

	Gasóga na hÉireann/Scouting Ireland			
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	SID-CCD01	11th Nov. 2017	18 th July 2020	January 2023
	Category: Complaints, Conflict and Disciplinary			
Grievance and Disputes Process				

Related Documents
SID-CCD02 - Scouting Ireland's Conflict Resolution Policy and Guidelines
SID-CCD03 - Scouting Ireland's Disputes Policy (Youth Members Under 18)
SID-CCD04 - Scouting Ireland's Disciplinary Process
SID-39/05 - Scouting Ireland's Code of Good Practice
TOR-SUB04 - DRAP – Terms of Reference
TOR-SUB13 - Disciplinary Panel – Terms of Reference
TOR-SUB14 - Investigation Officer – Terms of Reference

Revision Schedule		
Revision	Date	Description
E	18/07/2020	Amended to incorporate matters relating to grievances or disputes relating to Professional Staff
D	11/01/2020	Amended to incorporate matters relating to audio recordings and transcripts of proceedings

INTRODUCTION

The purpose of this document is to provide the adult membership of Scouting Ireland with access to a Grievance Process (Section A) and a Disputes Process (Section B).

The provisions within Section A of this document **must** be followed where any adult member of Scouting Ireland has a grievance against any other adult member of Scouting Ireland.

If, following the exhaustion of the Grievance Process, any adult member still feels that their grievance has not been addressed to their satisfaction then they may instigate the Disputes Process provisions as laid down in Section B of this document.

Should any connected external proceedings be brought to the attention of Scouting Ireland during the course of the handling of a grievance or a dispute then the person or committee managing or processing the matter reserves 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, Scouting Ireland reserves the right to, and will consider, the subject matter of all grievances and disputes irrespective of the outcome of the external proceedings.

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 or Provincial Commissioner (or their respective replacements) that they are Scouts, and as Scouts, they should be acting in a “scout like manner” at all times in adherence with the Scout Law, Promise and Principles and in keeping with Scouting Ireland’s Code of Good Practice (SID 39-05 refers).

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 covered within this document consume and waste a lot of volunteer hours and can therefore defer attention away from Scouting Ireland’s youth centred approach.

NB: Any matter that is raised by any member of Scouting Ireland or any other person that concerns safeguarding issues should be referred immediately to the Safeguarding Manager or Designated Liaison Person in National Office 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.

The DRAP – is the Disputes Resolution and Appeals Panel.

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

THE DRAP

The DRAP Sub-committee are appointed annually by the Board of Directors of Scouting Ireland, subject to the Constitution of Scouting Ireland. The purpose of this Sub-committee is to oversee and manage Scouting Ireland's policies as contained within this policy document and the policy documents SID-CCD03 - Disputes Policy (Youth Members Under 18) and SID-CCD04 – Disciplinary Process. The membership of the Sub-committee and their key areas of responsibility are as prescribed in TOR-SUB04.

FAIR PROCEDURES

It is important that all grievances and disputes that are instigated follow fair procedures. The object of the Grievance and Disputes Process is to arrive at a fair decision having given the subject of all complaints an adequate opportunity to state his/her case and to provide witnesses.

It should be noted at the outset there will be provision for the subject of all complaints to appeal any findings and/or recommendations that fall out of the Grievance and Disputes Process.

SECTION A – GRIEVANCE PROCESS

Scope of Section A

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

Grievance Procedures

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

Therefore, should any member feel that they have a grievance with any other member or group of members then they **must** take the following action in the first instance:

Grievance at Group level:

All grievances should be brought to the attention of the Group Leader (or an alternative member of the Group, as appointed by the Group Council, if the Group Leader is a party to the grievance) in the first instance. The Group Leader (or person appointed by the Group Council) should then take a written record of the particulars of the grievance before taking the following action:

The Group Leader (or person appointed by the Group Council) should endeavour to resolve the grievance by using Scouting Ireland's Conflict Resolution Policy and Guidelines (SID-CCD02).

