

Notes for a Person under Suspension

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Guidance notes for adults under suspension

Action taken under the rules of the Association

Under the rules of The Scout Association a person may be suspended from any involvement in Scouting in the following situations: [see *Policy, Organisation and Rules* – rule 15.2].

- i. when an allegation is made that an individual involved in Scouting has committed a serious criminal offence
- 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)
- 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 Associationwhere 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 involved in Scouting could seriously harm the reputation of the Movement
- v. when the action of an individual involved in Scouting may constitute gross misconduct
- vi. where an individual involved in Scouting requiring a Criminal Record Disclosure Check for their role in Scouting does not hold such a disclosure and a period of 30 days (where an electronic system is used) or 60 days (where a paper based system is used) has expired since one was held or required.

The suspending Commissioner will usually tell the suspended person directly and confirm the suspension in writing.

Any appointment certificate and appointment card must be surrendered immediately on suspension to the suspending Commissioner, who will inform headquarters. There can be no participation in any activity connected with the Movement and uniform or badges may not be worn [see *Policy, Organisation and Rules* – rule 15.2(e) for the full list of exclusions and remember that this includes the use of electronic communications such as text, email, Facebook and Twitter].

Suspension does not imply that the allegation has been proven or that it will be proven. The aim is to allow stock to be taken and protect all those involved whilst the appropriate investigations take place. Removing the adult or adults from the immediate situation helps to diffuse any risks whilst also preventing further or ongoing allegations throughout the process as well.

It will usually be necessary to inform some colleagues of the suspension but these will be kept to the minimum that circumstances allow. The responsible Commissioner will maintain a review of who is to be informed, and to what extent confidentiality can, or should, be maintained. If the matter becomes common knowledge, it may be

desirable for the responsible Commissioner to provide an accurate statement of the facts for public information. If at all possible, you will be informed of this statement beforehand.

If your child is in Scouting, the responsible Commissioner may be able, in some circumstances, to allow you to attend specific events (for example to see your child receive an award). The exact nature of what you will be allowed to do is a matter for the responsible Commissioner and you must receive the Commissioner's specific permission.

Whilst suspended, you are not permitted access to Scout premises. If you need access for a specific purpose (for example to collect your personal belongings or to complete an ID check in order to obtain a disclosure) then this may be permitted under certain circumstances – but this is a matter for the responsible Commissioner and you must receive the Commissioner's specific permission.

If the Scout Association is dealing with any safeguarding aspects, then it will appoint a local "situation manager" who will be dealing with items locally. Usually this is the local Commissioner although it might be someone else in some circumstances. In any case, you will be told who the person is who is dealing with the situation.

Support available from Scouting

During suspension, social contact with Scouting colleagues and friends is not precluded unless this is likely to be prejudicial to an investigation, or would subject them to unfair or undue pressure. Social contacts must not be used to circumvent the purposes of suspension, for example by attending Scout activities or entering Scout premises.

The responsible Commissioner will offer to appoint a Scouting colleague to give you direct personal support for as long as is judged appropriate by the responsible Commissioner (this is termed the "liaison person"). The liaison person will not be involved in any way with the allegation, or with any subsequent Scout investigation, and will not play any part in the process of suspension. The liaison person should not be expected to enter into any legal, financial or personal commitment, for example bail, surety, binding over, or be involved in court proceedings.

If appropriate, the responsible Commissioner will advise you of the terms and conditions of eligibility for claims of financial support for out-of-pocket legal costs. *[Guidelines are issued to County/Area Commissioners by Headquarters on request.]*

Employment issues

If your suspension from Scouting might impact on your employment, it may be possible for you to obtain a letter or information from Scouting to explain the nature and reason for the suspension to your employer. Providing such letter or information will depend on the circumstances and, in some instances, any legal considerations.

Sources of legal advice

When appropriate the Association recommends that independent legal advice is taken at an early stage, not least because the information which now follows may require updating from time to time:

- You have the right to obtain professional legal advice from a solicitor at your own expense at any time.

- Limited free legal advice is also available through the Citizens Advice Bureau.
- If you are taken to a police station under arrest, or are arrested at a police station, you have the right to consult privately with a duty solicitor, who will give you independent legal advice, free of charge.
- Should you attend a police station voluntarily, or be under police caution, you are entitled to obtain free and independent legal advice if you wish and you also have the right to speak to a solicitor on the phone.
- Some household insurance policies, and membership of some motoring organisations, include a degree of free legal advice. However, before relying on this, the policy holder or member needs to establish clearly the nature and extent of such cover at the earliest time.

The Association cannot provide legal advice or representation to an alleged offender (or complainant) where an allegation of a serious disciplinary or criminal offence has been made.

Ending suspension

Experience has shown that any disciplinary, legal or judicial processes that may result from an allegation can become drawn out over a long period of time and so we are not able to provide a timeline for any suspension. When investigation has been completed, a decision on re-instatement, cancellation or exclusion will be made. The decision might be made by headquarters or by the responsible Commissioner together with the Appointments Advisory Committee depending on the circumstances. For full details of possible outcomes please refer to POR Rule 15.3.

In cases where suspension is related to the failure to have a valid disclosure, the suspension will be ended automatically once a valid disclosure has been obtained and the vetting process is complete. At this point the responsible Commissioner will be informed.

In cases where suspension includes aspects of safeguarding, any person returning to Scouting after a suspension will be required to undertake a disclosure check following the usual process relevant to the country in which the person is Scouting.

In all cases the period of suspension will not come to an end until the suspended person receives formal notification in writing.