

Scouting Ireland Disciplinary Procedures

	Gasóga na hÉireann / Scouting Ireland			
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Introduction

The purpose of this document is to outline the procedures that must be followed when a Specified Officer (SO) within Gasóga na hÉireann/Scouting Ireland (SI) instigates a disciplinary complaint in accordance with the terms of SI's Disciplinary Policy.

The procedures outlined below **must** be followed where any SO raises a disciplinary complaint against any adult volunteer member of SI (hereinafter referred to as volunteer) or any member of SI's professional staff. This document should be read in conjunction with the Disciplinary Policy.

Where any respondent to a disciplinary complaint is a SI volunteer **at the time that the complaint is formally accepted** then that case will proceed to a conclusion notwithstanding that any such respondent should subsequently resign from SI before the case is concluded. In all such cases the respondent(s), upon resignation, must be made aware by the DRAP that the case will proceed to its conclusion and that the respondent(s) will thereby be afforded the rights that this procedures document provides for, including the right to appeal any adverse findings against him/her.

However, it should be noted that, in all cases involving a volunteer who has resigned from SI, while the Disciplinary Panel (DPAN) and the Appeal Panel can make findings neither can recommend any sanctions against any respondent who is no longer a member of SI. For the avoidance of doubt a full report will be completed and presented via the Volunteer and Group Support Department (VGS) to the Board who will consider the findings and have them placed on the record of the individual.

Guiding Principles for all matters within this document

It is vitally important that those involved in disciplinary matters are informed and reminded at the outset by the DRAP that they are Scouts, and as Scouts, they should be acting at all times in adherence with the Scout Law, Promise and Principles and in keeping with SI's Code of Conduct.

They should also be reminded that the primary role of "Adults in Scouting" is to place the needs and wellbeing of our "Youth Members" first and foremost, as generally, the matters such as are covered within this document consume a lot of volunteer hours and can therefore defer attention away from SI's youth centred approach.

NB: Any matter that is raised by any member of SI, or any other person, that concerns safeguarding issues, must be referred immediately to the Safeguarding Team by the recipient of the initial complaint or the DRAP.

Definitions

Throughout this document the following definitions shall apply:

The Board – is the Board of Directors of Scouting Ireland Services.

The VGS – is the Volunteer and Group Support Department.

The DRAP – is the Disputes Resolution and Appeals Panel, the members of the DRAP being a properly constituted Departmental Support Group under the VGS.

The DPAN – is the Disciplinary Panel, the members of the DPAN being selected by the DRAP, in consultation with the VGS Core Team. The VGS Core Team will appoint the Panel following an open call to the volunteer membership by the VGS and the instigation of an external recruitment process by the VGS. The Panel will consist of two SI volunteer members and one non-SI external member.

The Member – is an individual volunteer member of SI, as opposed to a Scout Group which is considered a “member” of the Company for governance purposes in the Constitution of the Company.

The Appeal Panel – will be appointed by means of an open call by the VGS. The Panel will consist of two SI volunteer members and one non-SI external member. The external member will be recruited through an application and interview process. Interviews will be conducted by a selection panel consisting of the Manager and Core Team Chair of the VGS (or nominees of the Manager or Core Team Chair whereupon either are unavailable) a member of the DRAP and up to three volunteer members. The selection panel will be chaired by the Core Team Chair of the VGS (or their nominee).

The DRAP

The purpose of the DRAP is to manage the content of the Disciplinary Policy document and thereby ensure that the proper procedures are followed for all disciplinary matters, in accordance with the terms set out in this document set out below.

The DPAN

The DPAN will be appointed by means of an open call by the VGS Department and will consist of three members. One member of the DPAN must be an external member, who is NOT a member of SI, and will be recruited through an application and interview process. Interviews will be conducted by a selection panel consisting of the Manager and Core Team Chair of the VGS (or nominees of the Manager or Core Team Chair whereupon either are unavailable) a member of DRAP and up to three volunteer members. The selection panel will be chaired by the Chair of the Core Team (or their nominee).

The purpose of the DPAN is to:

- receive all SIF-DPF9/SIF-DPF10 forms from the DRAP.
- receive all Investigation Officers' reports (when required).
- discuss all cases based on the documents submitted.
- request further information from any party where it is deemed so appropriate.
- meet with the respondent to discuss their case before reaching any final recommendation on sanction or otherwise, where such a meeting is deemed so appropriate.
- finalise the DPANs findings and recommendations on a SIF-DPF 11 form and submit the Report to the DRAP.

Investigation Officers

The Investigation Officers (IO) shall be responsible for conducting fact finding and evidence gathering on disciplinary cases. The VGS Core Team will appoint an IO Pool consisting of Scouters with the requisite personal/Scouting experience in the field of Human Resources and carrying out investigations.

