

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.

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Suspensions

Rule 15.2 Suspension of adult Members, Associate Members and non-Members.

- a. The following also applies to Members of the Scout Network.
- b. Suspension of any involvement in Scouting by a Member, Associate Member or a non-Member is an 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 an individual involved in Scouting has committed a serious criminal offence. In this case the individual 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 individual;
 - 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.
- 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:

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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, Associate Members and non-members | Area Commissioner | International Commissioner |
| | District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members, Associate Members and non-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, Associate Members and non-members | County Commissioner | Regional Commissioner |
| | District and Group Scouters, District Scout Network Members, Section Assistants and Skills Instructors, District and Group Administrators, Advisers, Members, Associate Members and non-members | District Commissioner | County Commissioner |
| 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, Associate Members and non-members | County Commissioner | Chief Commissioner |

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

- d. During a suspension under this Rule, any Appointment Certificate and Appointment Card must be surrendered to the suspending authority on request.
- e. The suspended person must not:

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- 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.

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:

- i. In safeguarding cases the guidance of the Safeguarding Team must be sought and followed.
 - 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 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. Where Rule 15.2b (vi) applies, the modifications must not allow the suspended individual to engage in regulated activity.
 - vi. The suspending authority must inform the suspended person in writing with very clear instructions regarding what is permitted.
 - vii. 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 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*

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Rule 15.3 Ending a period of adult Suspension

- 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 an appropriate 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, an appointment and/or any involvement in Scouting.
- 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.
- g. In the case of individuals suspended under Rule 15.2b (vi), suspension may be automatically revoked by headquarters once a valid Criminal Records Check Disclosure has been satisfactorily obtained.

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.

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- 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 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 Country, County, District and Group Membership Subscriptions (if required);
 - 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.

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Rule 15.7 Cancellation or non-renewal of adult Appointments

- a. See *POR: The Appointment Process*

Rule 15.8 Termination of Youth Membership ^{SV}

- 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, Country, 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 ^{SV}

- a. No Scout Network Member may be dismissed without the approval of the District Scout Network Commissioner (or equivalent, where an exception to a District Scout Network operates) or UK Scout Network Commissioner where the member is a member of the UK Scout Network only. Where no District Scout Network Commissioner is in post this will fall to the District Commissioner.
- b. Where a member of a District Scout Network is dismissed, this will also apply to their membership of other District Scout Networks as well as the UK Scout Network.
- c. Where a member is a member of the UK Scout Network only and has been dismissed, then subsequently attempts to join a District Scout Network (or equivalent, where an exception to a District Scout Network operates) the dismissal will still apply.
- d. Consideration should be given to the impact of dismissal on any other adult roles that a Scout Network member may have. Advice on this will be available from Headquarters.

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.

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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 District Commissioner (or equivalent, where an exception to a District Scout Network operates) or Deputy UK Commissioner for Programme (14-25) where the member is a member of the UK Scout Network only.
- b. If so requested by the person dismissed, the District Commissioner (or equivalent, where an exception to a District Scout Network operates) or Deputy UK Commissioner for Programme (14-25) where the member is a member of the UK Scout Network only, 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.

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.