

# Chapter 15

## Complaints, Suspensions and Dismissals

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### Complaints

The Association introduced a new complaints procedure from 1 September 2006. The term 'complaint' is taken to cover also disagreements and disputes.

The new procedure, for those raising a complaint, is outlined in the leaflet *Resolving Complaints*. Detailed guidance notes for Group Scout Leaders and Commissioners in dealing with complaints can be found in the document *Resolving Complaints - The Scout Association's Complaints Procedure - Guidance Notes for Group Scout Leaders and Commissioners*.

The Association strongly encourages the resolution of all complaints by informal means wherever possible. Where a matter of concern requires formal attention the Complaints Procedure should be followed.

#### Rule 15.1 Complaints

- a. Complaints, disagreements and disputes should be resolved informally if at all possible.
- b. Where a complaint, disagreement or dispute cannot be resolved informally the Association's Complaints Procedure should be followed.

### Suspensions

#### Rule 15.2 Suspension of adult Membership and Associate Membership

- a. The following also applies to Members of the Scout Network.
- b. Suspension of Membership or Associate Membership is a neutral act intended to protect all persons involved. It assists to ensure that any investigation or inquiry proceeds in as fair and objective manner as possible by preventing situations arising which could give rise to further concerns/allegations or which could potentially cause further compromise. Suspension is permitted in the following circumstances:
  - i. when an allegation is made that a Member or Associate Member has committed a serious criminal offence. In this case the Member must be suspended until police inquiries and/or any legal proceedings have been concluded;

- ii. when a disagreement or dispute between adults remains unresolved for a period of more than 30 days (commencing from when a formal written notification of the dispute is provided to the relevant Executive Committee). Suspension in this case is to be for a period of not more than 90 days in the first instance. Suspension for further periods of not more than 90 days may follow and must be communicated to the suspended Member or Associate Member;
- iii. if a Member or Associate Member makes a formal, public challenge (to a non-Scouting organisation, body or forum) against the decision or policy of either:
- a local Executive Committee of a Scout unit (of which that Member or Associate Member is a member) and/or
  - The Scout Association
- where such public challenge seeks to change, overturn or reverse the said decision or policy or causes adverse publicity about the same.
- iv. where the intentional action or inaction of an individual could seriously harm the reputation of the Movement.
- v. when the action of a Member or Associate Member may constitute gross misconduct
- c. In every case Membership may be suspended only by the appropriate authority with approval from the other appropriate authority as defined in the following table:

#### Authority to approve the suspension of an adult

	Person whose Membership is to be suspended	Authority to suspend	Authority to approve suspension
Headquarters	UK Chief Commissioner	Chair of Trustees	Board of Trustees
	Chief Commissioners, UK Commissioners and other direct reports of the UK Chief Commissioner	UK Chief Commissioner	Chair of Trustees
	Team members reporting directly and indirectly to members of the UK Chief Commissioner's team.	Relevant UK Chief Commissioner's team member	UK Chief Commissioner
	UK Scout Network Member	UK Scout Network Commissioner	Deputy UK Commissioner for Programme (14-25)
British Scouting Overseas	Area Commissioners	International Commissioner	UK Chief Commissioner
	District Commissioners, Area Scouters, Area Scout Network Members, Area Administrators, Advisers, Members and Associate Members	Area Commissioner	International Commissioner
	District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members and Associate Members	District Commissioner	Area Commissioner
England	Regional Commissioners	Chief Commissioner	UK Chief Commissioner
	County Commissioners	Regional Commissioner	Chief Commissioner
	District Commissioners, County Scouters, County Scout Network Members*, County Administrators, Advisers, Members and Associate Members	County Commissioner	Regional Commissioner
	District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members and Associate Members	District Commissioner	County Commissioner

	Person whose Membership is to be suspended	Authority to suspend	Authority to approve suspension
Northern Ireland	County Commissioners, members of the Northern Ireland team	Chief Commissioner	UK Chief Commissioner
	District Commissioners, County Scouters, County Scout Network Members*, County Administrators, Advisers, Members and Associate Members	County Commissioner	Chief Commissioner
	District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members and Associate Members	District Commissioner	County Commissioner
Scotland	Regional Commissioners, members of the Scotland team	Chief Commissioner	UK Chief Commissioner
	District Commissioners, Regional Scouters, Region Scout Network Members*, Regional Administrators, Advisers, Members and Associate Members	Regional Commissioner	Chief Commissioner
	District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members and Associate Members	District Commissioner	Regional Commissioner
Wales	Area Commissioners, members of the Wales team	Chief Commissioner	UK Chief Commissioner
	District Commissioners, Area Scouters, Area Scout Network Members*, Area Administrators, Advisers, Members and Associate Members	Area Commissioner	Chief Commissioner
	District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members and Associate Members	District Commissioner	Area Commissioner

\* Note that the inclusion of Scout Network Members at Area (Wales), County (England and Northern Ireland) and Region (Scotland) is to deal with exceptions where provision of Scout Network is provided at a level other than the District.

