

Scouting Ireland Grievance and Disputes Policy

	Gasóga na hÉireann / Scouting Ireland			
	No.: SID-CCD01	Issued: 16/07/2021	Amended:	Next Review Date: July 2022
	Category: Volunteer and Group Support Department – Policy			
	Scouting Ireland: Grievance and Disputes Policy			
Related Documents: Grievance and Disputes Procedures Disciplinary Policy Disciplinary Procedures				
Revision	Date	Description		
1	03/07/2021	Document drafted		

Contents

Introduction.....	2
Guiding Principles for all matters within this document	2
Definitions.....	3
The DRAP.....	3
Fair Procedures	3
Section A – Grievance Policy	4
Section B – Disputes Policy.....	4
Section C – Appeals Policy.....	4
Section D – Additional Matters	5
Section E – Matters Involving the Professional Staff.....	5
Section F – Timeframes	6
Official Dispute.....	6
Appeal.....	6
Section G – Records of Proceedings.....	6
Section H – Access to/Retention of Records	6

Introduction

The purpose of this document is to provide the adult volunteer (hereinafter referred to as volunteer) membership, and professional staff of Gasóga na hÉireann/Scouting Ireland (SI), with access to a Grievance and Disputes Policy. This document should be read in conjunction with the Grievance and Disputes Procedures.

The provisions of SI's Grievance Policy, in Section A of this document, **must** be exhausted, in the first instance, **before** any volunteer member of SI may be permitted to instigate the provisions of SI's Disputes Policy, in Section B of this document. The Disputes Policy may be instigated by any volunteer member of SI who believes that their grievance has not been addressed to their satisfaction.

Should any connected external proceedings be brought to the attention of SI during the course of the handling of a grievance or a dispute, then the Disputes Resolution and Appeals Panel (DRAP) will reserve the right to suspend all activity on the matter, should it be deemed appropriate to do so, until such time as it is considered appropriate to proceed.

Notwithstanding that any external proceedings or litigation may not be resolved or succeed as prosecuted, SI reserves the right to, and will consider, the subject matter of all grievances and disputes irrespective of the outcome of the external proceedings.

Where any respondent to a dispute is a SI volunteer **at the time that the dispute 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 policy 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 Hearing Panel 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 all grievances and disputes are informed and reminded at the outset by the Group Leader, County Commissioner, Provincial Commissioner or National Team Lead (or their respective replacements) 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 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 Dispute Hearing Panel – is a Panel of volunteer members, to be convened by the DRAP, which will be drawn from the Hearing Pool (as defined within the Grievance and Disputes Procedures document). Each Dispute Hearing Panel that is convened must receive a briefing on the individual case from the DRAP before being presented with a Terms of Reference (drafted by the DRAP) by which they must work to.

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 VSG (or their nominee).

The DRAP

There will be three members of the DRAP who will be selected by the VGS Core Team following an open call to the volunteer membership by the VGS. The purpose of the DRAP is to manage the content of this policy document and ensure that the proper procedures are followed for all grievance and disputes, in accordance with the Grievance and Disputes Procedures document.

Fair Procedures

It is important that all grievances and disputes that are instigated follow fair procedures. The object of this Grievance and Disputes Policy is to arrive at a fair decision, by means of the Grievance and Disputes 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 this Grievance and Disputes Policy hereby makes provision for all those involved in any dispute to appeal any findings and/or recommendations

that fall out of the Grievance and Disputes Procedures and Section C of this current document hereby refers.

Section A – Grievance Policy

This Grievance Policy provides volunteer members with access to a structured procedure in order to bring forward any grievance that they have with any other volunteer member or group of volunteer members.

The historical evidence held by SI shows that most complaints that have been lodged with National Office, in the past, are locally based. It is therefore important that SI recognises the need to resolve all complaints at source before they escalate to become an Official Dispute in accordance with the terms and provisions of Section B of this document.

Therefore, should any volunteer member feel that they have a grievance with any other volunteer member or group of volunteer members then they **must**, in the first instance, follow the procedures as specified within Section A of SI's Grievance and Disputes Procedures.

Section B – Disputes Policy

This Disputes Policy provides volunteer members with access to a structured procedure in order to bring forward any dispute that they have with any other volunteer member or group of volunteer members following the exhaustion of the procedures provided for by the Grievance Policy, as outlined in Section A of this document.

An Official Dispute will only be recognised and accepted as such by SI if it is made in writing on the official form (SIF-DPF1).

Therefore, this policy provides that the procedures as specified within Section B of SI's Grievance and Disputes Procedures may only be instigated upon receipt of the original signed SIF-DPF1 form by National Office.

NB: No other form of “complaint” will be accepted by SI (including letters of complaint, e-mails of complaint, etc.) as an “Official Dispute”. All such other “complaints” received by whatever manner by SI will be returned to the sender.

Section C – Appeals Policy

Access to an appeal following the exhaustion of the procedures as outlined in Sections A and B of this document, will only be permitted where the applicant can either provide -

- a) New evidence that the Dispute Hearing Panel handling the initial dispute were not made aware of.
- b) Clear evidence to show that the initial process was flawed.
- c) Clear evidence to show that the decision reached at the end of the initial process was perverse.

