



THE JUNE 2009

A1

INFORMATION



Scouts Australia (New South Wales Branch)

A1 GUIDE

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Step 1.

For your own protection ensure you are using the latest A1 downloaded from the web.

Unfortunately we have to change these as Coroners and Judges hand down new verdicts and decisions that could legally put our Leaders at risk. There is a choice; to knowingly leave our Leaders legally vulnerable, or as we do, update and aim for maximum protection of our Leaders.

Ensure you read the latest LSG29 on the use of the latest the A1. It is labelled LSG 29 Ver 3. June and will be on the web, and just has the references to 'local' removed, in anticipation.

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

Part I. The Activity Coordinator (might also 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: Fairly obvious however for one day events you can use the 'from' section to put the start and finish times for that date, and in two day events, where they come back for the second day, those times.

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 when they saw the names and addresses etc. had 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*).

The 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 Leaders 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: Parents please remind you child to take his/her water bottle on the hike, not good if forgotten.

Step 4. Part III (Activities and Resue 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 lodgement 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 A1 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. Have 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 A1 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 lodgement 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:

- A1s must be for the specific activity and 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.



WHAT ARE THE ISSUES THAT THE RECENT CORONERS REPORTS/INVESTIGATIONS INTO THE DEATH OF DAVID IREDALE & OTHERS RAISED ?

We have had a number of coroners reports, at the same time we gained as much information as to the investigations carried out by the coroner and his police officer to determine exactly where our Scout leaders stand. It is vital to us to ensure that we are providing maximum protection not only to our youth members but also to our Leaders, especially that they don't expose themselves to the charges of negligence.

It is pleasing to note that leaders following our policies and procedures would have been provided with the maximum protection possible. Verdicts can reveal a previously unknown risk, the A1 released in January this year had to suddenly be changed as a result of the recommendations of a coroner, to the Education Department, of a problem with their permission slips that left teachers vulnerable. Again more recently changes were made to the newer A1 for a similar reason.

Just what are the changes recommended by the coroner. This includes issues highlighted by other cases, that came before the courts?

1. That the information provided to parents before they sign any permission forms should be as complete as is reasonably possible; that each form providing information should be activity/event specific, and no general forms covering a series of activities should be used;
 - a) Some of the actual words of the coroner were. " *that candidates must obtain written pre-approval for each particular expedition, planned on identified dates, and that co-ordinators must keep records of such pre-approval. In circumstances where an expedition is cancelled after pre-approval, records should be kept of the pre-approval and reasons for cancellation*".
 - b) Forms must be completed by the organisers/coordinators of that specific activity; there should be no opportunity for youth members to input information, as has been the case. Certain information as being excluded by youth members so that it would encourage their parents to sign; (*The result of one such incident a girl drowned.*)
 - c) That the permission slip returned must have the basic details of the activity on the slip so it is easy to identify which activity the permission was given for;
 - d) In addition the information sheet, that it is left with the parents, should reasonably cover the details and other relevant information that accompanied the permission slip. It should also contain, in a reasonable fashion, the basic details of the activity so the parent can assess the risk their child might be exposed to..
2. That there **must be an offer** to answer questions made and the relevant persons contact details be made available.
3. That forms and details of activities should be lodged with the various authorities (those indicated on our A1) in a timely fashion.
 - a) Whilst no definitive time was given 14 days we considered appropriate, and reasonable, the timing adopted by Scouts.
 - b) *The coroner highlighted* 'the importance of contacting appropriate local authorities to determine the availability of water on planned walking routes';
 - c) *The coroner highlighted* 'the availability of schemes that provide for the registration of trips with local authorities and the importance of utilising such schemes'; and

- d) *The coroner highlighted* ‘the value of one candidate in any walking group carrying a Personal Locator Beacon (PLB) where those devices are available from Police or the National Parks and Wildlife Service.’
4. That leaders need to receive training for being responsible for youth members, such training is to include not only safety features safety procedures; child protection; policies and procedures.
- a) It is essential that the organisation make available ongoing and a regular training of its leaders.
5. The issues arose where teachers and others have indicated they did not know the procedures and policies. If this were true, they the shift the negligence claim from them to the next people up the line who should have communicated those changes.
- a) In Scouting this would shift to the Group Leader and or District Team who would need to be able to show the facilities to update training, such as the web – regular Scouters meetings, which also addresses important current issues.
- b) It would be why it is important to keep the agendas of those meetings as proof that the matters were discussed. In the same way it is equally advisable to include details such as changes in policy, new LSGs and they are also noted in your newsletters that go to leaders.
- c) It follows of course that if the District claim they were never informed this matter would then turn to Region.
- d) It is also vital to be able to prove that Groups had in fact reacted positively to such information and those policies and procedures are being carried out.
- e) The courts have held that if there is no attempt to enforce the policies and procedures this is the same as agreeing that the person's behaviour is acceptable.
6. Briefings by Teachers and other adult leaders drew strong comment from several sources in the legal system. The most recent coroner felt it was potentially a case negligence. “The Adventurous Journey component also incorporates participants learning and being involved in the pre-planning of the trip. Pre-planning would involve map reading, plotting, equipment requirements, food and water requirements, navigation sheets, survival techniques etc.

It is a responsibility of leaders to ensure not only those factors have been covered in their training and that the youth members have an adequate understanding and grasp of the importance of the factors, but they have gone through a number of scenarios with the team going out in the days immediately preceding the activity.

Also included in such a briefing should be a detailed discussion of how the youth members would deal with being temporarily misplaced. In addition health concerns as a result of the weather and other conditions.

e.g. Such problems that could arise and need quick action, hyperthermia and hypothermia and their signs of and the methods of dealing with these conditions.

