

Scouting Ireland – Membership Risk Assessment Policy: ADULT members Suspended without Prejudice for a Safeguarding purpose.

Aim of the Policy:

To put in place a procedure whereby Gasóga na hÉireann/Scouting Ireland (hereafter referred to as Scouting Ireland) will review and assess the suitability of a voluntary adult member of Scouting Ireland (hereafter referred to as ‘a member’) to resume active scouting with Scouting Ireland, where that member has been suspended without prejudice in accordance with Scouting Ireland’s *Procedure for Suspension without Prejudice* (BOD-MA-002).

Context:

This policy applies only where a member, who has attained the age of 18 years, has been suspended without prejudice with a view to:

- safeguarding children, in accordance with Scouting Ireland’s *Child Safeguarding and Child Protection Policy and Procedures* (BOD-SG-001) and the accompanying *Code of Behaviour: To assist adults engaging with children in scouting* (BOD-SG-002);
- and/or
- safeguarding adults at risk of abuse, as outlined in Scouting Ireland’s *Safeguarding Adults at Risk Policy* (BOD-SG-003).

If a youth member has been suspended without prejudice and attains the age of 18 years before the risk assessment process is conducted, this policy will apply.

The risk assessment is not a disciplinary investigation. It is separate to, and independent of, any disciplinary procedure that may take place.

Where a member of Scouting Ireland has been suspended without prejudice in accordance with the terms of BOD-MA-002 and all investigations into the matter by any State Agency and/or Scouting Ireland have been concluded, Scouting Ireland will ensure a risk assessment is conducted to determine whether the member involved is a fit person to return to active Scouting. Any breaches by the member of the terms and conditions of his/her suspension without prejudice will be considered during the assessment. The assessment will also take into account how the behaviour that resulted in the member’s suspension without prejudice will impact upon the reputation of Scouting Ireland in the context of its safeguarding capacity.

The identity of the member, any complainant(s) and all children must remain confidential throughout this risk assessment process.

Referrals to/from State Agencies:

In this document, State Agency means any state agency (in any country) with the statutory function of investigating or assessing disclosures relating to the abuse of children and/or adults at risk of abuse.

A safeguarding matter may be referred to a State Agency by Scouting Ireland, or Scouting Ireland may become aware of an investigation or assessment being conducted by a State Agency, regarding a member. When a member has been suspended without prejudice and each State Agency has concluded its investigation or assessment, Scouting Ireland must conduct an assessment to determine whether the member is a fit person to return to active Scouting. This assessment will be conducted regardless of the outcome of any investigation or assessment by any State Agency.

Scouting Ireland Grievance, Disputes and Disciplinary Process:

A matter reported to a State Agency may subsequently be referred to Scouting Ireland's Disciplinary Process.

When a member has been suspended without prejudice, and the matter has been referred to Scouting Ireland's Disciplinary Process (SID-CCD04), Scouting Ireland must conduct an assessment to determine whether the member is a fit person to return to active Scouting, regardless of the outcome of the Scouting Ireland's Disciplinary Process. The assessment to determine whether the member is a fit person to return to active Scouting may be conducted prior to the conclusion of Scouting Ireland's Disciplinary Process.

Appointment of Case Management Team:

When Scouting Ireland becomes aware that each State Agency has concluded its investigation/assessment, the Chief Executive Officer (CEO) of Scouting Ireland will appoint a Case Management Team (CMT) to consider the member's fitness to return to active Scouting following suspension without prejudice. The CMT will consist of three members, which will include:

1. The Safeguarding Manager of Scouting Ireland;
2. The Manager, Volunteer Resource Management and Group Support of Scouting Ireland

and any one of the following:

3. A Case Officer from the Safeguarding Department of Scouting Ireland;
4. A member of Scouting Ireland staff who has been trained as a Designated Liaison Person for the purpose of reporting abuse to the State Agencies; or,
5. A person external to Scouting Ireland with relevant experience.