Note: Where issues of Safeguarding are involved see also Rule 2.4q

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| <p>d. During a suspension under this Rule, any Appointment Certificate and Appointment Card must be surrendered to the suspending authority on request.</p> <p>e. The suspended Member or Associate Member must not:</p> <ul style="list-style-type: none"> <li>• participate in any activity connected with the Movement (whether or not young people are present) including administrative activities;</li> <li>• contact youth Members of the Association;</li> <li>• enter Association premises unless specifically given permission by the appropriate Commissioner;</li> </ul> | <ul style="list-style-type: none"> <li>• be present at any place at which Scouting activities are taking place (including all types of activity whether or not young people are present);</li> <li>• wear the uniform or badges of the Association.</li> </ul> <p>The suspending authority is permitted to modify the list of prohibited activities above when the suspended person is a parent or carer of a youth member in Scouting, and must follow the following criteria:</p> <ul style="list-style-type: none"> <li>i. In safeguarding cases the guidance of the Safeguarding Team must be sought and followed.</li> </ul> |
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- ii. All modifications must be agreed with the authority that approved the suspension as defined in Rule 15.2c.
- iii. The modifications must be kept to a minimum and are only to enable the suspended person as a parent or carer to participate to some extent in Scouting with their child (for example, to attend award presentations or to drop off and pick-up the child).
- iv. The modifications must not compromise the safety and wellbeing of youth members.
- v. The suspending authority must inform the suspended person in writing with very clear instructions regarding what is permitted.
- vi. The suspending authority may change or remove the modifications during the period of suspension and must notify the suspended person in writing.
- f. They must be informed of their suspension in writing and given a copy of the information sheet *Notes for a person under suspension*. (Available from the Scout Information Centre, the Safeguarding Team or Country HQ)
- g. They must also be offered an independent Scouting colleague to act as a liaison point. The information sheet *Supporting a person under suspension* provides relevant guidelines. (Available from the Scout Information Centre, the Safeguarding Team or Country HQ)
- h. Any appointment held will be regarded as vacant.
- i. Suspension in the case of disagreement must be followed as soon as possible by conciliation and such further steps as are necessary.
- j. When a person's Membership is suspended or the nature of the suspension changes, the appropriate Commissioner must inform the Vetting Team at Headquarters and a Form CS must be completed.
- k. The procedures for suspension detailed in this Rule must not be applied to Beaver Scouts, Cub Scouts, Scouts, or Explorer Scouts.

*For further information see POR: The Appointment Process*

### **Rule 15.3 Ending a period of Suspension of adult Membership and Associate Membership**

- a. At the end of a period of suspension the appropriate Commissioner and the appropriate Appointments Advisory Committee (where appropriate consulting the Group Scout Leader and the Sponsoring Authority) must agree a recommendation for action and seek approval for that action from the authority who originally approved the suspension. See table above.
- i. If the Appointments Advisory Committee and the appropriate Commissioner disagree on the recommendation for action then the final decision lies with the authority who originally approved the suspension.
- ii. If the authority who originally approved the suspension disagrees with the recommendation for action (following discussion with the Appointments Advisory Committee and the appropriate Commissioner), then the final decision lies with the authority who originally approved the suspension.
- b. The action must include a recommendation to re-instate, modify or revoke the appointment of the adult under suspension. There is no right of appeal against a decision made by an Appointment Advisory Committee or a decision made by the authority who approved the suspension.
- c. When reviewing a suspension and making the subsequent recommendation those responsible must follow a similar process as used when appointing adults and give the same considerations as to the suitability of the individual to carry out a specific role, i.e. they must satisfy themselves that the subject continues to be a 'fit and proper' person for a particular appointment.
- d. The suspended person must be informed in writing of the decision which ends a period of suspension and in each case a record of the discussions and outcomes must be documented and forwarded to the Vetting Team at Headquarters.
- e. In exceptional circumstances Headquarters may, in consultation with the responsible District or County Commissioner, refuse to re-instate membership or an appointment.

- f. Headquarters may directly end a period of suspension by excluding a suspended person from Scouting if the individual is unsuitable to participate in Scouting.

*For further information see POR: The Appointment Process*

#### **Rule 15.4 Suspension of Beaver Scouts, Cub Scouts, Scouts or Explorer Scouts**

- a. Formal suspension of a youth member may be appropriate where they have been accused of a serious criminal offence or of behaviour that put adults or young people at serious risk of harm. See also the factsheet *Guidance on the formal suspension of youth members*.
- b. Suspension is not a disciplinary sanction or an indication of guilt but ensures that no situation can arise that may cause further concern and allows a period where further information may be received and if appropriate the statutory agencies (typically the police or social services) may carry out their duties.
- c. The District Commissioner has the authority to suspend a young person. However wherever possible they should act in consultation with the relevant Group Scout Leader / Explorer Scout Leader.
- d. Before suspending a young person, District Commissioners should consult their County Commissioner and must inform the Country HQ.
- e. Where a statutory authority is involved, advice must be sought from that body.
- f. Where a young person's membership has been suspended they may not participate in any activity connected with Scouting and must not wear the uniform or badges.
- g. The parents / carers of the youth member must be informed of their suspension in writing and given a copy of the information sheet *Notes for the parents /carers for the young person*.
- h. They must also be offered an independent Scouting colleague to act as a supporter. The information sheet *Supporting a young person under suspension* provides relevant guidelines.

