogg*”; or
  - 3. Further internal investigations by the CPB are necessary.

20. If the matter is referred to the Police or “*Agenzija Appogg*”:

- a. the Chief Commissioner is to seek direction in writing from the Police or “*Agenzija Appogg*”. This individual or individuals involved are suspended until such time that internal investigations are carried out.
- b. as to whether the adult and the youth member should be suspended or not.
- c. The parents will be informed by the GSL as to the procedures taking place and all elements recorded.

21. If further investigations by the CPB are deemed necessary:

- a. CPB will recommend whether the adult and the young member are to be dismissed from the Association or not.
- b. The Chief Commissioner or designate member should communicate with the adult against whom the allegation was made, to see that the following actions take place.
- c. The parents will be informed by the Group Scout Leader as to the procedures taking place and all elements recorded.
- d. The adult member against whom the allegation was made will be asked to submit a written statement within 24 hours of being notified of the allegation detailing his or her version of events. The statement is to be given to the Group Scout Leader who will in turn will forward the report to the Chief Commissioner. The Chief Commissioner will then decide whether to notify the CPB. It will be at the discretion of the Chief Commissioner whether to meet the child.
- e. If the case appears to warrant further investigation, the Chief Commissioner will appoint the CPB to carry out an internal investigation. The CPB may call

up the adult member against whom the allegations were made for questioning and will inform the adult member about the process and allow him or her the possibility to make further clarifications

- f. Following the investigations carried out by the CPB, the Chief Commissioner and the CPB are to meet. Records of the proceedings will be presented and a decision will be taken regarding the course of action to be taken
- g. While investigations are underway, and once they are concluded, appropriate action will be taken by the GSL to safeguard other leaders and the children's safety, as appropriate.
- h. Following the investigations carried out by the CPB, a report of findings with CPB recommendations will be forwarded to the Chief Commissioner. The Chief Commissioner will then decide what actions are to be taken in this regard

22. Should the allegation be made against the GSL, the latter should be suspended and another adult leader will be appointed as temporary Scouter-in-Charge until investigations are concluded.

23. When an allegation of abuse is made against a young member by a leader

- a. The leader in question will notify the Group Scout Leader who will inform the Chief Commissioner in writing.
- b. When an injury is suspected to be caused by abuse:
  - 1. the GSL, on consultation with the child's parents or guardians needs to see that the child is taken to hospital/clinic for treatment. At least two adult leaders need to be present with the child, when taken to hospital;
  - 2. a Medical Certificate is to be requested by the leader. (N.B. General Practitioners employed by the State are obliged to issue a certificate.)
  - 3. The GSL will assess the current situation and take the steps he or she deems necessary in good faith to provide the necessary support and protection for all concerned.
  - 4. The GSL or other leader who is responsible for the child will talk to the child as early as possible in order to clarify and record what happened.

5. The GSL may approach any other member who might have any information regarding the alleged incident and may also discuss the matter with the Child's parents or guardians if necessary

6. The GSL should endeavour to clarify the matter relating to the case during a meeting where parents and leaders may be present. A representative of the CPB should also attend this meeting.

## Abuse outside the Scout Group

24. Abuse could take place outside the scout group premises or activities, by relatives, or other third parties, who come in contact with the child. Therefore, leaders may observe signs of abuse such as bruises or other signs of physical or sexual abuse. Indications of abuse could also be observed through the child's emotional state or if the child discloses.

25. In such cases, the leader who observed signs of the alleged abuse is to speak to the young member and immediately, refer the matter to the GSL. The GSL may also communicate with the CPB and the Chief Commissioner for further guidance.

26. RESERVED (Purposely left blank)



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Updated 6th December 2019