- d) Clear evidence to show that any of the findings made by the Dispute Hearing Panel were clearly at variance with the evidence that was presented to the Dispute Hearing Panel.
- e) Clear evidence to show that any recommendation or decision made by the Dispute Hearing Panel was inherently unfair.

Given that any Appeal Hearing will come at a cost to SI each application for appeal should be accompanied by a payment of €50 which will only be refunded in the event that the appeal is successful.

In order to instigate an appeal, the appropriate official form (SIF-DPF5) **must** be completed, signed, and then forwarded to National Office with the accompanying fee.

Section D – Additional Matters

If following the conclusion of SI's Grievance and Disputes Procedures, a Dispute Hearing Panel recommends that any volunteer member of SI should have his/her membership, appointment or position terminated, cancelled, withdrawn, or suspended, the procedures as provided for within SI's Disciplinary Policy **must** be invoked by a Specified Officer (as defined within the Disciplinary Policy) at the request of the DRAP **before** the matter is referred to the Board via the Chief Executive Officer (CEO).

As the final arbiter on SI's Grievance and Disputes Policy, no member of the Board will be permitted to play any part in the Board's decision-making process in relation to the provisions of this policy, if they have already been engaged in any way in any such grievance/dispute that the Board are required to make a decision on.

Section E – Matters Involving the Professional Staff

Any grievance/dispute raised by any volunteer member against any member of SI's professional staff, other than the CEO, will be dealt with directly by SI's CEO under the appropriate procedures (and in accordance with the Employee Handbook) and **must not** be considered in accordance with the terms and provisions of SI's Grievance and Disputes Procedures. Any such grievance/dispute should therefore be by way of a formal (signed) letter addressed to the CEO.

Any volunteer member who instigates such a grievance/dispute must be informed that the process has been completed, by the CEO, when the matter has reached its conclusion.

In the case of a grievance/dispute being raised against the CEO by any volunteer member, this grievance/dispute must be raised with the Board who will then appoint a three-person panel from within its number to deal with the matter and report back to the Board within a defined timeframe, as specified within the panel's Terms of Reference (as set by the Board). Any such grievance/dispute should be by way of a formal (signed) letter addressed to the Chairman of the Board.

Any volunteer member who instigates such a grievance/dispute must be informed that the process has been completed, by the Board, when the matter has reached its conclusion.

Any grievance/dispute raised against a volunteer member by any member of SI's professional staff must be raised with the CEO, in the first instance, who will then forward the grievance/dispute details to the DRAP for the grievance/dispute to be dealt with in accordance with the terms and provisions as provided for in Sections A to D of this document. This clause also applies where the CEO is the direct complainant against the volunteer member without any other member of professional staff having raised the grievance/dispute in the first instance.

Section F – Timeframes

The timeframe for registering an Official Dispute/Appeal will be as follows:

Official Dispute:

One calendar month from the date that the Group/County/Province/National level notified all parties to the grievance that they have been unable to reach an amicable conclusion to their grievance.

Appeal:

One calendar month from the date that the DRAP notified all parties of the outcome of an Official Dispute.

NB: Official Disputes/Appeals received outside the parameters of these timescales **must** be accompanied with an explanation for the delay and in all such cases the DRAP may, in its absolute discretion, extend the time within which a Dispute/Appeal may be lodged.

Section G – Records of Proceedings

For the purposes of this policy audio recordings should be made in the majority of all cases that are subject of a hearing. In addition, any written notes made during the course of any hearing and/or any transcriptions of the audio recording will all form part of the record of proceedings.

The reasons for this is to protect the interests of all parties involved. All such audio and written recordings shall hereinafter be referred to as recordings.

Section H – Access to/Retention of Records

The recordings, as well as any associated paper or electronic files, will be kept securely on file in National Office for as long as the Grievance and Disputes Procedures takes to run its course, including right to appeal, and for a further six months thereafter. Six months after the process has concluded all data will be securely deleted and/or shredded.

The data that is collected is accessible to all those engaged by way of SI's Grievance and Disputes Procedures and to authorised administrative staff in SI's National Office.

Post any Dispute Hearing and/or Appeal Hearing access to the audio recording will be facilitated, on request, and in the presence of a member of the administrative staff, as no audio copies will be produced of the original recordings. However, a written transcript of the original audio recording may be produced if this is specifically requested by the members of the Appeal Panel.

In general, SI will only retain information for the duration of the Grievance and Disputes Procedures and a further six months thereafter. For historical/archival purposes, SI will retain the names of parties mentioned.

However, SI reserves the right to retain essential data beyond the usual six months in certain circumstances. This will depend entirely on the circumstances of each case. This does not affect an individual's rights under personal data legislation and will only be necessary in order for SI to comply with associated external legislation.

All recordings will be held in electronic format on a memory device, and this will be kept securely in a locked box or safe for the limits specified above. The area the data is held in is subject to SI's Access Control Policy and any electronic files will be password protected and only accessed by authorised persons.