

Conflict Management Guidelines



Adult Members



Adults in Scouting



GRIEVANCE AND DISPUTE POLICY

Introduction

Working in an Association as large as Scouting, there will always be a time when parties will not agree on a particular course of action or direction being undertaken. Usually, most of these disagreements are handled in a way that a resolution is achieved very quickly and without the need for any further action. This is the preferred level of resolution.

Support

However, there are times when a person wishes to seek clarification or ruling regarding a local disagreement. Should this be the case, the attached flow chart provides clarification should this level of clarity be required.

Basic Principles

Any grievance or dispute must be taken seriously and managed expeditiously. Normally, the issue will be dealt with at the management level at which the grievance or dispute originated. The person to whom the grievance is referred will consider all facts and points of view in relation to the grievance before making their decision on the matter. However, the premise of decisions being facts based is an important consideration - opinions and hearsay should only provide context. They may refer the matter to others for advice and consideration depending on Branch structures and procedures. This includes giving both parties an opportunity to state their views clearly, ensuring that all facts are clear and understood.

When making a decision, the relevant person must when possible, seek a solution that is manageable by both parties and that accords with the best interests of Scouting. The person handling the grievance will make it clear the factors on which they have based their decision. If the matter cannot be resolved amicably at the local level, then the aggrieved party(ies) may ask that the matter be referred to the next higher Scouting authority, as outlined in the attached flow chart.

Grievances or disputes, when referred to any Scouting authority, whether it be Group Leader or the Chief Commissioner, will be dealt with in a timely manner.

All Reasonable Steps

The person to whom the grievance is first referred, e.g. Group Leader, Activity Leader, Commissioner, will make all efforts to effectively clarify the issues and attempt to resolve the grievance in the first instance. If the matter is unable to be resolved after all reasonable steps have been taken, it will be referred to a higher Scouting authority for resolution. The person managing any grievance may speak with a District or other relevant Commissioner to seek advice and support before making a decision.

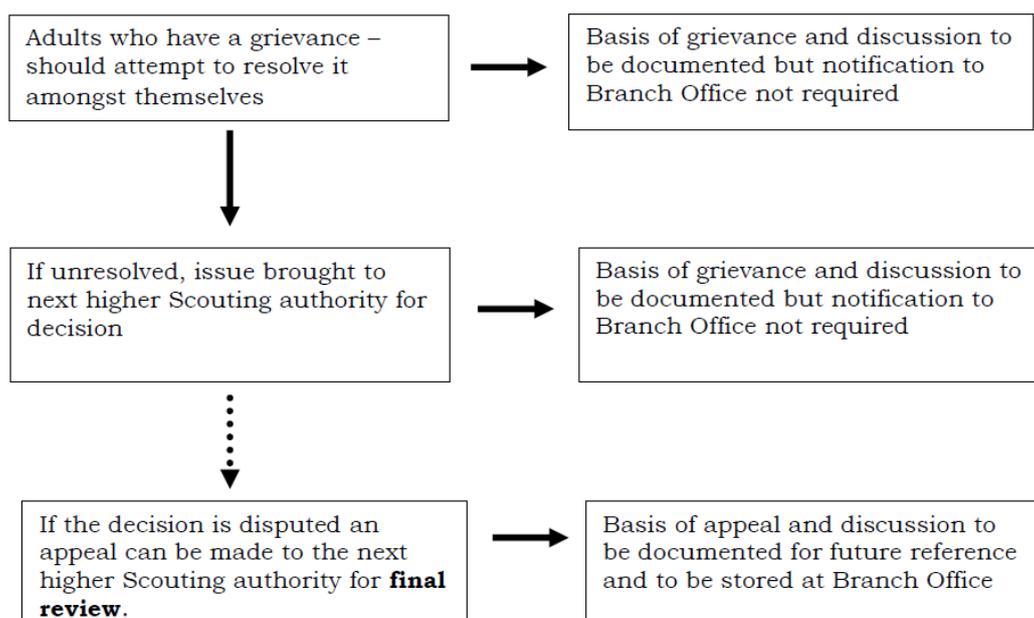
Final Authority

As with any grievance process, someone must make the final decision, and this rests with the relevant authority as defined by each Branch.

Normally, the issue will be dealt with at the management level at which the grievance or dispute originated. Issues at Group level will normally be resolved by the Group Leader and if decisions are disputed, the issue will be reviewed by the next higher Scouting authority level (e.g. District Commissioner).