The IO Pool will be selected by the DRAP and appointed by the VGS Core Team following an open call to the volunteer membership by the VGS. As far as is possible, the IO Pool should reflect the geographical spread of the six Scout Provinces.

Specified Officers

A Specified Officer (SO) is a person holding any of the following Appointments within SI for the time being/at the time of making of the complaint:

- (a) Group Leader
- (b) County Commissioner
- (c) Provincial Commissioner
- (d) Department Manager
- (e) Chief Executive Officer

Fair Procedures

It is important that all disciplinary matters that are instigated follow fair procedures. The object of this Disciplinary Policy is to arrive at a fair decision, by means of the Disciplinary Procedures, having given the subject of all complaints an adequate opportunity to state his/her case and to provide witnesses.

It should therefore be noted at the outset that the Disciplinary Policy makes provision for all those involved in any disciplinary complaint to appeal any findings and/or recommendations that fall out of these Disciplinary Procedures.

Initial Procedures

DRAP Procedures:

When the DRAP receive a disciplinary complaint, they will, in the first instance, establish if the complaint has been made on a SIF-DPF9 and been received from a properly designated SO. **Only a properly completed SIF-DPF9** will be accepted by the DRAP as a disciplinary complaint. All other such forms of disciplinary complaints received by the DRAP, by whatever means, will be returned to the sender. In addition, all SIF-DPF9 forms that are not completed properly, signed by the SO and accompanied by supporting documents (where appropriate) will be returned to the SO, with instructions from the DRAP as to what is required in order for the SIF-DPF9 to be accepted and progressed by the DRAP.

When the DRAP is satisfied that a SIF-DPF9 can be accepted as an official disciplinary complaint the matter will then be progressed by the DRAP issuing a SIF-DPF10 form, along with any supporting documents (including a redacted version of the SIF-DPF9 where appropriate), to the named respondent(s) to the matter, thereby affording the respondent(s) a right of reply to the allegations as cited by the SO.

A returned SIF-DPF10 must be sent to the DRAP care of National Office and must be signed by the respondent (in the appropriate place) before it is returned. The DRAP will receive and check all returned SIF-DPF10s and will return the form to the respondent if it has not been completed properly and/or signed.

Only a properly completed SIF-DPF10 will be accepted by the DRAP as a response to a SIF-DPF9. All other such responses received by the DRAP, by whatever means, will be returned to the sender. Should a respondent hold additional supporting documentation that they wish to be considered as part of their response to the matters raised by the SIF-DPF9, then this **must** be enclosed with the returned SIF-DPF10 form.

The period allowed for return of any SIF-DPF10 that is issued will be two weeks from the date the form was issued by National Office staff.

In the absence of a returned SIF-DPF10, it should be noted, that the DRAP will consider the SIF-DPF9 (and any associated documentation provided with same) alone before deciding if an investigation into the matters, as raised by the SIF-DPF9, is required.

Where the DRAP decides that the matters raised in the SIF-DPF9 and SIF-DPF10 do not warrant a full investigation by an IO, they will then forward all the documentation held to the DPAN, advising them at the same time that no investigation has been carried out by an IO and the reason why the DRAP did not deem an investigation by an IO to be appropriate.

IO Procedures:

Where the DRAP deem it appropriate to move to a full investigation of a complaint, they shall without prejudice to the generality of the same allocate the case to an IO in order for a full and comprehensive fact-finding investigation to take place. The DRAP has all the powers necessary for, and incidental to, the exercise of its functions and will determine the procedures for investigating any complaint referred to them with the procedures being outlined explicitly in

the Terms of Reference for each case.

The DRAP will therefore set the specific Terms of Reference for each IO to work to and will fully brief the IO in advance of an investigation commencing.

Where appropriate, the DRAP may suspend without prejudice a member subject to an investigation in line with Scouting Ireland's Suspension Without Prejudice Policy. Any such act of suspension should be considered a neutral act and should not be seen as a determination of guilt.

Where an IO conducts interviews with parties to a disciplinary matter, such interviews shall be recorded by means of a digital voice recorder, provided to the IO by SI, unless any party to the proceedings objects to this. Where there is any such objection the interview will then instead be recorded in writing, agreed as an accurate record of the interview by all parties to the interview before being signed off by all parties.

Following any investigation, the IO will present the DRAP with a full and comprehensive report to include all written documents generated during the course of the interview, as well as all documents handed over to the IO during the investigation.

