

# JUST FOUR SIMPLE STEPS.

The Appointment Process:  
Guide to Appointing Adults



[scouts.org.uk/appointment](https://scouts.org.uk/appointment)

## Note

Although in some parts of the British Isles Scout Counties are known as Areas or Islands, and in one case Bailiwick, for ease of reading this publication simply refers to County/Counties. In Scotland there is no direct equivalent to County or Area. In Scotland, Scouting is organised into Districts and Regions, each with distinct responsibilities. Some 'County' functions are the responsibility of Scottish Regions, whilst others lie with Scottish Districts. The focus of responsibility is outlined in Scottish variations from *Policy, Organisation and Rules (POR)*.

## Criminal Records check

All adults in Scouting must go through a series of safeguarding checks to ensure they are safe to work with children and young people. The safeguarding checks are known in different countries by different names, as follows:

**England and Wales:** Criminal Records Bureau (CRB)

**Scotland:** Disclosure Scotland (DS)

**Northern Ireland:** Access Northern Ireland (ANI)

For ease of reading, this resource refers only to 'Criminal Records check', to cover all of the above. More information on issues relating to safeguarding and Criminal Records checks can be found at [www.scouts.org.uk](http://www.scouts.org.uk)

## Further information

For further information on any of the contents in this booklet, please contact the Scout Information Centre on 0845 300 1818 or visit [www.scouts.org.uk](http://www.scouts.org.uk). Always refer to *POR: The Appointment Process* for definitive information on the detail of the appointment process.



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# 1. INTRODUCTION

**The Scout Movement is a global organisation with a membership of over 28 million young people in 216 countries and territories.**

The Scout Association in the United Kingdom is established by Royal Charter and is a member of the World Organisation of the Scout Movement (WOSM). It is the only National Scout Organisation in the UK recognised by the World Scout Conference and registered with the World Scout Bureau in Geneva. When an individual becomes a Member of the Movement, they also become a Member of the World Organisation of the Scout Movement.

Scouting offers equal opportunities to all young people in the community, regardless of their social, religious or ethnic background or gender.

In the United Kingdom, there are currently around 400,000 young people in the Scout Movement. These are supported by around 100,000 adults volunteering as leaders, administrators and supporters. All are helping young people to fulfil their potential through the delivery of the balanced programme.

When Scouting is successful, it is often because of the quality of the adults involved. It follows then that the appointment of adults is one of the most important responsibilities in Scouting, requiring much care, tact and administrative efficiency. Because The Scout Association attaches such importance to the quality of its leadership, the appointment process is necessarily rigorous.

## **The structure of The Scout Association**

The structure of The Scout Association is designed to facilitate the effective delivery of Scouting to young people.

It is organised at four levels: Group, District, County and national. A Scout Group normally has a number and a name for management and support purposes (for example, 1st Anytown). A number of Scout Groups make up a Scout District and a number of Scout Districts make up a Scout County. The responsibility structure of The Scout Association is simple. Group Scout Leaders are responsible for those people in their Group; District Commissioners are responsible for all those in their District; and likewise, County Commissioners are responsible for all those in their County.

Appointments Advisory Committees are formed at District and County level.

## **Appointing Adults booklet**

This booklet is designed to explain the principles and workings of the appointment process and procedures which should be followed. Further detail relevant to the roles of manager, Appointments Advisory Committee member and Appointments Secretary are published separately. These publications are intended to complement, rather than replace, this booklet. Those involved in the process at all levels should start with this booklet and choose which others are relevant to their role and interests. Please see the Appendix for further information.

# 2. PRINCIPLES OF THE APPOINTMENT PROCESS

## The Scout Association's adult appointment process is intended to be:

- **simple for the appointee to navigate and understand**  
The person applying as a volunteer should be easily able to understand the various stages of the process and should know where he/she is in the process so that there are no surprises.
- **simple for the appointing District/County to operate**  
The appointment process must be easily understood by the people running it – it should be simple and make sense.
- **efficient in relation to the number of people required to run it, the cost of the process and ensuring the information is processed only once**  
Efficiency is important as we do not have endless numbers of people available to run the appointment process. Supporting paperwork should make life easier for those operating the process.
- **welcoming and non-threatening**  
The potential volunteer must feel welcomed in to the Association - there is nothing worse than trying to join an organisation that seems not to want you.
- **sufficiently robust assurance that only appropriate people are appointed**  
It remains paramount that we refuse admission to adults who present a risk to the young people in our care; we must be able to honestly defend our process as being appropriate in this regard.
- **effective in ensuring that adults are placed in roles appropriate to their skills, knowledge and attitudes**  
Volunteers must be in roles that utilise their skills and benefit Scouting.

