

## Chapter 15

### Complaints, Suspensions and Dismissals

#### Chapter Contents

#### Complaints

Rule 15.1 Complaints

#### Suspensions

Rule 15.2 Suspension of Adult Members and Associate Members

Rule 15.3 Ending a period of Suspension of Adult Membership and Associate 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 and Associate Membership

Rule 15.7 Cancellation or non-renewal of adult Appointments

Rule 15.8 Termination of Youth Membership

Rule 15.9 Board of Inquiry

Rule 15.10 Appeals against the dismissal of Scout Members

#### 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.

#### ***Complaints Procedure:***

*As the majority of Scouting activity takes place locally within a community, it is expected that most of these concerns will be dealt with quickly and courteously in an informal way. However, it is possible that a complaint may arise that requires a more formal investigation and response.*

#### ***How to make a complaint?***

*If the complaint is about a matter within a local Scout Group, the Group Scout Leader is to be contacted. They will take note of the complaint and assist you to the best of their ability.*

*If you feel you do not want to disclose the matter to the Group Scout Leader, if they cannot deal with your concerns, or your query is very serious, then the District Commissioner, the Chief Commissioner, the Chief Scout and/or relevant authorities will assist you.*

#### ***What kind of complaints do you deal with?***

*We accept complaints about how you have been treated by Scouting or, if you are a parent or carer of a young person, how that young person has been treated by Scouting.*

*We have a few basic rules for the acceptance of complaints:*

- *Complaints must be raised within three months of you knowing the facts (we do not deal with complaints that are older).*
- *We do not investigate anonymous complaints.*
- *We do not accept complaints that are raised on behalf of or regarding other people (except by parents/carers of children in Scouting).*

- *We do not accept complaints that are broadly or substantively the same as a previous complaint.*
- *We will treat complaints with confidentiality and discretion.*
- *We will acknowledge any complaint back to the originator within 1 week.*
- *We do not process complaints that we believe to be vexatious or malicious.*

***How will my complaint be dealt with?***

*Your complaint will be dealt with fairly and objectively. We handle complaints in a positive and pro-active manner and aim to resolve any issues as quickly as we can.*

*However, please bear in mind that adults in Scouting are volunteers and it might sometime take a little longer to sort out your complaint.*

*The investigator may need to speak to you and a number of other people to fully understand your complaint and the circumstances surrounding it.*

*The person supervising the query will make a decision about the complaint and will inform you whether your complaint is upheld or not and the actions that will be taken as a result.*

## **Suspensions**

### **Rule 15.2 Suspension of Adult Membership & Associate Members**

- The following applies to all members of the Scout Association of Malta.
- Suspension of any involvement in Scouting by a Member and Associate Member is an act intended to protect all persons involved. It is to ensure that any investigations or injury 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:

  - 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;
  - When a disagreement or dispute between adults remains unresolved for a period of more than 30 days (commencing from when a written notification of dispute is provided to the Executive Committee), suspension in this case is to be for a period of not more than 90 days in the same instance. Suspension for further periods of not more than 90 days may follow and must be communicated to the suspended individual.
  - If a Member or Associate Member make a formal, public challenge (to a non-Scouting organization, body or forum) against the decision or policy of either;
    - A Scout Group (of which that Member or Associate Member is a member) and/or
    - The Scout Association of Malta,
 where such public challenge seeks to change, overturn, or reverse the said decision or policy or causes adverse publicity about the same.
  - Where the intentional action or inaction of an individual involved in Scouting could seriously damage the reputation of The Scout Association of Malta.
  - When the action of an individual involved in Scouting may constitute gross misconduct.
- In every case Membership may be suspended only by the appropriate authority with approval from the other appropriate authority as defined in the following list. Notwithstanding this list, no person with an interest in a dispute may participate in the decision to suspend or approve the suspension. In such a case, the appropriate authority shall be replaced with next in rank, or, if necessary, the Executive Committee.

<b>Suspension of</b>	<b>Appropriate Authority to Suspend</b>	<b>Appropriate Authority to Approve</b>
National Scout Council Members	As per Bye-Law	
All members (Adults, Youths & Associate Members excl. National Scout Council members)	The Executive Committee	
All Commissioners	Chief Commissioner	Chief Scout
Group Scout Leader	District Commissioner	Chief Commissioner
Group Leaders; Section/Asst. Leaders, young Members and Associate Members	The Group Scout Leader	District Commissioner
A written report must be forward to the Commissioner of Administration for safe keeping		

- d. During a suspension under this Rule, any Appointment Certificate must be surrendered to the suspending authority.
- e. The suspended Member must not:
- i. participate in any activity connected with the Scout Movement (whether or not young people are present) including administrative activities;
  - ii. Contact any members of The Scout Association of Malta;
  - iii. Enter Association premises;
  - iv. Be present at any place at which Scouting activities are taking place (including all types of activity whether or not young people are present);
  - v. Wear the uniform, badges, scarves and activity wear 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.

