

Chapter 15

Complaints, Suspensions and Dismissals

Chapter Contents

Complaints

Rule 15.1 Complaints

Suspensions

Rule 15.2 Suspension of Adult Members

Rule 15.3 Ending a period of Suspension of Adult Membership

Rule 15.4 Suspension of Beaver Scouts, Cub Scouts, Scouts or Venture Scouts

Rule 15.5 Ending a period of Suspension of Beaver Scouts, Cub Scouts, Scouts or Venture Scouts

Dismissals

Rule 15.6 Termination of Adult Membership

Rule 15.7 Cancellation or non-renewal of adult Appointments

Rule 15.8 Termination of Youth Membership

Rule 15.9 Committee of Inquiry

Rule 15.10 Dismissal of Beaver Scouts, Cub Scouts, Scouts or Venture Scout

Rule 15.11 Appeals against the dismissal of Rover Scout

Rule 15.12 Appeals against dismissal of Youth Members (Beaver Scouts, Cub Scouts, Scouts and Venture Scouts)

Complaints

The Association is introducing a Complaints Procedure. The term 'complaint' is taken to cover also disagreements and disputes.

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*.

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

- a. The following applies to all adult members (including Rover Crews) of The Scout Association of Malta.
- b. Formal suspension of membership ensures that no situation in Scouting arises which could cause further concern and that no adult is placed in a position which could cause further compromise. Such action may be necessary in the following cases:
 - when an allegation is made that a Member has committed a serious criminal offence. In this case the Member must be suspended until police inquiries and any legal proceedings have been concluded;
 - when the action of an individual could seriously harm the reputation of the Movement.
 - when a disagreement or dispute between adults cannot be resolved quickly. In this case the suspension 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;
- c. In every case, membership may be suspended only by the appropriate authority, as defined in the following list:

Suspension of	Appropriate Authority
All adult members	Chief Commissioner
All Commissioners	Chief Commissioner
District Scouters	District Commissioner in consultation with the Chief Commissioner
Group Scouters and instructors, Group Administrators, Advisors, members and helpers	Group Scout Leader in consultation with the District Commissioner. Before any action is taken the Chief Commissioner must be informed/consulted as appropriate. A written report must be submitted to the Chief Commissioner for safe keeping

- d. During suspension under this Rule, any Appointment Certificate must be surrendered to the suspending authority.
- e. The suspended Member must not participate in any activity connected with the Movement and must not wear uniform or badges.
- f. The involved Member must be informed of the suspension in writing.
- g. Any appointment held will be regarded as vacant.
- h. Suspension in the case of disagreement must be followed as soon as possible by conciliation and such further steps as are necessary.

- i. When a person's membership is suspended or the nature of the suspension changes, the District Commissioner must inform the Chief Commissioner.
- k. The procedures for suspension detailed in this Rule must not be applied to Beaver Scouts, Cub Scouts, Scouts or Venture Scouts.

Note: Where issues of Child Protection are involved see also Rule 2.4 f. For further information see POR: The Appointment Process

Rule 15.3 Ending a period of Suspension of Adult Membership

- a. At the end of a period of suspension, the District Commissioner in consultation with the Chief Commissioner and the Group Scout Leader (where applicable, the Sponsoring Authority) must agree a recommendation for action.
- b. The action may 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 taken by a Committee of Inquiry (Board of Inquiry).
- 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 be satisfied that the subject continues to be a 'fit and proper' person for a particular appointment.
- d. In each case a record of the discussions and outcomes must be documented and forwarded to the Chief Commissioner.
- e. In exceptional circumstances the Chief Commissioner may, in consultation with the responsible District Commissioner, refuse to re-instate membership or an appointment.

For further information see POR: The Appointment Process

Rule 15.4 Suspension of Beaver Scouts, Cub Scouts, Scouts or Venture 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.
- b. A Beaver Scout, Cub Scout, Scout or Venture Scout may not be suspended from a Scout Group without the approval of the Group Scout Leader. The District Commissioner must be informed in writing and will in turn inform the Chief Commissioner. A copy of the report will be kept at Island Head Quarters.
- c. The District Commissioner has the authority to suspend a young person. Wherever possible, the District Commissioner should act in consultation with the relevant Group Scout Leader.
- d. Before suspending a young person, District Commissioners should inform the Chief Commissioner.
- e. 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.
- f. The parents / carers of the youth member must be informed of the suspension immediately and in writing.

Rule 15.5 Ending a period of Suspension of Beaver Scouts, Cub Scouts, Scouts or Venture Scouts

- a. At the end of a period of suspension, the District Commissioner and the Group Scout Leader must determine if a return to Scouting is appropriate. Advice should be sought from the Chief Commissioner (and if applicable, the sponsoring authority). Possible outcomes following a period of suspension would include:

- Reinstatement
 - Reinstatement with conditions
 - Dismissal
- b. Any Beaver Scout, Cub Scout, Scout or Venture Scout who is suspended has the right of appeal to the District Commissioner, who may, if so requested by the suspended person, appoint a Committee of Inquiry (Board of Inquiry) to hear the appeal. Reasonable opportunity must be given for the suspended person to attend the meeting of such a committee to state his case. If the suspension is from a Sponsored Group, the Sponsoring Authority (who will have already been consulted in accordance with these rules) has the right to attend and be heard by the committee. If the ruling given by the Committee of Inquiry set up by the District Commissioner does not satisfy the suspended person, the appeal may be further referred to the Chief Commissioner, who may set up another Committee of Inquiry and whose ruling will then be final.

