



# Scouts Australia (SA Branch)

## Adult Grievance, Complaint and Conduct Policy

### 1. Scope

This policy applies to all Scouts Australia (SA Branch) Adults in Scouting (as defined below). Employees of Scouts Australia (SA Branch) are bound by the Association's HR policies for employees. Where an issue involves a volunteer and a staff member the relevant managers of both volunteer and staff member should work closely together to resolve the matter consistent with both this policy and the HR policies for staff.

### 2. Definitions

#### 2.1 Adults in Scouting

As defined in the *Code of Conduct for Adults in Scouting*, the term 'Adults in Scouting' refers to 'All adults, members and Associates, uniformed and non-uniformed, who work within the Movement'. It includes Regular and Occasional Helpers, committee members and any other non-member who may assist with Scouting activities from time to time.

#### 2.2 Appropriate and Inappropriate Conduct

Adults in Scouting are expected to comply with all federal and state laws and with all mandated national and state level Scouting guidelines. Appropriate conduct for Adults in Scouting is conduct within the law and these guidelines. Inappropriate conduct is conduct contrary to any law or guideline for appropriate conduct. (See 4.1 & 4.2 below for more details.)

#### 2.3 Grievance

A grievance occurs when someone feels they have been unfairly treated by the words or actions of another or others. It can be against an individual or group of individuals, or a formally constituted group of people such as a Leader team, a committee or the Association itself.

#### 2.4 Complaint

A 'complaint' refers to a report to a higher management level about any of the following:

- A decision or action by another Adult in Scouting, or group of people, which someone does not agree with and which they are negatively affected by.
- Conduct by another Adult in Scouting which someone considers to be inappropriate.
- A grievance against another Adult in Scouting, or group of people, that they have not been able to resolve with the person directly.

### **3. General Policy Statement**

#### **3.1 Appropriate conduct for Adults in Scouting**

Scouts Australia (SA Branch) is a values based organisation operating according to the Scout Method, which includes working in a team environment, with adults as leaders, educators and facilitators for the youth members. All Adults in Scouting are expected to operate within this framework.

As a values based organisation Scouts Australia (SA Branch) expects a high standard of conduct from all its members. Adults in Scouting are expected to comply with all federal and state laws and with all mandated national and state level Scouting policies and guidelines.

These guidelines relate to both conduct towards or affecting another person or group of people and conduct affecting property or other assets, both Scouting and non-Scouting. Inherent in these guidelines is the importance of respect for and consideration of others. Any conduct that might threaten another person's physical, emotional or mental safety, or damage or threaten property or assets is unacceptable.

It is also important for Adults in Scouting to act as role models to youth members in teaching them respect and consideration for others, as required by the Scout Law and Promise that they all live by.

The Association itself has an overarching duty of care to all members to provide the safest environment possible while enjoying the Scout Program and activities. All Adults in Scouting are accountable for fulfilling that duty in their specific area of responsibility on behalf of the Association.

#### **3.2 Addressing complaints, grievances and inappropriate conduct by Adults in Scouting**

All issues should be addressed and resolved as locally and informally as possible, normally by the immediate Scouting manager of the person who is the subject of the complaint, though if the accusation or complaint is serious it may need to be addressed at a higher level.

In the case of a 'complaint' about a routine decision or action where the 'conduct' is not in question the determination by the Scouting manager is final.

In the case of a 'grievance' or accusation of inappropriate conduct, if the matter cannot be resolved at the first level it should be referred to the next level above, which in most cases will be the final determining level. If an issue cannot be resolved at any lower level the final arbiter is the Branch Chief Commissioner.

All investigations by Scouting should be completed in a timely manner (as a guide, within 30 days depending on the complexity of the case) and ensure that all parties are given natural justice. More serious issues require a formal investigation which is formally recorded and will take longer to complete.

#### **3.3 Potentially criminal conduct**

If it is determined at any level that a matter could result in criminal prosecution, then the Branch HQ is to be notified immediately. Through consultation between the reporting person, the CEO and the Chief Commissioner a determination will be made regarding any potential report of alleged or suspected criminality.

In the case of a report to the Child Abuse Report Line (made direct to CARL as per the SA Branch Child Protection Policy) the accused member will be suspended (or other adult stood aside) immediately, pending investigation. In the case of other police reports the member may be suspended (or other adult stood aside) pending investigation.