The adult appointment process can be started in a number of ways. An adult may know someone who is already involved, they may have a local Scout Group around the corner from their house, or they may have registered their interest through the 'Want to Join' pages on The Scout Association's website [www.scouts.org.uk/join](http://www.scouts.org.uk/join). Whichever method they have used to make that initial step into volunteering, the adult will follow the four stages of the appointment process.

# 3. STAGES OF THE APPOINTMENT PROCESS

**There are four stages to the adult appointment process:**

- **Application:** where a line manager agrees to support an adult applying for an appointment
- **Approval:** where independent checking concludes that this person is suitable for an appointment and includes agreement from the relevant commissioner or body, successful outcome of the Personal Enquiry and (where appropriate) two references
- **Appointment:** where the relevant commissioner or body makes the appointment
- **Induction:** where the line manager ensures that the adult receives a high quality induction

The diagram below shows the sequence of the stages in the appointment process:



All adults, no matter what their role, will go through the four stages of the appointment process. The following sections outline in more detail what happens at each stage of the process.

**Note:** The detail in the following sections relates to new adults joining Scouting. For information about changes of role and the taking on of additional roles, refer to Chapter 4. The detail below also relates to the approval checks being satisfactory. For information about what to do when any checks are unsatisfactory, refer to Chapter 5.

## 3.1. APPLICATION

When an adult begins a role in Scouting, an initial conversation will be held with their line manager (details of who is the line manager for each role are given in Table 1 in *POR: The Appointment Process*). The adult and their line manager will discuss the role that is being undertaken and the line manager will explain the appointment process.

The line manager is responsible for supporting the adult through the appointment process.

When the adult and line manager have agreed upon a role description, the line manager will give the adult the following, all available free of charge from the Scout Information Centre:

- an *Adult Application (AA) Form*
- a *Young People First 'yellow card'* (The Scout Association's guide to the safeguarding of young people)
- a *Key Policies card*
- a *Quick Reference Guide to the appointment process*
- the relevant Criminal Records check form

**Note:** The first four items can be ordered together as one item (*New adult application resources* - item code AAR) from the Scout Information Centre.

The line manager will talk the adult through the 'yellow card' and key policies and will help the adult to fill out the forms. When completed, the line manager should sign the *AA Form* and return it, together with the completed Criminal Records check form to the relevant Appointments Secretary.

The Appointments Secretary will then use the online tools at [www.scouts.org.uk](http://www.scouts.org.uk) to create a membership record for the adult. At this stage, the Appointments Secretary will also inform the relevant commissioner and/or Training Manager (if this is the local practice) and will send the relevant Criminal Records check form to the Confidential Team at Gilwell Park.

## **3.2. APPROVAL**

There are a number of ways in which approval is sought. The types of approval needed for an appointment will depend on the role that the adult is taking on. For details of which roles require which methods of approval see Chapter 4.

### **3.2.1. Personal Enquiry**

The Personal Enquiry consists of two stages.

Firstly, an initial check is made against records at Headquarters. Once the initial check is confirmed as clear, a welcome e-card (if an email address is stated on the *AA Form*) or postcard will be sent to the applicant. At this point, the adult can start getting involved in their role in a supervised capacity.

Secondly, a Criminal Records check is carried out by the relevant national body (the Criminal Records Bureau in England and Wales, Disclosure Scotland in Scotland, and or Access Northern Ireland in Northern Ireland).

**Note:** A Criminal Records check is only required if the adult does not already hold a valid Disclosure.

A valid Disclosure is one which:

- was issued within the last five years; and
- was issued to The Scout Association by the relevant national body (the CRB, DS or ANI).

A repeat Criminal Records check may also be required if the previous check was adverse.

### **3.2.2. References**

For roles that require references, two references are requested to support the person's suitability for the role. Referees should preferably have knowledge of the adult's work or contact with young people and/or should be able to comment on their character and relationships with others. Referees must not be relatives: at least one of the referees should have known them for at least five years and one of the referees must not be from Scouting. Examples of referees include employers, college tutors etc.

The Appointments Secretary will contact the referees as stated on the *AA Form* and ask them to complete and return Form RF. Once the forms have been returned and are satisfactory, the Appointments Secretary will update the adult's record using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).

**Note:** References are only required if the person's background is not known or if the person is returning to Scouting after a period of absence.

### **3.2.3. Approval from the Appointments Advisory Committee**

The Appointments Advisory Committee's main function is to assist with the process of appointing adults in Scouting by advising on their suitability.

For those roles that require approval from the Appointments Advisory Committee, the Appointments Secretary will arrange for a meeting to be held between three members of the committee and the adult. This is called the approval meeting.

