

DEALING WITH DIFFICULT SITUATIONS.

What are the rules?

May 2015



Introduction

Dealing with complaints, difficult reviews and appointment suspensions or cancellations can be difficult. But many of the problems are caused by a lack of understanding of the rules in place in the Policy, Organisation and Rules (POR).

This document provides some tips plus a quick overview of the relevant rules. It is intended as an overview only. The rules as specified by POR – and the factsheets it points to – remain the absolute source.

For full details, refer to www.scouts.org.uk/por

Review

The key rules for the review process are in the final chapter, POR: The Appointment Process.

**The purpose of the review is defined in rule 5(a).
The purpose of the review is to determine whether:**

- i. the appointment is to continue for another period; or
- ii. the appointment is to be cancelled; or
- iii. the adult will apply for a different role.

Reviews are formally required at the end of each period of an appointment (which may be anything up to five years and is defined when the appointment is made). Additionally, a review may be required **at any point** if so decided by the District Commissioner, County Commissioner or Regional Commissioner (as appropriate). This is an important point and allows a difficult person to be dealt with at the appropriate time.

This power is given in rule 5(b).

The appointee's line manager is required to carry out a formal review at the end of each period of the appointment (**or earlier** if required by the relevant Commissioner).

Some key tips

Key points to bear in mind when running a difficult review:

- Be very clear of your facts before you meet.
- Always focus on facts not gossip.
- Prepare what you will say and how you will say it.
- Explain what you need as the line manager (this can be very powerful – for example, 'I need someone in this role do to ...').
- Stick to your plan and follow-through.
- Be very clear in what you say.

Further information on carrying out difficult reviews can be found at www.scouts.org.uk/review

Appointment cancellation

It should be noted that the cancellation of appointments is covered by POR rule 15.7. (Please note: appointment cancellation should not be confused with the termination of an adult or associate membership which is covered in rule 15.6.).

The key rule is POR: The Appointment Process 7(a):

The relevant Commissioner and the Appointments Advisory Committee, acting together, may cancel or not renew any appointment on one or more of the following grounds:

- The appointee agrees to resign when notified that a recommendation is to be made for the cancellation or non-renewal of the appointment.
- The appointee has failed within the time limits to satisfactorily complete adult training appropriate to the appointment including ongoing learning.
- The appointment is not to be renewed following review.
- The appointee has ceased or failed to perform the duties of the appointment satisfactorily.
- It becomes evident that the appointee no longer accepts the fundamental principles of the Movement.
- It becomes evident that the appointee is not a 'fit and proper person' in respect of the Association's policies and rules.
- The adult does not hold a current first aid certificate (a minimum of First Response) if they hold a leader, manager or supporter appointment.
- The appointee has or is likely to bring the name of the Association into disrepute.
- The appointment should be terminated following the closure of a Group, Explorer Scout Unit, District Scout Network or a Section.

In addition, rule 7(b) allows a provisional appointment to be cancelled if the appointee has failed to complete the requirements of the provisional appointment.

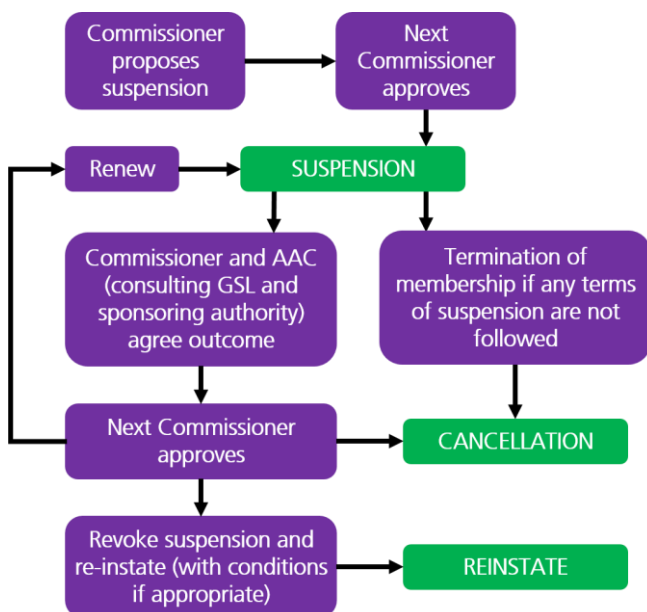
The key issue here is that the Commissioner and the Appointments Advisory Committee must act together in cancelling an appointment. So it is important that there is good communication about these issues between the Commissioner and the committee.

If the appointment is cancelled due to unsatisfactory service, then it is vital that the Cancellation / Suspension Form (Form CS) contains this information (and only facts, not rumour or interpretation).

Suspension

It is important to be clear that, even though it may not always feel like it, suspension is a neutral act.

POR Chapter 15 covers the rules (specifically rules 15.2 to 15.5 inclusive) dealing with suspension of adults and young people. Line managers should find this section particularly helpful when dealing with these difficult situations. This overview covers the suspension of adults only. The suspension process for adults, in outline, looks like this:



People are suspended by the relevant Commissioner in agreement with the next Commissioner in the line management chain (POR rule 12.2(c) – see also the table under the rule showing who has the authority to instigate a suspension and who must authorise it). It is a fairly straightforward process (for example, the District Commissioner may suspend adults within the District with the approval of the County Commissioner).