In addition to this, and only if the Group require it, assistance to the Group can be obtained by way of a conciliation service via National Office.

If after following these procedures the Group Leader (or person appointed by the Group Council) is unable to resolve the grievance amicably, then it will be for the Group Council (as a whole) to consider the circumstances of the grievance and make a further attempt to establish if an amicable agreement can be reached.

Should the Group require advice and/or guidance at any stage as to how to handle any particular aspect of the grievance, they should make this request (in writing, setting out the full particulars of the grievance) to the DRAP.

If any party to the grievance is still unsatisfied after the Group has made every attempt to resolve the grievance amicably it is at that stage, and only at that stage, that they will be permitted to lodge an Official Dispute in accordance with the procedures contained within Section B of this document.

Grievance at County level:

All grievances should be brought to the attention of the County Commissioner (or an alternative member of the County Team, as appointed by the County Management Committee, if the County Commissioner is a party to the grievance) in the first instance. The County Commissioner (or person appointed by the County Management Committee) should then take a written record of the particulars of the grievance before taking the following action:

The County Commissioner (or person appointed by the County Management Committee) should endeavour to resolve the grievance by using Scouting Ireland's Conflict Resolution Policy and Guidelines (SID-CCD02).

In addition to this, and only if the County require it, assistance to the County can be obtained by way of a conciliation service via National Office.

If after following these procedures the County Commissioner (or person appointed by the County Management Committee) is unable to resolve the grievance amicably, then it will be for the County Management Committee (as a whole) to consider the circumstances of the grievance and make a further attempt to establish if an amicable agreement can be reached.

Should the County require advice and/or guidance at any stage as to how to handle any particular aspect of the grievance, they should make this request (in writing, setting out the full particulars of the grievance) to the DRAP.

If any party to the grievance is still unsatisfied after the County has made every attempt to resolve the grievance amicably it is at that stage, and only at that stage, that they will be permitted to lodge an Official Dispute in accordance with the procedures contained within Section B of this document.

Grievance at Provincial level:

All grievances should be brought to the attention of the Provincial Commissioner (or an alternative member of the Provincial Team, as appointed by the Provincial Management Support Team, if the Provincial Commissioner is a party to the grievance) in the first instance. The Provincial Commissioner (or person appointed by the Provincial Management Support Team) should then take a written record of the particulars of the grievance before taking the following action:

The Provincial Commissioner (or person appointed by the Provincial Management Support Team) should endeavour to resolve the grievance by using Scouting Ireland's Conflict Resolution Policy and Guidelines (SID-CCD02).

In addition to this, and only if the Province require it, assistance to the Province can be obtained by way of a conciliation service via National Office.

If after following these procedures the Provincial Commissioner (or person appointed by the Provincial Management Support Team) is unable to resolve the grievance amicably, then it will be for the Provincial Management Support Team (as a whole) to consider the circumstances of the grievance and make a further attempt to establish if an amicable agreement can be reached.

Should the Province require advice and/or guidance at any stage as to how to handle any particular aspect of the grievance, they should make this request (in writing, setting out the full particulars of the grievance) to the DRAP.

If any party to the grievance is still unsatisfied after the Province has made every attempt to resolve the grievance amicably it is at that stage and only at that stage, that they will be permitted to lodge an Official Dispute in accordance with the procedures contained within Section B of this document.

Grievance at National level:

Should any grievance arise (concerning a National matter) between two or more members, any one of which holds an appointment/position at National level, then the DRAP will appoint one of the Provincial Commissioners (with no direct connection to the terms of the grievance) to deal with this matter in the first instance. The Provincial Commissioner should then take a written record of the particulars of the grievance before taking the following action:

The Provincial Commissioner should endeavour to resolve the grievance by using Scouting Ireland's Conflict Resolution Policy and Guidelines (SID-CCD02).

In addition to this, and only if the Provincial Commissioner requires it, assistance can be obtained by way of a conciliation service via National Office.