As already discussed in previous communications and LSGs, Leaders are offered maximum levels of protection by simply following policies, procedures and guidelines of the Association.

Not to follow these places us in a position where our insurers have the option not to cover Leaders who do not follow procedures in a reasonable manner. As outlined in the O & I.

**IN OTHER WORDS FOLLOWING OUR POLICIES
ALREADY PROVIDES A HIGH LEVEL OF
PROTECTION FOR OUR LEADERS AND YOUTH MEMBERS**

SAMPLES OF DETAIL SECTIONS

Details

(SAMPLE OF A TROOP CAMP)

This will be a standard troop camp, sleeping in tents and cooking their own meals. WE will be using LPG stoves. We will provide all rations.

There will be some swimming in the Blue Ridge river, ALL Scouts will be buddied up for water activities.

Julie our other leader cannot attend, but a 23 year of Rover Felicity will be there.

There is a 7 mt rock face used for abseiling instruction which we will use for an abseiling activity.

Felicity and I hold Senior Abseiling certificates and each scout will be wearing the required safety helmet and abseiling harness, plus they will all have a safety rope (a belay). It will be voluntary.

Ensure You tick the box regarding approval for abseiling on the first page if you want your child to enjoy this safe activity.

We will meet at the hall at 8.30 where they will travel in the Leaders car and the parents John Smith, Paul Rudd with Gillian Hope as a reserve. They anticipate being back at the hall by return to the hall Sunday at 4.30

Details

(SAMPLE OF A REGIONAL COURSE)

MAIL FORM AND PAYMENT TO:

The Secretary
First Aid Team
P.O Box 125
Grong Grong NSW 1111

This course is the St Johns Senior First Aid Certificate Senior Recertification. Issued on successful completion of the course.

It is open to both male and female participants' who hold a current First Aid certificate.

It is conducted by Senior qualified St Johns Instructors

The course is conducted, in the main, indoors

NON members FEE is \$50 and can attend by completing this form and forwarding payments as over.

Cancellation has a fee of \$10

NB. Recertification requires you to have completed a Recertification Course whilst your First Aid Certificate is still current.

BRING YOUR OLD CERTIFICATE TO THE COURSE.

Other First Aid courses are available and can be found on our web site. <http://grongrong.scouts.com.au>

The appropriate Application form can be downloaded,

They include.

Preliminary First Aid (First Aid for Juniors) Course, a one-day course, no pre-requisites (Fee \$ AAA)
Senior First Aid Course (HLTFA301B), a two-day or five evening course, no pre-requisites " (Fee \$BBBB)
Recertification Courses require evidence of previous certificate and must be brought to these courses
Senior First Aid Recertification Course (HLTFA301B), a one-day or two evening course; (Fee \$CCCC)
Advanced Life Support First Aid Course (HLTFA404A), a one-day course (Fee \$ddddd)

We also hold evening courses throughout the year.

*(Leaders if you are travelling as a Group put your travel details, times here as well as
and any other local information as well)*

THE ACTIVITY A1 FORM.

To answer your questions

The A1 has been carefully developed to achieve a number of important outcomes including, especially, the protection of our leaders. A product of careful evaluation of:

- cases before the courts
- findings and recommendations by the coroner 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 A1 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?".

The properly completed form provides incontrovertible evidence as to the information furnished to parents and guardians. 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.

All these requirements are there to protect the youth members and also those who have followed the correct procedures, which, today, are much more critical than they were even ten years ago.

You must ensure that you provide as much detail as a parent or guardian could reasonably need to possess in order to make a properly informed decision to permit participation in the proposed activity. Try to put yourself in the position of a parent or guardian, unfamiliar with scouting and its activities, and envisage what information that parent or guardian would need to have. It is in that context that the details panel on page 2 is designed to allow for more information to be included.

So as to fortify this informed consent aspect we have included a statement on page 2 of the form as follows: "**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.*" We need to have had the parent fill in THEIR emergency contact in the box on the first page.

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**.

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?".

COMPLETING THE FORMS

Note the June A1 is now a Part I and Part II (the first two pages) Part III (the last 2 pages)

- **They 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

- ***Does a leader responsible for an activity have to fill in an A1 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 A1 is necessary.
- ***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:-
Within approximately 2 kilometre radius of the scout hall.
What a reasonable parent or guardian would expect to be a normal part of the section's meeting.
- ***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.
- ***Is it true that I have no indemnity and can be sued if I don't have a signed A1 form and whilst out on an activity a child is hit by a car crossing the road?***
Whether you have a signed A1 or not your duty/liability is the same. The leader must establish a reasonable level of care e.g.:
 - the crossing of the road was personally supervised.
 - the youth members crossed in an order manner such as one six at a time, holding hands.
 - 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),
- ***Why don't I just get one or a bundle of A1'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.
- ***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.
- ***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!
- ***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 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 under "Leaders", then "Policies", then "Forms" - it is immediately after A1 forms.

- ***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.

- ***If we are making it a group activity can I add our travel plans to a Region A1 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.

- ***What happens if I don't bother with an A1 at all?***

You are on your own! You will not have the support of the movement nor any coverage under its insurance.

- ***What happens with the A1 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.

- ***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.

- ***What about two day events within region or district where everyone goes home at night?***

An A1 part1 only. This is not considered an 'overnight' event.

- ***What if the parents only sign the A1 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*)

- ***Do youth members ever complete an A1 form?***

Only under the **Leaders 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.

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 himself 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 A1 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 A1 is sent in time but with a note that the "Participants" attachment will follow.
4. The A1 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.