At the approval meeting, the three members of the Appointments Advisory Committee are required to satisfy themselves that the adult is suitable for the appointment. To do this, they will assess two areas:

1. **Values and Policies:** that the applicant is aware of (and by personal example prepared to uphold and promote) the values and policies of The Scout Association – including making the Scout Promise if appropriate.
2. **Role:** that the applicant understands the requirements of the role and is able to carry them out.

When the three members of the committee have satisfied themselves of the above, they will inform the Appointments Secretary who will update the applicant's record using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).

**Note:** In some circumstances, the Appointments Chairman may allow one additional person to be present at the approval meeting, for example, if Module 37 (the training module for members of Appointments Advisory Committees) is being validated or if the applicant needs an interpreter/signer to attend the meeting.

The Appointments Chairman and Appointments Secretary are not required to attend, but may do so as one of the three members. The applicant's line manager cannot be a member of the panel, but may decide to accompany the adult to the meeting and introduce them to the members of the panel.

See the publication *Guide for Appointments Advisory Committee Members* for more information about the role of the Appointments Advisory Committee in the appointment process.

### 3.2.4. Sponsoring authorities

Where a Scout Group or section has a sponsorship agreement with a particular faith or community group, school or other authority and that agreement gives the sponsoring authority a role in the appointment of adults, there should be a well-established procedure in place. It is likely that the sponsoring authority or a nominee would want to meet the adult for an opportunity to explain the relationship between the Group and the sponsoring authority. It may also be that, as part of the sponsorship agreement, there are certain requirements of the adult that may need some explanation.

It is likely that the key roles of the sponsoring authority or nominee are to:

- make the new adult feel welcome and explain the role of the sponsoring authority; and
- work with the Group Scout Leader, when appropriate, to complete the formal appointment process.

### 3.2.5. Approval from the relevant commissioner or body

All roles require approval from the relevant commissioner or body (details of who is the relevant commissioner or body for each role can be found in Table 1 in *POR: The Appointment Process*). As part of this, they may wish to discuss the appointment with the line manager, one of the three members of the approval meeting, or, if appropriate, the Appointments Chairman.

The relevant commissioner may delegate this part of their role to a nominee for particular appointments (i.e. to a Training Manager or an Assistant Regional/County/District Commissioner). Any local arrangements must be communicated to the Appointments Secretary.

Once the relevant commissioner or body has approved the appointment, they will sign the AA Form (or inform the Secretary via telephone or e-mail if that is the agreed method), and the Appointments Secretary will update the record using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).

**Note:** Commissioners also have access to update this information on [www.scouts.org.uk](http://www.scouts.org.uk), so local practice may be that the commissioner updates the record at this point.

## 3.3. APPOINTMENT

Once the approval stage of the process has been completed, the applicant will be issued with a provisional appointment, at which point they can start getting involved in their role in an unsupervised capacity and will automatically be sent a Welcome Pack. The Welcome Pack contains basic information about Scouting and information relevant to their chosen role.

During the appointment stage of the process, the applicant may need to complete their *Getting Started* training (details of which roles require *Getting Started* to be completed for a full appointment to be issued (along with which training modules are required for *Getting Started*) can be found in Table 1 in *POR: The Appointment Process*).

When *Getting Started* has been validated, the Appointments Secretary or Training Manager/Administrator (depending on local practice) will update the record using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).



This will make the appointment 'full', and the applicant will be sent an appointment card direct from Headquarters. An appointment certificate will be sent to the Appointments Secretary (or the designated Certificate Recipient) for local presentation.

### **3.4. INDUCTION**

The induction of adults is very important – particularly to ensure that the new adult settles in and is more likely to stay in the role. It is the process that allows an adult volunteer to develop into their role, and to help them feel capable and willing to continue. Induction is about developing a culture of good support, so that an adult new to Scouting, or to their role, is not left feeling that they have been thrown into the deep end.

The adult's line manager should fulfil this function and be a source of support and advice to the adult; induction should be ongoing throughout the first three stages of the appointment process, and may continue after the full appointment has been confirmed.

More information on induction is contained in the resource *Induction: Starting Adults in a New Role* and in the *Induction Pack Template*, available from [www.scouts.org.uk/appointment](http://www.scouts.org.uk/appointment). The *Induction Pack Template* gives you the template of an induction pack, which can then be easily customised with local information and contacts. It is professionally designed in the style of The Scout Association's other resources, but can be personalised and tailored to suit the role that the adult is taking on.

### **3.5. THE STATUS OF APPOINTMENTS**

It is worth being aware of the three types of appointment status, which are:

- pre-provisional;
- provisional; and
- full.