Any further action or consideration by Scouting must await the results of any investigation by the relevant authorities

### 3.4 National Scouting policy

This policy is designed to be consistent with all Scouts Australia national policies for Adults in Scouting. If there is ever a conflict the National Scouting policy overrides this Branch policy

## 4. Conduct

### 4.1 Appropriate conduct guidelines

Adults in Scouting are expected to comply with all federal and state laws and to live up to generally accepted community standards of behaviour. In addition, they are expected to comply with the following Scouting specific guidelines:

#### *Scouts Australia*

- Policy and Rules
- Code of Conduct for Adults in Scouting
- Principles of Scouting
- Promise and Law
- National Child Protection Policy
- National WHS Policy

#### *SA Branch*

- Mutual Expectation Agreement
- All Branch Policies and Guidelines  
(including, in particular, Branch Child Protection Frameworks, Safety Standards and Procedures, WHS, Privacy, Marketing & PR)
- All Chief Commissioner's Operational Directives

These guidelines apply both during Scouting activities and whenever representing Scouting in the community, or being seen by others as a representative of Scouting.

The Scout Promise and Law and the Mutual Expectation Agreement are specific to invested (uniformed) members. The Promise is a commitment by the member to conduct themselves according to a certain standard at **all** times, including in their private life outside Scouting.

### 4.2 Inappropriate Conduct

Inappropriate conduct is conduct contrary to any of the laws policies, rules or guidelines above. It includes conduct that causes, or has the potential to cause, physical, emotional and mental harm to others, harm to property or other assets, and actions that do or reasonably might damage the reputation of another person, group of people, organisation, Scouts Australia (SA Branch) or Scouting more broadly. Making a vexatious or malicious complaint is also considered to be 'inappropriate conduct'.

The procedures for addressing inappropriate conduct are described in Part B of the Adult Complaint, Grievance and Conduct Manual associated with this policy and summarised in the chart attached.

## 5 Consequences of Inappropriate Conduct

Consequences may include counselling, restorative actions, steps to change future conduct (such as corrective actions, performance planning, training to changing the appointment or membership status of the person. Only Commissioners may issue a formal warning or change the appointment status of a person. Only the Chief Commissioner may suspend or terminate a person's membership.

## **6 Complaints and Grievances**

### **6.1 Addressing 'COMPLAINTS'**

Complaints take many forms. Most issues should ideally be addressed directly with the person, or group of people, with whom someone has an issue. If this is not successful, or practical, or appropriate, the next step depends on the nature of the complaint, as follows.

- If it is a concern about, but is not directly affected by, the conduct, actions or decision of another person or group of people, it should be reported to the person's upline manager, who should follow the procedure for inappropriate conduct.
- If someone is not happy with the conduct, actions or decision of another person or group of people because of how they are directly affected and feel they have been unfairly treated, or not been afforded procedural fairness (ie natural justice), it is a 'grievance' the grievance procedure should be followed
- If someone is not happy with how they have been treated by an action or decision of another person in their management role or by a formally constituted body with responsibility for the action or decision and feels they have not been afforded procedural fairness (ie natural justice), it is a 'grievance' and the grievance procedure should be followed

An action or decision cannot be appealed simply because someone does not like it. Unfair treatment has to be demonstrated. Where there are provisions for an appeal or review of a decision, that appeal or review is the final step unless a lack of procedural fairness or natural justice at this stage can be demonstrated, in which case the grievance procedure should be followed.

### **6.2 Addressing 'GRIEVANCES'**

Normally a grievance should first be addressed directly with the person (or group) against whom the grievance is held. There are times, however when this is not practical, perhaps because it might risk further harm to the aggrieved person.

If the grievance cannot be resolved directly, the aggrieved person is entitled to make a complaint about how they believe they were treated (whether the unfair treatment is real or imagined) have that complaint investigated and have a determination of appropriate consequences, if any. For the most serious and intractable grievances there are also Appeal and review stages, but most grievances that should be resolved by the complaint stage.

The procedure for addressing a grievance is described in the Adult Conduct and Grievance Manual associated with this policy and summarised in the chart attached.

A grievance may have the effect of also being the initial report of inappropriate conduct. In this case, if an investigation leads to a conclusion that there was inappropriate conduct, that conduct then becomes the subject of the procedure for inappropriate conduct.

## **7 Incidents at events**

Where a complaint, grievance or alleged inappropriate conduct relates to an incident at an event, the accused person's immediate and higher managers at the event may be different from their usual manager. In this case the responsible person for addressing the issue is the manager of the accused person at the event, not their usual manager. For more detailed guidance on managing inappropriate conduct at or immediately after events refer to the Adult Conduct and Grievance Manual.

There may also be a separate formal policy for the handling of incidents as part of a National event management manual.

## 8 Guiding Principles

Managers of adults dealing with conduct issues are also expected to act according the Guiding Principles for Issue Management outlined below (and described in detail in the associated Adult Conduct and Grievance Manual).