The conditions in which suspension is permitted are detailed in POR rule 15.2(b). See POR for full details, but in outline the conditions are:

- An allegation that a member or associate member has committed a serious criminal offence.
- A disagreement or dispute between adults that remains unresolved for a period of more than 30 days from when a written notification of the dispute is provided to the Executive Committee.
- A member or associate member makes a formal, public challenge (to a non-Scouting organisation, body or forum) against the decision or policy of a local Executive Committee or The Scout Association.
- Where the intentional action or inaction of an individual could seriously harm the reputation of the Movement.
- When the action of a member or associate member may constitute gross misconduct.

Rule 15.2(e) covers what a suspended member or associate member must not do:

- Participate in any activity connected with the Movement (whether or not young people are present) including administrative activities.
- Contact youth Members of the Association.
- Enter Association premises unless specifically given permission by the appropriate Commissioner.
- Be present at any place at which Scouting activities are taking place (including all types of activity whether or not young people are present).
- Wear the uniform or badges of the Association.

In certain circumstances suspended people who are parents of youth members may be given permission to attend certain Scout activities with their children. This will need careful and clear handling so that the boundaries are clear and must also take into account guidance from the Safeguarding Team in certain circumstances. See rule 15.2e for the details.

If a suspended person refuses to follow the terms of a suspension, that person's adult membership or associate membership may be terminated (rule 15.6(a) bullet point 4).

The new rule, 15.3f, allows headquarters to directly end a period of suspension by excluding a suspended person from Scouting if the individual is unsuitable to participate in Scouting

Dealing with complaints

The Association has a complaints procedure that covers complaints, disagreements and disputes. The procedure deals with complaints from those outside of the Movement as well as from members. Factsheet, FS140100 Resolving Complaints: The Scout Association's Complaints Procedure, provides more details.

POR rule 15.1 covers complaints and essentially says to 'follow the complaints procedure'.

Please note: the complaints procedure should not be used to handle safeguarding matters. For safeguarding issues, the safeguarding procedure should be followed.

Key attributes of the complaints procedure are to:

- resolve issues informally, locally if possible, in the first instance
- resolve complaints as early as possible
- support members (that is, we ensure that members understand the process and what is happening; we don't 'cover-up' the issues)
- identify opportunities for change and improvement
- allow for only one appeal (to the next level of management).

Some key tips

Dealing with complaints, suspension, appointment cancellation and reviews can be difficult. They can then be made worse if a less than understanding approach is taken to dealing with the problem. Dealing with these situations can be difficult, but there are some simple steps that we can take to help to minimise the risk of problems.

1. Consider the person, the gap and others

- The person who is being suspended or removed
This person may be upset and angry. Be prepared for this by considering how they might react. Sometimes the action is a complete surprise to the individual, other times it is expected.
- The gap that is left by that person being removed
Having removed a person, there is now a role that needs to be filled, possibly in two stages:
 - Initial cover to ensure that things carry on as required (for example, if the person is the Cub Leader, how will you ensure that the Pack continues to have meetings for the next month or so?
 - A long term solution needs to be thought through, ensuring that someone is appointed to cover the role.
- The people around the person who has been removed
Quite often other people are affected by the removal of an individual (for example, if a leader is being removed, all the Assistant Leaders and helpers are clearly affected, along with others in the Group).
Often, even when the person who has been removed has accepted the situation and moved on, the other people they work with find this difficult or impossible. They can remain angry on behalf of the removed individual for a very long time.

2. Consider some of the background issues that can cause problems

The following are some of the issues that cause problems when dealing with these difficult situations:

- People are not explicitly told what they have done wrong (in the case of reviews and cancellations) or why a suspension has been put in place.
- There can be a lack of accurate and appropriate record-keeping. This can cause problems if people write inappropriate things in emails or on cancellation forms. We do receive data protection subject access requests and people should be aware of this.

There is a lot of help on the website on dealing with subject access requests Look at the members

section of the website and select the “admin accounts...” tab, then select “legal services” and you will find two pages full of step-by-step information on dealing with subject access requests. Further specific advice can be obtained from the legal service team at Gilwell Park.

- Local support campaigns can make life very difficult. Mostly, they just take time away from the Commissioner being able to concentrate on solving the initial problem.
- People don’t follow (or know) the procedures.
- People don’t ask for help or advice (or don’t follow it).

Tips

- Keep up to date with the rules. Complainants will usually have done their homework and may referred to the latest version of the POR on the website.
- Always take time to consider how you will deal with an issue – don’t just jump in.
- Ensure that all line managers know what to do, or who to ask for help, if they are unsure.
- It can be a help, when faced with a difficult situation, to ask someone who you trust for an opinion before doing anything.
- You don’t have to be involved in all of it – why not find a trusted colleague to help you?

The latest version of POR is available at:
www.scouts.org.uk/por

Hint and tips are provided for managers in Scouting at www.scouts.org.uk/managers this area contains documents, links into POR and videos to help with suspension, complaints and other difficult areas.