Upon receipt of an IO's report the DRAP will consider if the IO has fully discharged the Terms of Reference and they may, if appropriate, return the matter to the IO for further information to be obtained. In addition, the DRAP may also return the matter to the IO if they believe that there are still matters outstanding that were not covered by the IO's Terms of Reference but have arisen during the course of the investigation.

Once the DRAP is satisfied that an IO's investigation is complete they will then forward the IO's findings to the DPAN along with the SIF-DPF9, SIF-DPF10 and any associated documents.

DPAN Procedures:

The DPAN will receive all SIF-DPF9/SIF-DPF10 forms from the DRAP, as well as any IO's reports (when required). Following receipt of a case from the DRAP the DPAN will then discuss the case based on the documents submitted. Having considered the documents of a case the DPAN will reserve the right to speak with any adult in SI (whether that be volunteers or professional staff), that they deem has relevant information that will assist the outcome of any given case. This is regardless of whether the person(s) is/are an actual party to the matter and the DPAN may do this by means of a face-to-face interview, verbally via a telephone or an internet conversation or in writing.

Where the DPAN finds that the alleged breach(es) of discipline is/are proved on any given case they will also reserve the right to meet with any respondent to the matter before reaching any final recommendation on sanction or otherwise.

It should be noted that at such a meeting with the respondent he or she will be permitted to be accompanied and supported at said meeting by a registered Scouter in SI, however, this Scouter cannot take any part in the proceedings other than being there as a support.

The DPAN will then conclude their part in these Disciplinary Procedures by recording their findings and recommendations on a SIF-DPF 11 form before submitting this Report to the DRAP.

It should also be noted that the DPAN will complete a SIF-DPF11 Report in all cases that are referred to them, regardless of whether their findings indicate that the respondent(s) acted as alleged (in the SIF-DPF9 form) or did not act as alleged. The DPAN will also be required to indicate in the SIF-DPF11 Report whether they find the complaint proven or not.

Secondary Procedures

When the DRAP has been presented with a SIF-DPF11 Report from the DPAN they will consider the findings, and any recommendations, and review the process followed by the DPAN to ensure that the proceedings have been conducted properly. Should any flaw in the process be identified, the DRAP will refer the case back to the DPAN to rectify the matter.

When the DRAP is satisfied that all matters pertaining to the SIF-DPF11 Report are in order and have been dealt with in the proper manner, the findings and/or recommendations of the DPAN will then become the decision of the DPAN. The DRAP will then present the SIF-DPF11 Report to all parties involved in the case and then, at that point, any respondent mentioned in the SIF-DPF11, being in receipt of an adverse decision, will then have the right of appeal against the DPAN's decision.

Where said person wishes to lodge an appeal following a disciplinary decision as handed down by the DPAN, said appeal must be lodged with the DRAP not later than 21 days from the date that the disciplinary decision was issued by National Office.

Where any disciplinary decision is uncontested, **without appeal**, the DRAP will pass the full details of the case to the Board, via the CEO (or the Department Manager, should the CEO also be the SO for any given case), for them to give the final decision on the complaint.

In any case where the Board rejects any of the recommendations, as contained within a SIF-DPF11 Report, they must also provide a full and detailed reasoning to all parties (in writing), as to why they have rejected the recommendations in said SIF-DPF11 Report.

In all such cases where the Board takes this course of action, they must in turn provide any respondent to a SIF-DPF11 Report a further 14 days (from the date of the notification of their decision) to provide further written submissions to the Board in advance of the Board reaching a final conclusion on the matter. For the avoidance of doubt, **the Board will not reopen, or entertain the reopening, of the findings**. Once the Board has made its final conclusion regarding sanctions for a case, the case is then closed and cannot be reopened, save for where the DRAP have identified a potential miscarriage of justice following this action, whereupon the DRAP will ask the Board to consider reopening the case.

Following the submission of a SIF-DPF11 Report to the Board, it will then fall to the DRAP to ensure that the recommendations, as handed down by the Board, are implemented and notified to all parties.

Appeal Procedures:

All disciplinary appeals must be made in writing on the approved form (SIF-DPF12) and directed to the DRAP care of National Office and shall set out the grounds of appeal relied upon.

When the DRAP receive an appeal, they will consider the appeal request to establish if the SIF-DPF12 is completed properly, signed in the appropriate place, lodged within the appropriate timeframe and contain the grounds relied upon for bringing forward the appeal. **Only a properly completed SIF-DPF12** will be accepted by the DRAP as an appeal. All other such forms of appeal received by the DRAP, by whatever means, will be returned to the sender. In addition, all SIF-DPF12 forms that are not completed properly (as outlined above) will be returned to the appellant, with instructions from the DRAP as to what is required in order for the SIF-DPF12 to be accepted and progressed by the DRAP.