Risk Assessment Process:

Any adult member of Scouting Ireland who is suspended without prejudice will be required to undergo a risk assessment to determine whether they are a fit person to return to active Scouting. In conducting the risk assessment, the CMT will apply the following procedures:

1. The member involved will be required to provide written consent to facilitate Scouting Ireland being provided with any information that is available from State Agencies in respect of the investigation/assessment they may have conducted in respect of the member.
2. The member involved will be required to make a fresh vetting application. Depending on the circumstances the member may be requested to make a vetting application in both the Republic of Ireland (ROI) and in Northern Ireland (NI). If the application is made to Access Northern Ireland the member involved is required to provide Scouting Ireland with a copy of any disclosure received. In ROI such information is provided to Scouting Ireland.
3. The member will be afforded the opportunity to make a written submission in respect of the circumstances that resulted in the suspension without prejudice being invoked. Any other party considered to be relevant may be requested by the member or Scouting Ireland to make a written submission. All such requests must be made in writing by the member, either by registered post and/or email through the Safeguarding Department, Scouting Ireland National Office, Larch Hill, Dublin 16, D16 P023 and/or (safeguarding@scouts.ie). The Safeguarding Department must then make the request to the relevant party on behalf of the member. Written submissions will be required to be received by the CMT twenty-one calendar days prior to the date set for the meeting of the CMT. It will be at the discretion of the CMT to exclude any submission not received within the stipulated period referred to above.

4. The member may be requested to participate in a Risk Assessment Interview with two members of the CMT in respect of the circumstances that resulted in the member being suspended without prejudice. The member may be accompanied by another person for support at the interview, but that other person may not participate in the interview. To protect the interests of all parties involved, an audio recording will be made of the Risk Assessment Interview. The audio recording, any written notes made during the course of interview and any transcription of the audio recording will form part of the file retained by the Safeguarding Department. The content of the interview will then be considered by the CMT.

The information referred to above will be considered by the CMT and a recommendation will then be made as to the suitability of the member to return to active Scouting.

Communication of Decision:

The Safeguarding Manager will communicate the recommendation of the CMT, in an anonymised written report, to the Chief Executive Officer of Scouting Ireland. The member who was the subject of the risk assessment process will also be advised of the recommendation being made to the CEO. The CEO will bring the report to the Board of Directors of Scouting Ireland, who will then decide upon the appropriate action to be taken.

The CEO will ensure that the decision of the BOD is communicated in writing [by email and/or Registered Post] to the member who was the subject of the risk assessment. The decision will be communicated to the member at the email address and/or postal address which is held on Scouting Ireland's data base, unless advised by email or writing by the member involved that they wish communications to go to an alternative address.

The CEO will also ensure that the decision of the BOD is also communicated in writing to the following:

1. The Group Leader of the Group of which the member is/was a member.
2. The relevant County Commissioner.
3. The relevant Provincial Commissioner.

Where a decision is made that a member may return to active Scouting the member may be required to comply with certain conditions. Where the member fails to comply with those conditions a further risk assessment process will be conducted as outlined in this document.

Where a decision is made that a member cannot return to active Scouting, the CEO will ensure that the decision is recorded on the Scouting Ireland data base indicating that the person's membership has been removed by the BOD.

Appeals:

The recommendation made by the Case Management Team may be appealed by the member within twenty-one calendar days of the recommendation being communicated to the member. The twenty-one-day period will be deemed to have commenced on the date an email was sent, or the date of posting of a registered letter, communicating the recommendation to the member. The CEO has discretion in considering any appeals received outside of that 21-day period, where the CEO believes that reasonable grounds are attributable to the delay.

All appeals must be made in writing (by email and Registered Post), by the completion of an Appeal Form (BOD-SG-004A), addressed to the CEO, Scouting Ireland at Larch Hill, Dublin 16, D16 PO23 and ceo@scouts.ie. The grounds for the appeal should be clearly outlined in the completed form BOD-SG-004A. The CEO will then appoint an external safeguarding professional as an Appeal Officer. The Appeal officer may decide the manner and form in which the appeal shall be conducted, based on the grounds for appeal stated in Appeal Form BOD-SG-004A. The Appeal Officer will review the matter and submit a report to the CEO, making any necessary recommendation(s) for the attention of the BOD.

The Board of Directors of Scouting Ireland will make the final decision based on the report from the Case Management Team and, where the matter is appealed, the review conducted by the Appeal Officer.

Records:

The Safeguarding Manager will maintain a record of each case referred to the CMT and all information will be held securely at the Safeguarding Department in accordance with data protection requirements. Audio recordings, along with any associated paper, will be retained securely by the Safeguarding Department at National Office. All electronic files will be retained on a secure server accessible only by staff allocated to the Safeguarding Department.