

Open Letter to the Membership of Scouting Ireland

18th September 2020

Hi All,

It has been a while, but I feel the time is now right to voice my opinion. I have purposely removed myself from all things national scouting over the last 3 years as I was always one to let the people elected by the members get on with the job. I have been scouting for over 45 years mostly at local level but have volunteered at national level for over 12 years culminating in doing a two-year term as National Secretary to both the Association and the then board - a job that I had to give up in late 2017 because of work commitments and the time required in the role as a volunteer.

Having read the recent progress report from what remains of the National Management Committee, which clearly states that no progress has in fact been made since 2018 to close the Association, I felt it necessary to write this letter. Everything within this letter are my personal thoughts and opinions. I'm not writing on anyone's behalf or writing on behalf of any Group. I have sent a similar letter on the 14th September to the following:

- Secretary to the Board of Scouting Ireland
- Chairperson of Scouting Ireland
- CEO of Scouting Ireland
- Interim Chairperson of the Association
- National Secretary of the Association

Apart from the courtesy response from both entities: "I have received your letter and passed it on to the NMC and the Board from both the CEO and the National Secretary", I haven't had a response to any items raised. For that reason, I thought it important to write this open letter to the membership.

In relation to the remaining members of the NMC to be honest I'm not sure who they are at this stage, as this has never been communicated to the membership to my knowledge. There is no reference to the composition of the NMC in their progress report.

What I suspected would happen at the time when the NMC rejected and withdrew the simple enabling GRG proposal at the EGM in Oct 2018; that the NMC allow the new Board of Scouting Ireland as part of their duties to wind up the association, has now come to pass. That proposal was and still is as simple as it is. The remaining NMC members who I believe are now all out of term (and I struggle to reconcile their activities with the powers allowed in the constitution), should immediately sign over the power of authority to the new Board of Scouting Ireland and let them, as was promised in the build up to the EGM in 2018, carry out the role of signing off on the closing of the association. This proposal, when both previous Scout bodies joined in 2004 to form the new body Scouting Ireland, worked then and so why wouldn't it work now?

That is the wish of the Membership now and as was at the time. It is not too late for this to now happen and I would, in a scout like manner and in the interest of moving things along, call on the remaining members of the NMC to please allow Scouting Ireland to take all necessary actions to move on as company only, and to stop the split that has inevitably now happened in Scouting in Ireland.

As a member of the GRG at the time leading up to the EGM in 2018 all this was discussed and agreed with the NMC at the time and then all of a sudden late into the night on the eve of National Council the NMC decided not to go through with the transfer of authority to the new board to progress the winding up of the Association (I won't speculate on the reasons that happened but just want to highlight the fact that the GRG were never part of that decision or consulted about it).

I believe this to have been the wrong decision and that the GRG proposal was the best way to handle the transition to the new company only structure. It was sound advice then and is still sound advice.

I have yet to see contrary advice as to why this was not possible.

The points raised in the recent communication from the NMC are not possible to be resolved by the NMC and they need the Board of Scouting Ireland to be able to complete these. My point is that the only way to wind up the Association in an expedient way is to sign over the authority to wind up the association to the board. The NMC, for numerous reasons, listed below are not the correct people to progress this:

- Their terms have expired and thus must resign and hold an election to have them replaced.
- They have no staff working for them, they are at the whim of the company staff to do work on their behalf.
- They have no money, the day to day funding is now in the company.
- They are conflicted in various issues, for openness & transparency they should all step away.
- All subcommittees that they appointed have no basis legally as the sole role of the NMC at the time in 2018 was to only wind up the association and to transfer any remaining funds to the company.
- They are costing the membership money in double jobbing on works that the company could easily do as they have the staff, the money, and the members.
- Regarding disciplinary matters these should never have been handled by the Association after the EGM. They should have been immediately transferred to the company to deal with under the new constitution.

Below are my thoughts on the various points raised by the NMC in their progress report. All of the issues raised as holding up the wind up of the Association are clearly matters that need to be dealt with by the Board.