If and when the DRAP is satisfied that the SIF-DPF12 has been properly completed they will then refer the matter to the Appeal Panel.

The DRAP will then inform all the parties to the initial disciplinary complaint that an appeal against the DPAN's decision has been accepted and that it will now proceed accordingly under the procedures as provided for by SI's Disciplinary Policy. A copy of the SIF-DPF12 will then be issued by the DRAP to all the relevant parties.

Once an Appeal Panel has been convened, they will re-examine all the evidence already recorded on the case, in conjunction with the grounds for appeal. If it is deemed appropriate, the Appeal Panel may then also convene an appeal oral hearing (either in person or remotely via teleconference) and call any party to that hearing that they deem necessary to provide further evidence.

It should be noted that any party to an appeal oral hearing will only be permitted to be accompanied and supported at the hearing by a registered SI Scouter. It should also be noted that this Scouter cannot take any part in the proceedings other than being there as a support.

The record of all Appeal Panel oral hearings will be by way of audio recording unless any party to the proceedings objects to this. Where there is any such objection the proceedings will then be recorded in writing and agreed as an accurate record of the proceedings by all parties to the hearing. Papers only hearings will only require a written record.

For all Appeal Panels that are convened they will reserve the right to speak with any adult in SI (whether that be volunteers or professional staff) during the course of that appeal hearing, that they deem has relevant information that will assist the outcome of the appeal, this is regardless of whether the person(s) is/are an actual party to the appeal. All such evidence obtained will be audio recorded or recorded in writing.

When the proceedings are complete the Appeal Panel will record their findings and, if any, recommendations on an official form (SIF-DPF13) and forward this (along with all the oral

and documentary evidence pertaining to the appeal that was presented both before and during the proceedings) to the DRAP.

Post Appeal Hearing Procedures:

When the DRAP is satisfied that all matters pertaining to the appeal are in order and have been dealt with in the proper manner, the findings and/or recommendations of the Appeal Panel will then become the decision of the Appeal Panel and be notified to all parties to the matter.

At this point the DRAP will then pass the full details of the case to the Board, via the CEO (or the Department Manager, should the CEO also be the SO for any given case), for them to give the final decision on the complaint.

In any case where the Board rejects any of the recommendations, as contained within a SIF-DPF13 Report, they must also provide a full and detailed reasoning to all parties (in writing), as to why they have rejected the recommendations in said SIF-DPF13 Report.

In all such cases where the Board takes this course of action, they must in turn provide any respondent to a SIF-DPF13 Report a further 14 days (from the date of the notification of their decision) to provide further written submissions to the Board in advance of the Board reaching a final conclusion on the matter. For the avoidance of doubt, **the Board will not reopen, or entertain the reopening, of the findings.** Once the Board has made its final conclusion regarding sanctions for a case, the case is then closed and cannot be reopened, save for where the DRAP have identified a potential miscarriage of justice following this action, whereupon the DRAP will ask the Board to consider reopening the case.

Following the submission of a SIF-DPF13 Report to the Board, it will then fall to the DRAP to ensure that the recommendations, as handed down by the Board, are implemented and notified to all parties.

Conclusion of the Disciplinary Procedures:

At the conclusion of the Disciplinary Procedures (all stages of which have been specified in this policy document) it will be for the SO to decide if it is appropriate to share the outcome of the disciplinary matter with any interested party to the matter (e.g., the person(s) who raised the initial matter with them).

It should be noted that, for each case, it is envisaged that the Disciplinary Procedures would conclude within 3-4 months from receipt of the DPF9 form.

Should an appeal form part of any case then it would be expected that, invariably, such a case would take longer than 3-4 months to conclude. There may also be other occasions, due to circumstances beyond the organisation's control, where a disciplinary matter may take longer to conclude. All participants will be kept fully informed of such situations should this occur.

Additional Matters Relating to Discipline

In addition to the DRAP's duties and responsibilities, as are outlined throughout the course of this document, the DRAP will also –

- Oversee the process relating to discipline but will play no direct role in the ultimate decision making in any disciplinary case, thereby remaining independent in order to provide information, advice and guidance on the Disciplinary Policy and the Disciplinary Procedures to members of SI and the professional staff.
- Address all queries, from any quarter, on all matters relating to the Disciplinary Policy and the Disciplinary Procedures
- Assist with training on all matters relating to the Disciplinary Policy and the Disciplinary Procedures
- Provide the VGS Core Team regular statistical reports on matters relating to the Disciplinary Policy and the Disciplinary Procedures, including input into the VGS submission to SI's Annual Report.
- Utilise the support of National Office for administrative matters such as mailings, filing, checking the Membership Management System for member status etc.