In all investigation of conduct or grievance all parties must at all times be treated with respect and procedural fairness. The following guiding principles should be followed at all times:

- Apply the rules of natural justice:
  - opportunity to be heard
  - impartiality
  - decisions based on evidence
- Treat all issues seriously
- Be consistent
- Be transparent
- Act in a timely manner
- Maintain confidentiality
- Keep resolution processes as local and informal as practical
- Make and keep written records
- Identify and avoid any conflict of interest
- Prevent victimisation and repercussions
- Be conscious of the potential for malicious or vexatious complaint

## 9 Supporting documentation

### 9.1 Attachments

- 9.1.1. Inappropriate Conduct Procedure Chart
- 9.1.2. Grievance Resolution Procedure Chart

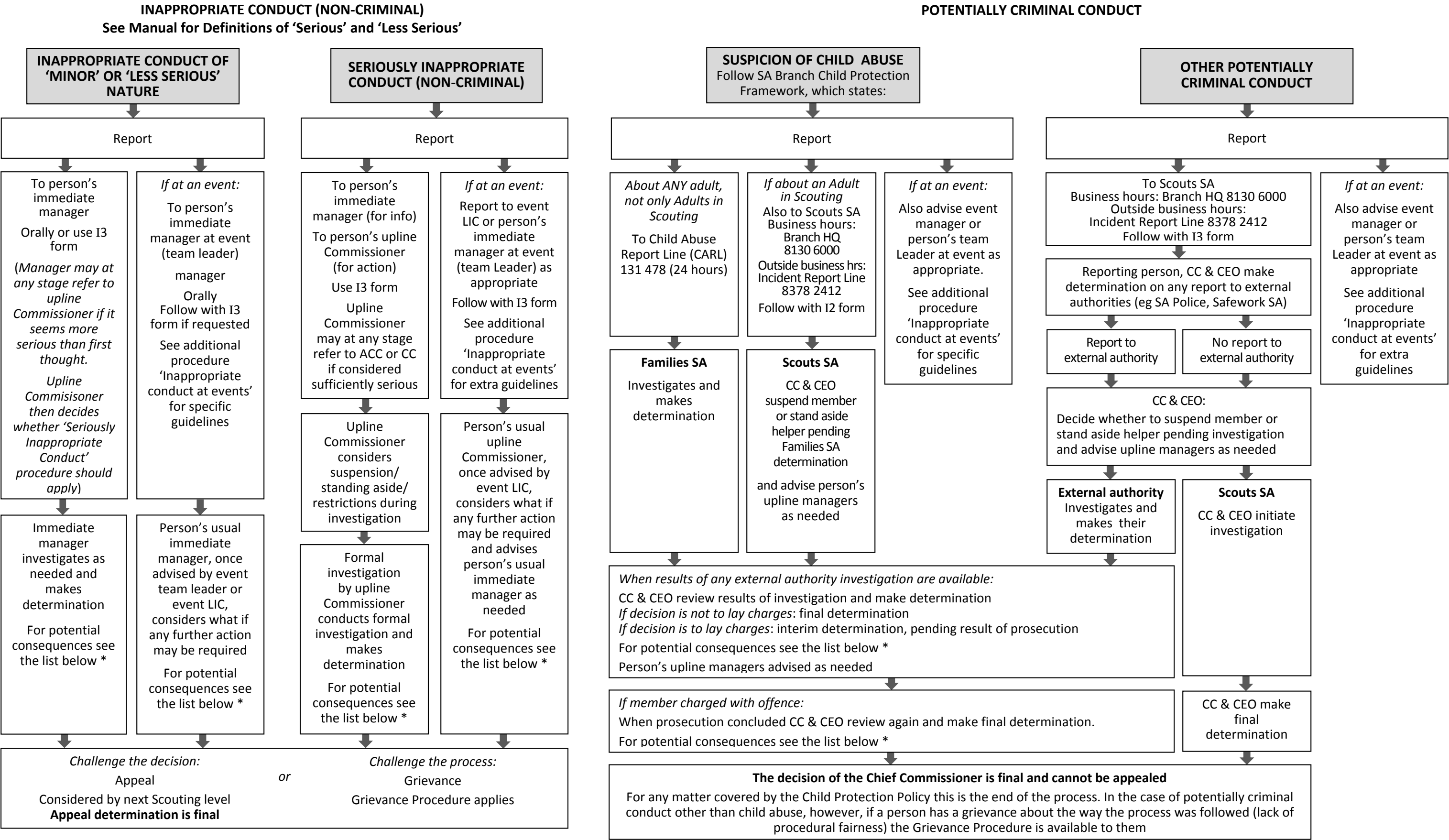
### 9.2 Adult Grievance, Complaint and Conduct Manual