All appointments will be added to [www.scouts.org.uk](http://www.scouts.org.uk) as pre-provisional appointments. Once all of the approval checks have been completed, the appointment will become provisional. When *Getting Started* has been completed, the appointment will become full.

# 4. REQUIREMENTS FOR APPROVAL AND APPOINTMENT OF DIFFERENT TYPES OF APPOINTMENTS

**Although the principles and general outline of the appointment process remain the same, some details of the process do vary for different types of appointment.**

## 4.1. NOMINATED AND ELECTED TRUSTEES AND PRESIDENTS

Approval for the above requires:

- the approval of the relevant Scout Council through its process of acceptance and voting, normally at its Annual General Meeting; and
- successful completion of the Personal Enquiry (to be initiated within two weeks of the election or nomination)

**Note:** A Criminal Records check is not required for Honorary Presidents, providing they do not have any functional or trustee responsibilities.

## 4.2. CO-OPTED TRUSTEES, ADVISERS AND ADMINISTRATORS

Approval for the above requires:

- successful completion of the Personal Enquiry; and
- approval from the relevant Executive Committee

## 4.3. SCOUT ACTIVE SUPPORT MEMBERS

Approval for the above requires:

- successful completion of the Personal Enquiry; and
- approval from the Scout Active Support Manager (or their nominee).

**Note:** This does not include Scout Active Support Managers or Scout Active Support Co-ordinators who fall into the 'All other appointments' category below.

Scout Active Support Members will receive an appointment card, but will not receive an appointment certificate.

## 4.4. ALL OTHER ADULTS

Approval for the above requires:

- successful completion of the Personal Enquiry;
- two satisfactory references;
- approval from the Appointments Advisory Committee (through the approval meeting); and
- approval from the relevant commissioner (or nominee).

Adults with roles that fall into this category will also need to complete *Getting Started* training (see Table 1 in *POR: The Appointment Process* for details of which modules are required as part of *Getting Started* for each role).

**Note:** Section Assistants and Training Advisers do not have a time limit in which to complete their training requirement. Therefore, *Getting Started* is not required for a full appointment, although they still need to complete Module 1 (and Module 3 for Section Assistants) at the earliest opportunity.

## 4.5. CHANGE OF APPOINTMENT

For adults who are changing roles, staying in the same location (i.e. in the same District, County or Region) and have no break in service, the appointment process remains the same as outlined in Chapter 3, except that:

- the approval meeting is at the discretion of the Appointments Advisory Committee and if carried out, the meeting need only cover the understanding of the new role;
- references are not required;
- the *Getting Started* requirement is as outlined in FS330092 *Adult Training: Change of Role*; and
- welcome packs and welcome postcards are not sent to the adults. They will, however, still receive a new appointment card and certificate.

For adults who are moving to a different location or who have a break in service, the process must be started as if the adult was new to Scouting.

### Criminal Record checks

If the adult has had any break in service, a repeat Criminal Records check is required.

If the adult is just moving locations, a repeat Criminal Records check is not required if a valid Disclosure is already held (see 3.2.1 above).

## 4.6. ADDITIONAL APPOINTMENTS

Many people in Scouting hold more than one role. However, there are some limits to the number of appointments that can be held by Members.

- Managers, leaders and supporters cannot hold more than one appointment unless they are able to carry out all the duties of the additional appointments satisfactorily. The relevant commissioner must give approval for any person to hold more than one appointment and, if the appointments are to be held in more than one District or County, the approval of all the commissioners concerned must be obtained.
- Group Scout Leaders cannot hold any other appointment in the Scout Group other than Training Adviser.
- District/County Commissioners cannot hold any additional appointment other than in a short term 'acting' capacity and/or as a Training Adviser.
- No individual can hold more than one of the appointments of Chairman, Secretary or Treasurer of the same Executive Committee.
- The role of Chairman, Secretary or Treasurer cannot be held by a leader, manager or supporter.

## 4.7. OCCASIONAL HELPERS

In England, Wales and Northern Ireland, adult helpers who are not taking on a formal role or appointment but who are required to complete a Criminal Records check are classed as Occasional Helpers. They are therefore required to complete an Occasional Helper form along with the Criminal Records check form. This means that anyone involved in Scouting in your area will be recorded on the database, giving you an accurate record of all adult volunteers locally.

Occasional Helpers fall outside of the formal appointment process and as such, do not receive Welcome Packs, appointment cards or appointment certificates. They also do not receive *Scouting* magazine and do not accrue service for their role.

For more information about who is required to complete a Criminal Records check and for more information about Occasional Helpers in Scotland, please see FS321004 *Criminal Record Checks*.