Should the Provincial Commissioner require advice and/or guidance at any stage as to how to handle any particular aspect of the grievance, they should make this request (in writing, setting out the full particulars of the grievance) to the DRAP.

If any party to the grievance is still unsatisfied after the Provincial Commissioner has made every attempt to resolve the grievance amicably it is at that stage, and only at that stage, that they will be permitted to lodge an Official Dispute in accordance with the procedures contained within Section B of this document.

SECTION B – DISPUTES PROCESS

Scope of Section B

The Disputes Process provides members with access to a structured procedure in order to bring forward any dispute that they have with any other member or group of members following the exhaustion of the Grievance Process as outlined in Section A of this document.

Official Dispute Procedures

In order for an Official Dispute to be lodged, the dispute **must** be made in writing on the official form (SIF-DPF1).

The electronic version of this form is available for download via the Scouting Ireland website (www.scouts.ie) or a hard copy can be obtained by post from Scouting Ireland's National Office.

The Scouting Ireland Disputes Process will only be instigated once the original signed form has been received by post in National Office.

NB: No other form of "complaint" will be accepted by Scouting Ireland (including letters of complaint, e-mails of complaint, etc.) as an "Official Dispute". All such other "complaints" received by whatever manner by Scouting Ireland will be returned to the sender and will not be progressed as an "Official Dispute" unless and until Scouting Ireland receive the matter on a SIF-DPF1, in the manner as outlined in the preceding paragraphs.

National Office Procedures:

Upon receipt of the SIF-DPF1 National Office will record and number the dispute and will then also acknowledge receipt of the SIF-DPF1 to the instigator of the dispute.

National Office should then pass the SIF-DPF1 to the DRAP who will then consider the case before issuing an instruction to National Office regarding what correspondence should be issued with the SIF-DPF2 (Right of Reply Form) and to whom it should be issued.

The period allowed for return of any SIF-DPF2 that is issued will be two weeks from the date the form was issued by National Office.

A copy of any returned SIF-DPF2 will be forwarded to the person who instigated the dispute and then all the documentation received pertaining to the dispute will be passed to the DRAP.

DRAP Procedures:

When the DRAP receive an “Official Dispute” they will firstly consider the content of all the documentation that is presented to them to ensure that the Grievance Process (as outlined in Section A of this document) has been followed correctly. If it appears to the DRAP that the Grievance Process has either not been followed or not been followed correctly then the case will be referred back to the appropriate level of Scouting Ireland (Group/County/Province/National) for it to be dealt with in accordance with the Grievance Process.

When the DRAP are satisfied that all the documentation is in order and that the Grievance Process has been exhausted they will permit the case to continue under the provisions of Section B of this document.

In the absence of a returned SIF-DPF2, it should be noted, that the DRAP will consider the SIF-DPF1 (and any associated evidence provided with same) alone before deciding how to proceed.

When necessary, the DRAP will appoint a Dispute Hearing Panel, comprising of three members of the Hearing Pool (as defined below) who are not party to the dispute, in an attempt to resolve the matter.

The Hearing Pool:

In order for the DRAP to effectively manage the Disputes Process element of this document they will require the assistance of a number of other Scouters from time to time.

Therefore, the DRAP will appoint a Hearing Pool, to be approved by the Board, which will consist of up to twenty Scouters with the requisite personal/scouting experience in the field of Human Resources and/or dispute/conflict management and resolution.

As far as possible, the Hearing Pool will reflect the geographical spread of the six Scout Provinces and the recruitment process will be managed and run by the DRAP by way of an open call and selection interviews (if required).

No individual that is appointed to the Hearing Pool will be permitted to sit on a Hearing Panel until they have first been briefed on the individual case that they have been assigned by way of a Case Briefing Meeting, which will be conducted by the DRAP. Each member on every Hearing Panel that is convened will also receive a Terms of Reference document (a copy of this will also be issued to all parties to the dispute) at the Case Briefing Meeting and this will clearly outline the roles and responsibilities of the Hearing Panel for each particular case.