For the complete guidelines on the management of inappropriate conduct, grievances and complaints refer to the comprehensive Adult Grievance, Complaint and Conduct Manual. It includes:

- detailed explanations of appropriate and inappropriate conduct and grievance
- flowcharts and tables outlining the procedure to follow in all circumstance (including the two attached to this policy)
- the forms to be used at each stage of any process
- the responsibilities of every party to an issues
- support structures available
- an explanation of each of the of the guiding principles
- best practice tips for those responsible for dealing with an issue.

The Manual is available on My Scout.

Inappropriate Conduct Procedures: Chart 1 - What to do when there is a suspicion or allegation of inappropriate conduct by an Adult in Scouting



## Grievance Resolution Procedure Chart

(If a grievance involves a volunteer and Scouts SA staff member refer to Part C of the *Adults in Scouting Grievance, Complaint and Conduct Manual*)

|  | METHOD  | TIME   | INFORMING   | DOCUMENTING   | REPORTING  | NEXT STEPS  |
|--|---|--|---|---|--|---|
| <b>1 GRIEVANCE</b><br>Attempt own resolution directly with person with whom one has the grievance  | Informal  | As soon as practical   | None  | <i>If resolved:</i><br>None<br><br><i>If not resolved:</i><br>use I4 Form | <i>If resolved:</i><br>None<br><br><i>If not resolved:</i><br>Report to own upline manager | <i>If resolved:</i><br>Action what was agreed immediately<br><br><i>If not resolved:</i><br>Go to Step 2 asap & within 2 weeks of end of Step 1 |
| <b>2 COMPLAINT</b><br>Refer grievance to other person's upline manager for resolution<br>(Any Issue Manager needing assistance should seek help from their upline manager and/or the Volunteer Support Department at Branch HQ)                | Preferably informal<br>If in writing, use I3 Form                 | If complaint received in writing<br>acknowledge in writing asap<br>Resolve issue within 30 days if possible  | Advise result to all parties.<br>If formal investigation, advise in writing   | Summary written record, using I4 & I5 Forms                               | None   | <i>If resolved:</i><br>Action what was decided asap<br><br><i>If not resolved:</i><br>Go to Step 3 asap & within 2 weeks of end of Step 2       |
| <b>3 APPEAL</b><br>'Appeal' to next upline manager for resolution<br>(Any Issue Manager needing assistance should seek help from their upline manager and/or the Volunteer Support Department at Branch HQ)                                    | Formal<br>Use I3 Form   | If complaint received in writing<br>acknowledge in writing asap<br>Resolve issue within 30 days if possible  | Advise result to all parties in writing   | Full written record, using I4 & I5 Forms                                  | Yes – to own upline manager, using I5 Form   | <i>If resolved:</i><br>Action what was decided asap<br><br><i>If not resolved:</i><br>Go to Step 4 asap & within 2 weeks of end of Step 3       |
| <b>4 REVIEW – (a) Facilitation</b><br>Volunteer Human Resources Officer (VHRO) attempts to facilitate an agreed resolution, & may make recommendation to Chief Commissioner  | Formal<br>Send request to Volunteer Support Manager using I3 Form | Acknowledge receipt in writing asap<br>Resolve issue within 30 days if possible  | Advise result to all parties in writing   | Full written record, using I4 & I5 Forms                                  | Yes – to CC<br>May make recommendation   | <i>If resolved:</i><br>Action what was decided asap<br><br><i>If not resolved:</i><br>Go to Step 5 asap & within 2 weeks of end of Step 4       |
| <b>4 REVIEW – (b) Advisory Panel</b><br>Aggrieved or VHRO requests review by Chief's Advisory Panel. If Chief determines required for Natural justice, Panel investigates & reports, <b>Chief Commissioner's decision is final and binding</b> | Formal<br>Send request to PA to CC using I3 Form                  | <i>Acknowledge receipt:</i><br>in writing immediately<br><i>CC initial determination:</i><br>Within 2 weeks<br><i>Panel review:</i><br>Within 30 days if poss<br><i>CC decision:</i><br>Within 2 weeks | Written notice of decision to: <ul style="list-style-type: none"> <li>▪ All affected parties</li> <li>▪ Upline manager of each affected party</li> <li>▪ Panel</li> </ul> | Full written record, using I4 & I5 Forms                                  | Panel investigates and makes report and recommendation to Chief Commissioner               | Action what was decided asap  |