Dismissals

Rule 15.6 Termination of Adult Membership

- a. Notwithstanding any other means provided by these rules, the membership of any member of the Association may be terminated by resolution of the National Scout Council, after such case being put forward by the Chief Commissioner. The National Scout Council shall be under no obligation to state its reasons for such a resolution.

Membership may be terminated:-

- in the case of holders of all appointments, relinquishing the appointment, unless membership has been acquired by any means other than the granting of the appointment;
 - by the cancellation of an Appointment or a Warrant following suspension.
- b. If it appears necessary to terminate the membership of an Adult Member of the Association subject to investigation, or if such a Member does not acquiesce when informed that a recommendation is to be made for the cancellation of such Membership, or if it appears desirable for any other reason, such membership may be terminated after a Committee of Inquiry (Board of Inquiry) has carried out all the necessary findings.
- c. A District Commissioner who wishes to terminate a membership to the Association must report the matter in full to the Chief Commissioner. If applicable, the District Commissioner must also notify the Sponsoring Authority.
- d. The Chief Commissioner must be satisfied that termination is necessary and that the matter cannot be resolved under the provision of any rule or practice of the Association. If he is not satisfied, he may direct the Honorary Secretary of the Association to convene a Committee of Inquiry.
- e. Adult Membership may be terminated by:
- resignation;
 - in the case of adults not holding a particular appointment, by Resolution of the Group or District as appropriate, and shall be under no obligation to state its reasons for making such a resolution;
 - failure to pay the Headquarters, and Group Membership Subscriptions;
 - dismissal.

Rule 15.7 Cancellation or non-renewal of Adult Appointments

- a. See *POR: The Appointment Process*

Rule 15.8 Termination of Youth Membership

- a. Notwithstanding any other means provided by these rules, the membership of any member of the Association may be terminated by resolution of the National Scout Council, after such case being put forward by the Chief Commissioner. The National Scout Council shall be under no obligation to state its reasons for such a resolution.

Youth Membership may be terminated by:

- resignation;
- in the case of Beaver Scouts, Cub Scouts, Scouts, Venture Scouts and Rover Scout by leaving their Group without joining another;
- in the case of Rover Scout by leaving their District Crew provision without joining another District ;
- failure to pay the Island Headquarters, District and Group Membership Subscriptions;
- dismissal.

Rule 15.9 Committee of Inquiry

- a. A Committee of Inquiry may be set up according to the nature of the case that is being investigated and can be set up according to the list below.

Members being Examined	Authority to hold the Committee	Members of the Committee	Authority to hold Committee of Appeal
Cub Scouts, Scouts, Venture Scouts and Rover Scouts	Group Scout Leader	Leaders of the Scout Group	District Commissioner
Appointed Leaders	District Commissioner	District Leaders (depending on their role)	Chief Commissioner
Commissioners and IHQ Staff	Chief Commissioner	Council Members, Commissioner, Assistant Commissioners and IHQ staff	

Rule 15.10 Dismissal of Beaver Scouts, Cub Scouts, Scouts and Venture Scouts

- a. A Beaver Scout, Cub Scout, Scout or Venture Scout may not be dismissed from a Scout Group without the approval of the Group Scout Leader. The District Commissioner must be informed in writing and will in turn inform the Chief Commissioner. A copy of the report will be kept at Island Head Quarters.
- b. In a Sponsored Scout Group, the Sponsoring Authority must be consulted before any such dismissal takes place.
- c. The District Commissioner has the authority to dismiss a young person. Wherever possible, the District Commissioner should act in consultation with the relevant Group Scout Leader.
- d. Before dismissing a young person, the District Commissioner should inform the Chief Commissioner.

Rule 15.11 Appeals against the dismissal of a District Rover Scout Member

- a. A District Rover Scout Member who is dismissed has the right of appeal (with the aid of a 'friend' if so desired) to the District Commissioner.
- b. The District Commissioner may appoint a committee to hear the appeal if requested by the person dismissed.
- c. Reasonable opportunity must be given for the dismissed person to attend the meeting of such a committee to state his case against dismissal.

Rule 15.12 Appeals against Dismissal of Youth Members (Beaver Scouts, Cub Scouts, Scouts and Venture Scouts)

- a. Any Beaver Scout, Cub Scout, Scout or Venture Scout who is dismissed has the right of appeal (with the aid of parents or guardians) if so desired.
- b. The District Commissioner, who may, if so requested by the dismissed person, appoint a Committee of Inquiry (Board of Inquiry) to hear the appeal.
- c. Reasonable opportunity must be given for the dismissed person to attend the meeting of such a committee to state his case.
- d. If the dismissal is from a Sponsored Group, the Sponsoring Authority (who will have already been consulted in accordance with these rules) has the right to attend and be heard by the committee.
- e. If the ruling given by the Committee of Inquiry set up by the District Commissioner does not satisfy the suspended person, the appeal may be further referred to the Chief Commissioner, who may set up another Committee of Inquiry and whose ruling will then be final.