#### **Rule 15.5 Ending a period of Suspension of Beaver Scouts, Cub Scouts, Scouts or Explorer Scouts**

- a. At the end of a period of suspension the District Commissioner and Group Scout Leader / Explorer Scout Leader must determine if a return to Scouting is appropriate. Advice should be sought from the relevant Regional Development Manager or Officer, Field Commissioner or Country HQ and where a statutory authority has been involved, advice must be sought from that body.

Possible outcomes following a period of suspension would include:

- Reinstatement
  - Reinstatement with conditions
  - Dismissal
- b. The dismissal of a young person (whether following a suspension or not) must follow Rules 15.10 – 15.11.

#### **Rule 15.6 Termination of adult Membership and Associate Membership**

- a. Adult Membership and Associate Membership may be terminated by:
- resignation;
  - in the case of adults not holding a particular appointment, by resolution of the Group, District or County Executive as appropriate. The appropriate Executive Committee shall be under no obligation to state its reasons for making such a resolution;
  - failure to pay the Headquarters, County, District and Group Membership Subscriptions;
  - failure to observe the terms of any suspension imposed in accordance with these rules;
  - dismissal.
- b. Notwithstanding any other means provided by these Rules, the Membership of any Member or Associate Member of the Movement may be terminated by resolution of the Board of Trustees of the Association.
- c. The Board shall be under no obligation to state its reasons for making such a resolution.

#### **Rule 15.7 Cancellation or non-renewal of adult Appointments**

- a. See *POR: The Appointment Process*

#### **Rule 15.8 Termination of Youth Membership<sup>SV</sup>**

- a. Youth Membership may be terminated by:
- resignation;

- in the case of Beaver Scouts, Cub Scouts, Scouts, and Explorer Scouts by leaving their Group or Explorer Scout Unit without joining another;
  - in the case of Scout Network Members by leaving their County provision without joining another County;
  - failure to pay the Headquarters, County, District and Group Membership Subscriptions;
  - dismissal.
- b. Notwithstanding any other means provided by these rules, Youth Membership may be terminated by resolution of the Board of Trustees of the Association.
- c. The Board shall be under no obligation to state its reasons for making such a resolution.

**Rule 15.9 Dismissal of Scout Network Members** <sup>SV</sup>

- a. No Scout Network Member may be dismissed without the approval of the County Scout Network Commissioner.

**Rule 15.10 Dismissal of Explorer Scouts**

- a. No Explorer Scout may be dismissed from an Explorer Scout Unit without the approval of the District Explorer Scout Commissioner.

**Rule 15.11 Dismissal of Beaver Scouts, Cub Scouts and Scouts**

- a. No Beaver Scout, Cub Scout, or Scout may be dismissed from a Scout Group without the approval of the Group Scout Leader.
- b. In a Sponsored Scout Group, the Sponsoring Authority must be consulted before any such dismissal takes place.

**Rule 15.12** *(this rule is intentionally left blank)*

**Rule 15.13 Appeals against the dismissal Scout Network Members**

- a. Any Scout Network Member who is dismissed has the right of appeal (with the aid of a 'friend' if so desired) to the County Commissioner. <sup>SV</sup>
- b. If so requested by the person dismissed, the County Commissioner may appoint a committee to hear the appeal. <sup>SV</sup>
- c. Reasonable opportunity must be given for the dismissed person to attend the meeting of such a committee to state a case against dismissal.

**Rule 15.14 Appeals against Dismissal of Youth Members (Beaver Scouts, Cub Scouts, Scouts and Explorer Scouts)**

- a. Any Beaver Scout, Cub Scout, Scout or Explorer Scout who is dismissed has the right of appeal (with the aid of parents or guardians if so desired) to the District Commissioner.
- b. If so requested by the person dismissed, the District Commissioner may appoint a committee to hear the appeal.
- c. Reasonable opportunity must be given for the dismissed person to attend the meeting of such a committee to state a case against dismissal.
- d. If the dismissal is from a Sponsored Scout Group or Explorer Scout Unit, the Sponsoring Authority, who must have been consulted prior to dismissal has the right to attend and be heard by the committee.
- e. Where the District Commissioner has been involved in the original decision to dismiss, the County Commissioner will replace the District Commissioner for the purposes of any appeal