Dispute Hearing Panel Procedures:

Once a Dispute Hearing Panel has been convened, and briefed by way of the Case Briefing Meeting, they will then proceed to conduct a hearing of the case in accordance with their Terms of Reference.

It should be noted that any party to the dispute will only be permitted to be accompanied and supported at the hearing by a "fellow Scouter" and this should be notified to them by way of the Terms of Reference document. It should also be noted that the "fellow Scouter" cannot take any part in the proceedings other than being there as a support.

The record of all Dispute Hearing Panel proceedings 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, agreed as an accurate record of the proceedings by all parties to the hearing and be recorded on an official form SIF-DPF3.

For all Dispute Hearing Panels that are convened they will reserve the right to speak with any adult member of Scouting Ireland during the course of that hearing, that they deem has relevant information that will assist the outcome of the dispute, this is regardless of whether the person(s) is/are an actual party to the dispute.

When the hearing is complete the Dispute Hearing Panel will record their findings and, if any, recommendations on an official form (SIF-DPF4) and forward this (along with all the oral and documentary evidence pertaining to the dispute that was presented both before the hearing and during the record of proceedings) to the DRAP.

Post Hearing Procedures:

When the DRAP has been presented with the findings of any Dispute Hearing Panel they will consider these findings, and any recommendations, and review the process followed by the Dispute Hearing Panel to ensure that the proceedings have been conducted properly.

Should any flaw in the process be identified the case will be referred back to the Dispute Hearing Panel to rectify the matter.

When the DRAP is satisfied that all matters pertaining to the dispute are in order and have been dealt with in the proper manner, the findings and/or recommendations of the Dispute Hearing Panel will then become the decision of the Dispute Hearing Panel and be notified to all parties to the dispute, the Board, National Office and, only where appropriate, to one or any combination of the Group Leader/County Commissioner/Provincial Commissioner.

It should be noted that in any case where the DRAP considers that the findings/recommendations contained within any report amount to there having been a breach of discipline, as outlined in SID-CCD04 – Disciplinary Process, then the DRAP will reserve the right to refer such cases to the Disciplinary Panel for consideration under the Disciplinary Process.

This will then conclude this part of Scouting Ireland's Disputes Process and all parties involved in the dispute will then have the right of an appeal against any decision reached.

Access To Appeal:

Access to an appeal under Scouting Ireland's Disputes Process will only be permitted where the applicant can either:

- (a) Provide new evidence that the Dispute Hearing Panel handling the initial dispute were not made aware of.

- (b) Provide clear evidence to show that the initial process was flawed.
- (c) Provide clear evidence to show that the decision reached at the end of the initial process was perverse.
- (d) Provide 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) Provide 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 Scouting Ireland 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 and forwarded to National Office with the accompanying fee.

National Office Procedures (Appeals):

Upon receipt of the SIF-DPF5 and appropriate fee, National Office will record and number the appeal. National Office will then also acknowledge receipt of the SIF-DPF5 and provide a receipt for the fee.

This payment can also be made by way of a card payment by ringing National Office direct and quoting the dispute reference number.

National Office will then pass all the documentation received, pertaining to both the initial dispute and the appeal, to the DRAP.

DRAP Procedures (Appeals):

When the DRAP receive an appeal they will consider the appeal request to establish if there are grounds for the appeal (as outlined in the "Access **To Appeal** " section of this document) to proceed.

If the DRAP is satisfied that there are grounds for proceeding they will then appoint a Dispute Appeal Hearing Panel. This Panel will comprise of one member of the DRAP and two members of the Hearing Pool, none of whom are party to the appeal nor had any involvement in the initial Dispute Hearing Panel.

The DRAP will then also advise National Office to inform the parties to the initial dispute that an appeal against the initial dispute decision has been accepted and that it will now proceed accordingly under the provisions of Scouting Ireland's Disputes Process. A copy of the SIF-DPF5 should also be issued to the relevant parties.