Note: from time to time special circumstances arise where an exception to this process may be needed causing the matter to be referred to a higher / more senior Scouting level. Where this may be likely, consultation with the appropriate area (e.g. Commissioner or their Appointee) should occur. However, the design of this process is that issues are to be resolved locally as much as possible.

A Summary Referral Guide



Note: These guidelines seek to manage the majority of disputes and grievances.

Where the dispute or grievance involves very senior members of Scouting (e.g. Commissioners) then special processes may need to be employed beyond what is documented here.

In the case of disputes or grievances involving professional (paid) staff the provisions and guidelines of Fair Work Australia needs to be adopted. In all cases the matter should be referred to the relevant employer (National or Branch) for further consideration.

SUSPENSION / DISMISSAL PROCESS

Introduction:

The use of the suspension / dismissal process should be seen as a process of last resort. The underlying principles of regular adult review & feedback should address any behaviour or performance issues as and when it happens.

However, where prior engagement has been insufficient or the matter is of a serious nature then the process outlined here applies.

Definition:

All cases to be considered for suspension / dismissal must be “event / fact” based and meet one or more of the following criteria:

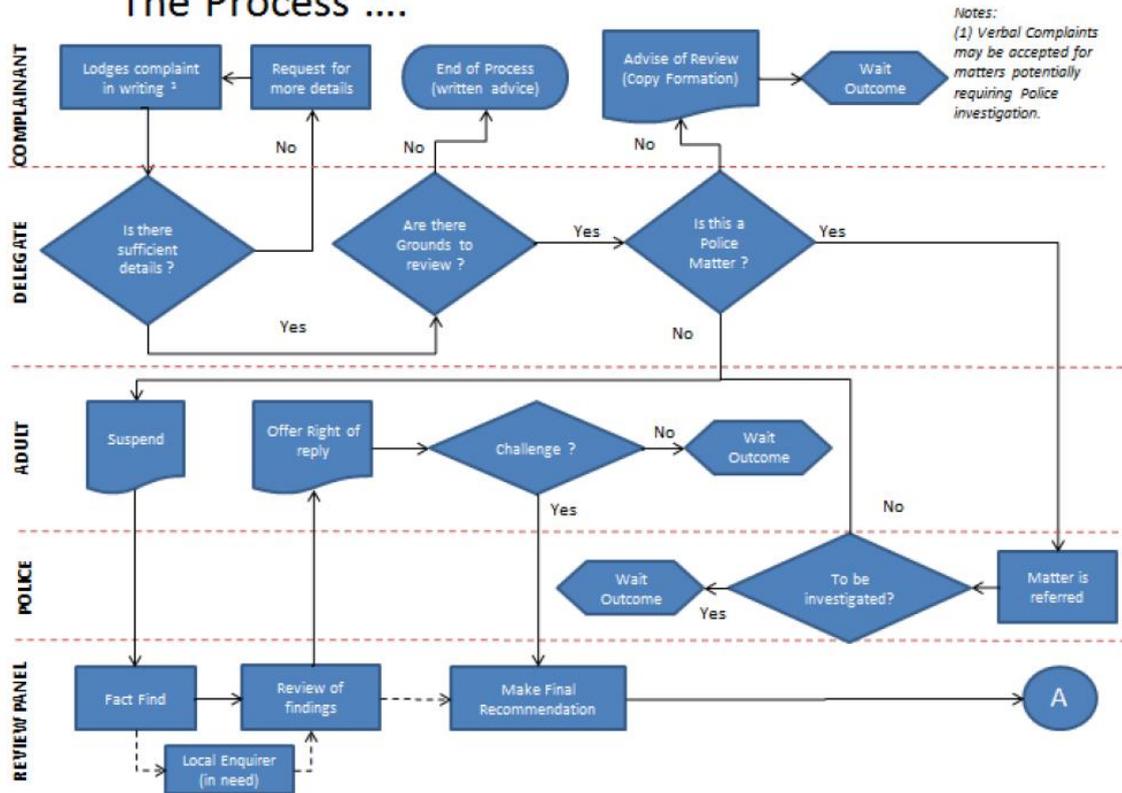
- Alleged (or convicted) criminal action,
- Alleged breach of Adult Code of Ethics / Conduct or general Duty of Care,
- Administrative Restraint - that is a compliance / legal qualification to perform a particular function in Scouting has not been met (e.g. a working with children's' check has expired, or a high risk qualification has expired or is not held and an Adult wishes to lead that activity).

