

## Scouting Ireland Disciplinary Policy

	<b>Gasóga na hÉireann / Scouting Ireland</b>			
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## 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 Disciplinary Policy. This document should be read in conjunction with the Disciplinary Procedures.

Should any connected external proceedings be brought to the attention of SI during the course of the handling of a disciplinary matter, 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. In such circumstances, the DRAP will endeavour to keep all parties to the matter informed, of the progress and intended recommencement of proceedings.

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 disciplinary cases irrespective of the outcome of the external proceedings.

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 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 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 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 disciplinary matters, in accordance with the Disciplinary Procedures document.

### 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

### Referral for an Alleged Breach of Discipline

A SO may make a complaint concerning an alleged breach of discipline by a member of SI to the DRAP on one or more of the following grounds: **(NB: This list is not exhaustive)**

- (a) The member is alleged to have committed an act of misconduct.
- (b) The member is alleged to have not acted in accordance with the Scout Promise.
- (c) The member is allegedly in breach of any terms or conditions attaching to membership of SI.
- (d) The member, being the holder of an Appointment or Position, has allegedly failed to render satisfactory service to SI.
- (e) The member is alleged to have become unfit to have charge of Youth Members.
- (f) The member has been found, by way of an investigation, inquiry or review, whether carried out internally by SI or by an independent body appointed by SI, to have behaved

or conducted him/herself in contravention of the Scout Law and/or the policies and procedures of SI.

- (g) The member is convicted of an offence in accordance with the laws of the Republic of Ireland or those in force in the jurisdiction of Northern Ireland, whereby such an offence could be reasonably deemed relevant in terms of his/her ongoing involvement as a member of SI.
- (h) The member is found to have been negligent or failed to manage serious matters of concern to SI, such as Safeguarding Complaints or serious Health and Safety risks, in the appropriate manner, in accordance with SI's policies and procedures.
- (i) The member is found to be lobbying on his/her behalf, either directly, or through others, while the member is suspended without prejudice, and/or suspended from an Appointment/Position, and/or suspended from membership.
- (j) The member was the subject of an investigation by an external State Agency (either in the Republic of Ireland or Northern Ireland) where no action was taken against the member but the nature of the terms of the investigation raises a doubt as to the suitability of that person remaining a member of SI.
- (k) The member is alleged to have misused the property of SI.
- (l) The member is alleged to have abused communications, that is to say, in one's capacity as a member of SI using any media to include print, email, on-line, social media or other forms of electronic communications contrary to SI policy or procedure.
- (m) The member is alleged to have failed to obey/observe the terms of a suspension without prejudice order.
- (n) The member is alleged to have shown discourtesy, that is to say, failing to behave with due courtesy towards a fellow Scouter, Scout, parent or Guardian of a Scout, a member of staff of SI or a member of the general public in person, over the phone, by letter or handwritten report by email, in print, on-line, on social media or other forms of electronic communications.
- (o) The member is alleged to have committed an act of misconduct towards a fellow Scouter, Scout, parent or Guardian of a Scout, a member of staff of SI or a member of the general public, in person, over the phone, by letter or handwritten report, by email, in print, on-line, on social media or other forms of electronic communications that is to say:
  - a. Using abusive or insulting language and/or gestures to a fellow Scouter, Scout, parent or Guardian of a Scout, a member of staff of SI or a member of the general public, or
  - b. Engaging in oppressive conduct towards a fellow Scouter, Scout, parent or Guardian of a Scout, a member of staff of SI or a member of the general public, or
  - c. Physically assaulting a fellow Scouter, Scout, parent or Guardian of a Scout, a member of staff of SI or a member of the general public.
- (p) Any other matter of a disciplinary nature which would not be fit and proper conduct for an adult member of SI.

For the purposes of the matters covered by this section the following definition shall apply:

**Misconduct** - means conduct of any member, whether within or outside of his or her capacity as a member (or holder of an Appointment or Position) of SI, which is such as to be injurious to the character, reputation, or interests of SI or to bring Scouting or SI into disrepute. Misconduct may be against an individual, a Scout Group or other collective of adults, or against SI as an

organisation, and may take place in person whether orally, in writing or on a social media platform or other forms of electronic communications.

### 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 this Disciplinary Policy hereby makes provision for all those involved in any disciplinary complaint to appeal any findings and/or recommendations that fall out of the Disciplinary Procedures.

### Appeals

In order to instigate an appeal, the appropriate official form (SIF-DPF12) **must** be completed, signed and then forwarded to National Office.

All appeals must be made no later than 21 days from the date a disciplinary decision from the Board is issued by National Office.

### Sanctions

The sanctions in respect of the member subject to a disciplinary complaint may only be imposed by the Board (except in a case where a minor breach of discipline has occurred, when the DPAN/Appeals Panel can impose this sanction directly, in accordance with (d) below, without the need to revert to the Board) and may take any of the following forms:

- (a) Recommend the cancellation, withdrawal or suspension of any Appointment and/or Position of the member within SI to the relevant Commissioner and to the Board.
- (b) Suspend the member from membership of SI for a specified period of time.
- (c) Expel the member from membership of SI; or
- (d) Any other sanction which the DPAN or the Appeals Panel deems appropriate in any particular case.

**NB:** It should be noted that as the final arbiter on SI's Disciplinary 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 the disciplinary matter that the Board are required to make a decision on.

### Records of Proceedings

For the purposes of this policy audio recordings should be made in the majority of all cases that are subject of an investigation. In addition, any written notes made during the course of any investigation 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.

Post any Disciplinary Case 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 Disciplinary 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.