## **4.8. GENERAL CONSIDERATIONS**

### **4.8.1. Charity trustees**

Some appointments will result in the holder becoming a charity trustee. As a trustee, they are responsible for ensuring that the Group, District or County is properly managed according to the rules of the Association and charity law.

The following roles hold charity trustee status:

- Chairmen, Secretaries and Treasurers of Executive Committees
- Co-opted members of Executive Committees
- County Commissioners, Regional Commissioners (Scotland) and County Scout Network Commissioners
- District Commissioners and District Explorer Scout Commissioners
- Group Scout Leaders and Assistant Group Scout Leaders
- Section Leaders (but not Assistant Section Leaders)

In Scotland, you are only a charity trustee if your Group is registered with the Office of the Scottish Charity Regulator (OSCR) as a charity.

It should be noted that certain people will be unable to take on or continue in the above roles as they are unable to hold a role with trustee status.

This includes people who:

- have been convicted at any time of any offence involving deception or dishonesty, unless the conviction is regarded as spent;
- are un-discharged bankrupts;
- have made composition with their creditors and have not been discharged;
- have at any time been removed by the Charity Commissioners or by the court in England, Wales or Scotland from being a trustee because of misconduct;
- are disqualified from becoming company directors;
- have failed to make payments under County Court administration orders.

For further information on charity trustee status, please see the factsheet entitled FS500009 *Charity Trustees*, available to download from the [www.scouts.org.uk](http://www.scouts.org.uk) or to purchase from the Scout Information Centre.

### **4.8.2. Flexibility**

Individuals are able to give different levels of commitment and time to Scouting. It should be remembered that while some adults do not have such a large amount of time to give, their contribution is just as important and should be equally valued.

Most people take up an appointment after a period of reflection and encouragement. During this time, it is important to be as welcoming, helpful and honest as possible. The adult should be encouraged to take the initiative and to ask questions when clarification is required.

# 5. IF THINGS GO WRONG

**It is important that you understand the process if things go wrong.**

## 5.1. PERSONAL ENQUIRY

In the event of the initial check against records at Headquarters or the Criminal Records check coming back as not clear, the relevant commissioner will be informed.

**Note:** In Scotland and Northern Ireland, the country headquarters will be informed.

In some circumstances, Headquarters may decide that an individual cannot be appointed. If this is the case, the individual concerned will be informed, along with the relevant commissioner and the relevant country headquarters.

Information regarding an adverse Personal Enquiry must be handled very carefully and according to legal constraints. Where a local decision is required about whether or not to appoint the adult, the Confidential Team at Gilwell Park will issue the relevant commissioner with detailed information on how to handle the situation.

The relevant commissioner, together with the Appointments Advisory Committee, should decide whether to continue with the application. If there are any doubts about the person's suitability, the commissioner and committee members must err on the side of caution and not appoint. The welfare and safety of young people must be the overriding factor. Full details of the decision must be sent to the Records Manager at Gilwell Park in a letter marked 'private and confidential'.

Headquarters will then update the adult's record and locally, the Appointments Secretary should be informed of the decision that was made.

## 5.2. REFERENCES

If a referee does not respond to a request, the adult should be informed and asked to nominate another referee. If after a reasonable period of time references have still not been received, the relevant commissioner together with the Appointments Advisory Committee should decide on which course of action to take.

If the Appointments Secretary feels that the references establish or give any doubt that the person is not suitable the relevant commissioner will be informed and, together with the Appointments Advisory Committee, should decide whether to continue with the application. If a decision cannot be reached, the Chairman of the relevant Executive Committee should make the decision and inform the Appointments Secretary.

If there are any doubts about the person's suitability, the decision maker must err on the side of caution and not appoint. The welfare and safety of young people must be the overriding factor.

If the decision is to appoint, the Appointments Secretary will then update the adult's record using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).

If the decision is not to appoint, the references along with any other relevant information regarding the decision not to appoint **must be** sent to the Records Manager at Headquarters in a letter marked 'private and confidential'.

### **5.3. APPROVAL FROM THE APPOINTMENTS ADVISORY COMMITTEE**

If the three members of the Appointments Advisory Committee are undecided, or decide that the adult is not suitable for the role, the relevant commissioner will be informed and, together with the Appointments Advisory Committee, should decide whether to continue with the application. If a decision cannot be reached, the Chairman of the relevant Executive Committee should make the decision and inform the Appointments Secretary.

If there are any doubts about the person's suitability, the decision maker must err on the side of caution and not appoint. The welfare and safety of young people must be the overriding factor.

If the decision is to appoint, the Appointments Secretary will then update the adult's record using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).