Key People in the process:

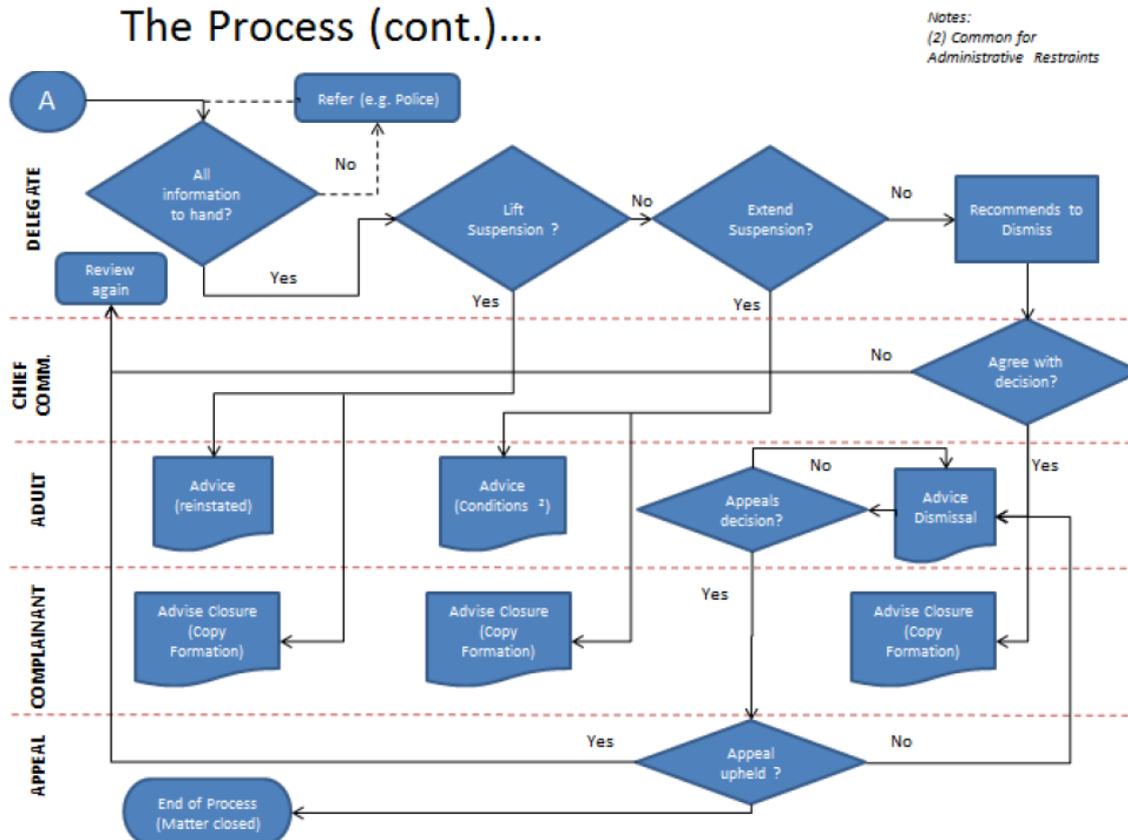
- **Adult** – the person about whom the complaint has been lodged and who is the subject of the process.
- **Complainant** – the person lodging the complaint.
- **Delegate** – the person appointed by the Chief Commissioner (CC) to manage the process. Where appointed they need to be a Senior Commissioner in the Branch. They will:
 - Be empowered by the CC to “suspend” (in need), but will advise the CC promptly when they choose to exercise this delegation.
 - Ensure they are an independent party to the complaint (i.e. no conflict of interest exists).
- **Panel** – a group of 2-3 people appointed by the Delegate to review the complaint findings and form a recommendation. The Panel should have a membership of people with appropriate HR / Conflict Management skills.
- **Police** – where applicable, matters will be referred to the Police.
- **Chief Commissioner.**
- **Appeals Reviewer(s)** – this may be the CC for Suspensions and the Branch Executive Committee (BEC) for the Dismissals. During an appeal the Adult may bring a Scouting friend / supporter.

Refer following page for process flowchart

The Process



The Process (cont.)....



All complaints are to be handled expeditiously. A suggested timeline is that matters should be resolved within 60 days from receipt of the complaint. Appeals may add up to 30 days to this process.