- i. All modifications must be agreed with the authority that approved the suspension.
- ii. The modifications must be kept at a minimum and are to enable the suspended person as a 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).
- iii. The modifications must not compromise the safety and wellbeing of the youth members.
- iv. Where applicable, the modifications must not allow the suspended individual to engage in regular Scouting Activities.
- v. The suspending authority must inform the suspended person in writing with very clear instructions regarding what is permitted.
- vi. The suspending authority may change or remove the modifications during the period of suspension and must notify the suspended person in writing.

- f. The suspended member must be informed of their suspension in writing and the member has the right to make submissions to the authority to suspend.
- g. They must also be offered an independent Scouting Colleague to act as a liaison point.
- h. In the case of Suspension of the Group Scout Leader, the appointment held will be regarded as vacant and a Scouter in Charge may be appointed.
- 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 suspending authority must inform the Chief Commissioner.

*Note: Where matters of Child Protection are involved see also Rule 2.4 (f) For further information see POR: The Appointment Process and the Safe from Harm Policy.*

### **Rule 15.3 Ending a period of Suspension of Adult Membership**

- a. At the end of a period of suspension the Suspending Authority (where appropriate in consultation with the Group Scout Leader and, or the Sponsoring Authority) must decide on a recommendation for action and seek approval for that action from the authority who originally approved the suspension. The procedure specified in the Constitution should be followed in the case of Commissioners.
- b. The action may include a recommendation to re-instate, reinstate with conditions, modify or revoke the appointment of the adult under 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. In each case a record of the discussions and outcomes must be documented and forwarded to the Chief Commissioner and then to the Honorary Secretary.
- e. In exceptional circumstances the Chief Commissioner may, in consultation with the Executive Committee, 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 be suspended from a Scout Group by the Group Scout Leader with the approval of the District Commissioner and in consultation with the Section Leader with whom that young person had been entrusted to. No person with

an interest in a dispute may participate in the decision to suspend or approve the suspension. The District Commissioner must inform in writing the Honorary Secretary.

- c. In exceptional circumstances, the District Commissioner has the authority to suspend a young person. However it is advisable that they act in consultation with the relevant Section Leader and Group Scout Leader.
- d. Where a statutory authority is involved, advice must be sought from that body.
- 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, badges, scarves and activity wear.
- f. The parents / carers of the youth member must be informed immediately of their suspension in writing thereafter and the member has the right to make submissions to the authority to suspend.

#### **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 Group Scout Leader with the approval of the District Commissioner must determine if a return to Scouting is appropriate. Advice may be sought from the Sponsoring Authority, if applicable, and where a Statutory Authority or Agency has been involved, advice must be sought from that body too. Possible outcomes following a period of suspension would include:
  - Reinstatement
  - Reinstatement with conditions
  - Dismissal

#### **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 an appointment, by resolution of the [Scouters' Meeting](#). The Scouters' Meeting shall be under no obligation to state its reasons for making such a resolution.
  - Failure to pay the Association and, or Group membership subscriptions.
  - Failure to observe the terms of any suspension imposed in accordance to these rules
  - Dismissal (following the procedure in Rule 15.3)
  - 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; or
  - by the cancellation of an Appointment or a Warrant following suspension.
- b. Notwithstanding any other means provided by these rules, the Membership of any member or Associate Member of the Association may be terminated by a resolution of the National Scout Council. The Council shall be under no obligation to state its reasons for making such a resolution.

#### **Rule 15.7 Cancellation or non-renewal of adult Appointments**

- a. See *POR: The Appointment Process*

#### **Rule 15.8 Termination of Youth Membership**

- a. 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;
  - failure to pay the Association and /or Group Membership Subscriptions; or
  - dismissal.
- b. Notwithstanding any other means provided by these rules, Youth Membership may be terminated by resolution of the National Scout Council of the Association. The National Scout Council shall be under no obligation to state its reasons for making such a resolution.

#### **Rule 15.9 Board of Inquiry**

- i. A Board of Inquiry may be set up according to the nature of the case that is being investigated and can be set up only by the Chief Commissioner subject to the approval of the Chief Scout. The members of the Board of Inquiry are selected by the Chief Commissioner and are chosen from adult members of the Association, the Scout Fellowship, previous members of the Council or persons with expertise in the matter under consideration, who are independent from the persons involved. The Chief Commissioner is to elect a chair and provide terms of reference. The Board is to include appropriate recommendations in its findings.
- ii. When the Board of Inquiry is to be set up for matters directly investigating the Chief Commissioner, the members of such board are to be the National Scout Council.

#### **Rule 15.10 Appeals against the dismissal of Scout Members**

- a. Any Scout Member who is dismissed has the right of appeal if so desired, to the Chief Commissioner. There is no right to appeal from a decision of the National Executive or National Scout Council.
- a. The Chief Commissioner may appoint a Committee of Appeal to hear the appeal.
- b. The members of the Committee of Appeal shall be selected by the Chief Commissioner with the approval of the Chief Scout, from adult members of the Association, the Scout Fellowship, previous members of the Council or persons with expertise in the matter under consideration, who are independent from the persons involved, and subject to the approval of the Chief Scout.
- c. Reasonable opportunity shall be given for the dismissed person to attend the meetings of such dismissal to state his/her case against dismissal if so desired.