If the decision is not to appoint, any notes from the approval meeting, along with any other relevant information regarding the decision not to appoint **must be** sent to the Records Manager at Headquarters in a letter marked 'private and confidential'.

### **5.4. RESOLVING DISAGREEMENTS**

Sometimes, those involved in the appointment process will disagree on whether or not to appoint an adult. In these circumstances, the following paragraphs explain how disagreements are resolved.

#### **Appointments for which the relevant commissioner is the appointing manager**

For an appointment to be made, the Appointments Advisory Committee and the relevant commissioner must agree.

If agreement cannot be reached between the Appointments Advisory Committee and the relevant commissioner, the matter is referred to the relevant Executive Chairman whose decision is final.

#### **Appointments for which the relevant Scout Council makes the appointment**

The electoral body (the relevant Scout Council) has a veto on appointment. If, by majority vote of those present at the meeting and entitled to vote, it does not agree to the appointment, it cannot be made and no appeal is permitted.

#### **Appointments for which the relevant Executive Committee makes the appointment**

The trustees (Executive members) make the appointment and no appeal is permitted.

#### **Disagreement over appointment cancellation as the outcome of a review**

If the post holder disagrees with the cancellation of an appointment as the outcome of an appointment review, the disagreement will follow the principles of the complaint procedure, details of which can be found in factsheet *Resolving Complaints – The Scout Association's Complaints Procedure* (FS140100).

### **5.5. RESOLUTION OF COMPLAINTS REGARDING THE APPOINTMENT PROCESS**

If there is a complaint from an applicant because the appointment has not been approved, the applicant may:

1. In the first instance, meet the Appointments Chairman and another member of the Appointments Advisory Committee (preferably a member who has not been part of the approval meeting for the complainant). This meeting shall allow the complainant to explain the problem and to see if an agreeable resolution can be found.
2. If the complainant is still not satisfied after step one, the complainant may make an appeal to the Chairman of the Executive Committee that is the parent body of the Appointments Advisory Committee.

The Chairman may choose to ask a small number of members of the Executive Committee (not involved in the appointment process) to investigate the issue and provide a confidential report to the Chairman, whose decision is final.

Once step two has been completed, the complainant may not take the complaint any further.

# 6. LEGAL CONSIDERATIONS

## Scouting has to operate under the law of the land.

### 6.1. SAFEGUARDING

English law on child protection has until recently been limited to:

- the common law principle of the duty of care when taking action not to cause harm to others
- the duty not to act negligently or recklessly concerning people, including children, who come on to one's land (eg *The Occupiers' Liability Act, 1957*).

On an international level, the rights of children to protection from abuse and exploitation are set out in the UN Convention on the Rights of the Child which was approved by the British Government in 1992. The aim of this convention is to recognise that the interests of the child are of primary importance; this aim is increasingly finding its way into English law.

For example, the Children Act 1989 places a responsibility on all those who work with children and young people in the context of care proceedings, local authority obligations and child minding, to promote and safeguard welfare of young persons and help protect them from harm. The Scout Association has a child protection policy that reflects this.

The aim of the appointment process is to ensure that as far as possible, unsuitable adults are not given authority or control over children and young people. This can therefore be seen not only as a requirement within *Policy, Organisation and Rules* but also a responsibility under developing English law.

### 6.2. DATA PROTECTION

The Data Protection Act aims to protect an individual's right to privacy by promoting high standards in the way personal information about individuals should be handled. The rules apply to personal information held electronically, including in emails, Word documents, in a database or held manually in a readily accessible filing system.

Information about the submitting, storing and retention of forms for the administration of the appointment process can be found in Factsheet *Guidance for the Storing and Destroying of Adult Appointment Forms* (FS310610). The factsheet covers:

- the Adult Application (AA) Form;
- the Occasional Helper (OH) Form;
- the Appointment Review (AR) Form;
- the Reference (RF) Form; and
- the Cancellation/Suspension (CS) Form.

This factsheet also covers what to do with any notes made about applicants at the approval meeting.

### 6.3. DEFAMATION

Under English law, a person is entitled to his or her good name and has the right not to have defamatory statements made about him or her, which would harm his or her reputation. A defamatory statement is one which tends to lower a person in the view of ordinary members of society; or which results in the person being made the subject of hatred, contempt or ridicule; or which belittles them in any office held or in their work.

There are two types of action for defamation:

1. **Libel** – where the defamatory statement is made in writing or in some other permanent form about a person and is communicated to another person.
2. **Slander** – where the defamatory statement is made by spoken words, sounds, looks, and gestures or by some other non-permanent form concerning a person and made to another person.