1. **Scouting Trust Companies:** this is a matter for the company to resolve with the boards of these companies in a scout like way to make sure that Scouting Ireland the Company and all the various other Scouting Companies properties are protected in the new company only structure. Currently there is also a conflict of interest and a conflict of loyalty as some members of the remaining NMC sit on these boards also, as does a member of the Board of Scouting Ireland. Surely this is a major conflict of interest/ loyalty and one that needs to be immediately resolved. Surely it would be easier, more transparent and good governance to sign over the Transfer of Authority to the new board to deal effectively and fairly with these matters in an open and transparent manner.
2. **Association Accounts:** These can only be prepared by Scouting Ireland's finance department and signed off by Scouting Ireland Auditors. The NMC has no money, nobody working for them and has no access to the Scout Groups, Scout Counties or Scout Provinces anymore so it would be a lot easier for the Company to do this work. It is common sense to sign over the Transfer of Authority to the new board to deal effectively and fairly with these matters in an open and transparent manner.
3. **Delays arising from outstanding appeals and disciplinary matters:** We are now, in our Scout Groups, members of the new company - and we all work operate under the new disciplinary code and memo and articles of the company. So again, would it not be preferable and best that all these outstanding disciplinary matters also become the work of the company. Why would there be a need for an association that is winding up work on disciplinary matters when it is closing. It doesn't make sense or indeed make any difference. Currently it has to be said that it is questionable and indeed open very

much to litigation that a subcommittee of the NMC would have the authority to deal with these matters as the company has assumed all disciplinary matters. Surely again it would be easier to sign over the Transfer of Authority to the new board to deal effectively and fairly with these matters in an open and transparent manner.

4. **Outstanding Claims and Liabilities:** This is a matter for the new board to deal with and to effectively resolve with its legal team and financial staff. The NMC have not got the staff or money or indeed the relationships with the insurance companies or other legal entities anymore as these bodies will only want to deal with Scouting Ireland the company. Surely again it would be easier to sign over the power of attorney to the new board to deal effectively and fairly with these matters in an open and transparent manner.
5. **The orderly and legal transfer of Assets from the Association to Scouting Ireland (the company):** We as in the groups, the members of the company, have democratically elected a board to do this work for us. All that is required is for the NMC to transfer authority to do this to the board. The company has the staff and access to the legal expertise to do this work and to safeguard these assets for the members of the company. Surely again it would be best to sign over the Transfer of Authority to the new board to deal effectively and fairly with these matters in an open and transparent manner.

I have read the letter from the former Chief Scouts to the board that was somehow made public on social media. I think along with it and the recent statement from the Governance Oversight Committee, who have decided to stand down with their work not complete, this surely shows our membership that we are not (as Members) getting what we voted for in 2018.

So, as you can now see, as per the NMC report, no progress has been made in the wind up of the Association. All items that need to be addressed are matters for the company to act on. Currently the NMC is costing the members both financially and is actually holding up the speedy wind up of the Association. So, I would request in a scout like manner, that the NMC revisit the decision to handover the authority for the wind up of the Association to the board immediately and let the democratically elected board deal with this as part of their work. Then finally Scouting Ireland can start to rebuild a simple company only structure which was agreed at the 2018 EGM and we can all get back to great Scouting as soon as possible.

If this does not happen in the next month, I think then it is surely a matter of 35 Scout groups who attended the EGM in Oct 2018 writing to the National Secretary requesting an EGM of the Association to be held. I suggest that there would be only a need for one motion - that is a notice of no confidence in the current NMC, to agree a date where new elections can take place and to form an NMC democratically elected who will proceed to handover a letter of authority to the company immediately. Not my favoured option as I still think it is best for the current NMC to do this, but as I say if needs be then this option is open to be progressed.

In relation to the matter of the Chief Scout and his current standing which has been dragging on for far too long with great pain to him and to the membership. I'm not going to adjudicate on who is right or wrong because that is a matter for the people elected by the members to progress. All I know is that at the close of business of the October 2018 EGM the Chief Scout and the other 3 members of the Association: the 2 Chief Commissioners and the former National Secretary, all finished up in their positions in the Association along with every other member of Scouting Ireland. The membership moved to the company via membership of their Scout Groups. In relation to the Chief Scout he then only had the one role: that of Chief Scout of the Company Scouting Ireland. So, from that date till now the current Chief Scout holds that position.

In relation to the NMC I can't understand why they continued with the investigation and subsequent disciplinary process and indeed the so called appeals process costing the membership tens of thousands of euros that Scouting Ireland could be doing with in the current climate. The Chief Scout and the other 3 members already had finished their roles in the Association. That horse had bolted!