Sometimes the Appointments Advisory Committee and the commissioner have to reject an applicant for an appointment or cancel an appointment for reasons which, if untrue, could be damaging to the reputation of the individual concerned. It is therefore important to ensure that a person's suitability for an adult appointment in Scouting is examined carefully and accurately.

However, commissioners and Appointments Advisory Committees should not act over-cautiously in seeking to avoid a possible claim of defamation if, in doing so, an unsuitable person is appointed or remains in office.

There are two defences if faced with a possible claim of defamation:

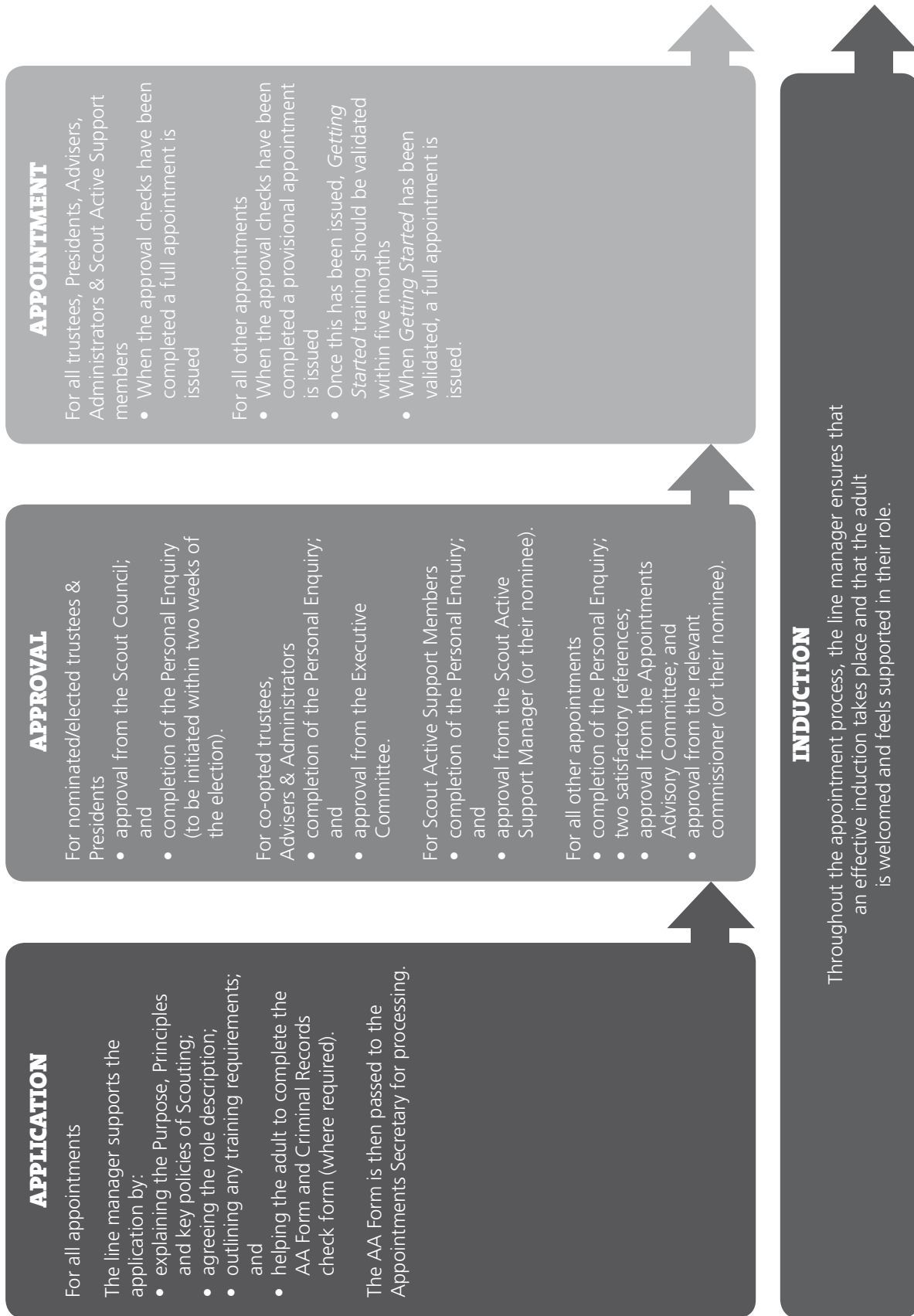
1. The statement is not defamatory if it is substantially true. For example, if the reason for suspending an adult appointment is that the police are investigating the holder, it is not defamatory if this is true.
2. The decisions of the commissioner and the Appointments Advisory Committee are likely to be protected by 'qualified privilege'. This gives a defence against any claim for defamation unless the claimant is able to prove that the defamatory words were published with malice. To ensure that there is no abuse of qualified privilege, the reasons for a decision to reject an application or cancel an appointment should not be communicated to anyone apart from the commissioner, the members of the Appointments Advisory Committee and Headquarters personnel.