The issue of the Chief Scout now became a matter for the company as the Chief Scout was the democratically elected Chief Scout of the company. The company to this date has never suspended him or removed him or indeed considered this matter and as such he still remains the Chief Scout of Scouting Ireland as far as I can understand. I think by not engaging on this or trying to bring this to a conclusion is an outrageous act on behalf of our Board and demeans the office of the Chief Scout - a position that was crucial in getting the new governance proposals across the line with the members. So, I ask the Board of Scouting Ireland the following questions:

Why haven't they engaged with the Chief Scout?

Why have they not dealt with the issue?

Why hasn't the Chief Scout been invited to chair all Company AGM's and EGM's since October 2018 when he took up that role?

Why hasn't he been asked to present awards over the last 2 years and more?

If they feel like there is an issue why haven't they dealt with it through the proper process and indeed brought the matter to the AGM?

It is possible that all AGM's and EGM's held by the Board since October 2018 are invalid and are contrary to the new company constitution because of the ineffective way the company have dealt with this matter. The 'stick my head in the sand' way of working is such a cowardly way to resolve issues and I think the board needs to do better.

I would request the Board of Scouting Ireland to invite our currently democratically elected Chief Scout to chair the upcoming AGM of the company unless they feel they need to suspend him and thus put it to the Membership of the company for a resolution to this matter. Have the courage in your convictions to have such an unscout-like situation resolved where you continue to allow a democratically elected Chief Scout to suffer so long in this way.

Finally, it is time for Scouting in Ireland to move forward and the way to do this is by following what was proposed by the GRG at the EGM in October 2018. These proposals were not the GRG's personal proposals, but we had spent 3 years on the road discussing them with the members of Scouting and listening to feedback and including it in the final proposals. I believe that counts for a lot and was proven on the day when all motions that weren't withdrawn by the NMC on the day won the support of approx. 700 votes to 1 from the membership because they felt part of the decision. In any change management situation, like what we were going through, this is the right way to work. It can't be something that is then taken, ripped up and a few people just change because they can - without consultation and feedback from the members. This approach was always doomed for failure and is undermining any good work the Board is currently doing, or has done in the past. This is not the way to do things and I would ask that some of these changes, particularly the one which excludes volunteers to head up departments, should be revisited because the only way for this new structure to work is by volunteers (including youth members) and staff working together for the benefit of all members of Scouting Ireland. The company and indeed the executive under the CEO have moved so far away from the membership and a stark reminder of this was in the Annual Report issued recently. The total exclusion of the attendance of so many youth members and volunteer scouters to the World Scout Jamboree wasn't even acknowledged in any way. The number attending, a thank you to the contingent team, or a

selection of images never made it to the annual report. I question why? This is just one example of how the Board and the Executive have failed to grasp what their roles are. It is impossible to motivate volunteers to assist in any form while this lack of understanding continues. I don't believe this disconnection would happen if a Chief Scout was active.

I came across a comment recently by Peter Sheehan:

Scouting is a Movement. The National Scout Organisations are custodians of that Movement for and of young people and adults working together. A company model alone can never create and nurture a Movement. It must be integrated within a Movement model. In the original (GRG) model there was an attempt toward that: a mix of volunteer led and staff led departments. Core teams with responsibility. A youth assembly. Local and National conferences and development/support structures. A redefined role for the Chief Scout (with a focus on the members). A HR department geared to support adult volunteers from local down to national level. The list goes on.

We have little of what is needed at national level to nurture a Movement. To nurture the spirit of Scouting.

It has always been my mantra that communication is key in all these matters as we proceed. In the void of no communication all sorts of rumours and misinformation takes place. I believe both the NMC and the new Board are lacking greatly in this area and would need to up their game to keep their members informed.

I believe that action needs to be taken immediately to salvage Scouting Ireland in these strange times. I hope that all those democratically elected by the membership would have the moral courage to save this Movement for youth members to experience scouting in the years to come. But if they have not, then the responsibility rests with the membership to make this happen.

“Working together we can be great”

Jimmy Cunningham

Member of the 3rd Monaghan Scout Group Carrickmacross.

(Former National Secretary & Communications Commissioner)