The limitation period for bringing an action for defamation is one year from the date on which the claimant became aware of the existence of the defamatory statement unless the court is willing to extend the time limit in special circumstances.



# APPENDIX 1

## FLOWCHART OF THE FOUR STAGES OF THE APPOINTMENT PROCESS



# APPENDIX 2

## ROLE DESCRIPTIONS

### **Role Description: Appointments Chairman**

**TITLE:** District/County Appointments Chairman

**RESPONSIBLE TO:** District/County Executive Chairman

**APPOINTED BY:** District/County Executive Committee

**RESPONSIBLE FOR:** Members of the District/County Appointments Advisory Committee

**MAIN CONTACTS:** District/County Commissioner  
Members of the District/County Executive Committee  
Members of the District/County Appointments Advisory Committee  
Adults new to Scouting

**MAIN DUTIES:**

1. On behalf of the Executive Committee ensure that the appointment process within the District/County follows the rules, procedures and policies of The Scout Association.
2. Chair meetings of the Appointments Advisory Committee as necessary to ensure that the committee fulfils its responsibilities.
3. Ensure that new members of the committee are inducted, trained and supported.

### **Role Description: Appointments Advisory Committee Member**

**TITLE:** District/County Appointments Advisory Committee Member

**RESPONSIBLE TO:** District/County Appointments Chairman

**APPOINTED BY:** District/County Executive Committee

**RESPONSIBLE FOR:** N/A

**MAIN CONTACTS:** District/County Commissioner  
Members of the District/County Appointments Advisory Committee  
Adults new to Scouting

**MAIN DUTIES:**

1. As part of a pool of committee members to undertake interviews required to determine if an adult is suitable for a particular appointment in Scouting.
2. To contribute to full committee meetings as part of the committee's responsibilities.

**Role Description: Appointments Secretary**

**TITLE:** District/County Appointments Secretary

**RESPONSIBLE TO:** District/County Appointments Chairman

**APPOINTED BY:** District/County Executive Committee

**RESPONSIBLE FOR:** N/A

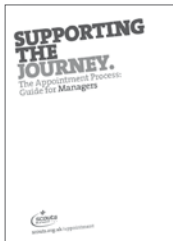
**MAIN CONTACTS:** District/County Commissioner  
Local/County Training Manager  
Training Advisers  
Members of the District/County Appointments Advisory Committee  
Adults new to Scouting  
Headquarters

- MAIN DUTIES:**
1. To administer in a timely manner the appointment process within the District/County. This entails:
    - a. Receiving and sending Criminal Record check forms to Headquarters.
    - b. Registering adult applications with Headquarters using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).
    - c. Reviewing progress of provisional appointments in the District/County and advising GSLs/commissioners where action needs to be taken.
    - d. Issuing certificates of appointment to the relevant people for local presentation.
  2. Creating and maintaining records of all appointments within the District/County using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk).
  3. Administering the review process in the District/County. This entails:
    - a. Issuing the Appointment Review (AR) Form to the appropriate person undertaking the review six months before the end of an appointment.
    - b. Informing the appointment holder of the upcoming review three months before the review is required.
    - c. Checking that issued AR forms are returned in the required timescale.
    - d. Advising the Appointments Advisory Committee of recommendations following appointment reviews.
    - e. Using the online tools at [www.scouts.org.uk](http://www.scouts.org.uk) to update Members' records in line with the agreed actions following an appointment review.

# APPENDIX 3

## OTHER RESOURCES TO HELP YOU WITH THE APPOINTMENT PROCESS

For those involved in the process



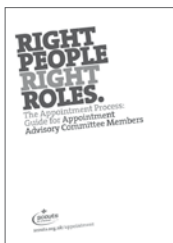
### **The Appointment Process: Guide for Managers**

Support for the person carrying out the initial discussion with the volunteer to help support them through the appointment process. This resource also covers the role of the relevant commissioner or body.



### **The Appointment Process: Guide for Appointments Secretaries**

Support for the Appointments Secretary, outlining their role within the process.



### **The Appointment Process: Guide for Appointments Advisory Committee Members**

Support material for the Appointments Advisory Committee members.



### **The Appointment Process User Guide**

Step-by-step guidance on how to use the online tools at [www.scouts.org.uk](http://www.scouts.org.uk) to administer the appointment process.

These resources are available to download from [www.scouts.org.uk/appointment](http://www.scouts.org.uk/appointment) or are available to purchase from the Scout Information Centre.