Should the DRAP refuse leave to appeal, on the basis that grounds for appeal have not been established, then the appellant will be notified by way of an official letter (SIF-DPF6) and this will then conclude this part of Scouting Ireland's Disputes Process.

Dispute Appeal Hearing Panel Procedures:

All Dispute Appeal Hearing Panels will be subject to the terms laid out in the final paragraph of “**The Hearing Pool**” section of this document.

Once a Dispute Appeal Hearing Panel has been convened, and briefed by way of the Case Briefing Meeting, they will then proceed to conduct the appeal in accordance with their Terms of Reference.

The Dispute Appeal Hearing Panel will re-examine all the evidence already recorded on the case, in conjunction with the grounds for appeal. If it is deemed appropriate, the Dispute Appeal Hearing Panel may then also convene an appeal hearing and call any party to the appeal that they deem necessary to provide further evidence.

It should be noted that any party to the appeal will only be permitted to be accompanied and supported at the hearing by a “fellow Scouter” and this should be notified to them by way of the Terms of Reference document. It should also be noted that the “fellow Scouter” cannot take any part in the proceedings other than being there as a support.

The record of all Dispute Appeal Hearing Panel proceedings 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, agreed as an accurate record of the proceedings by all parties to the hearing and be recorded on an official form SIF-DPF7.

For all Dispute Appeal Hearing Panels that are convened they will reserve the right to speak with any adult member of Scouting Ireland 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 recorded in writing.

When the appeal hearing is complete the Dispute Appeal Hearing Panel will record their findings and, if any, recommendations on an official form (SIF-DPF8) and forward this (along with all the evidence pertaining to the appeal that was presented both at the initial dispute hearing and during the record of the appeal proceedings) to the DRAP.

Post Appeal Hearing Procedures:

When the DRAP have been presented with the findings of the Dispute Appeal Hearing Panel and are satisfied that the proceedings have been conducted properly, they will then notify the decision of the Dispute Appeal Hearing Panel in writing to the Board who will then make the final decision on each case.

The decision of the Board will then be issued in writing to all parties to the appeal, National Office and, only where appropriate, to one or any combination of the Group Leader/County Commissioner/Provincial Commissioner.

This will then conclude this part of Scouting Ireland’s Disputes Process.

Board Decisions and Involvement in the Process

If following the conclusion of Scouting Ireland's Disputes Process, the DRAP recommends that any member of Scouting Ireland should have his/her membership, appointment or position terminated, cancelled, withdrawn or suspended, the disciplinary process should now be invoked.

It should also be noted that, as the final arbiter in Scouting Ireland's Disputes Process, no member of the Board will be permitted to play any part in this element of the process if they have already been engaged in any way in any other part of the Grievance and Disputes Process and they will thereby be automatically excluded from playing any role during the Board decision-making process in this matter.

Additional Matters Relating to this Policy

Grievances and Disputes Involving Professional Staff Members:

Any grievance/dispute raised by any volunteer against any member of Scouting Ireland's Professional Staff, other than the Chief Executive Officer, will be dealt with directly by Scouting Ireland's Chief Executive Officer under the appropriate procedures (and in accordance with the Employee Handbook) and will play no part in Scouting Ireland's Grievance and Disputes Process.

However, any volunteer who instigates such a grievance/dispute may be informed, by the Chief Executive Officer, of the outcome of the proceedings following any subsequent investigation and/or decision.

In the case of a grievance/dispute being raised against the Chief Executive Officer by any volunteer, this grievance/dispute must be raised with the Board who will then appoint a 3-person panel to deal with the matter and report back to the Board of Directors within a defined time-frame.

Any grievance/dispute raised against a Volunteer by any member of Scouting Ireland's Professional Staff, including the Chief Executive Officer, must be raised with the CEO who will then forward the dispute details to the DRAP for the dispute to be dealt with in accordance with the procedures as laid down in in Sections A and B of this document.

Any grievance/dispute raised against a Volunteer by any member of Scouting Ireland's Professional Staff, including the Chief Executive Officer, must be raised with the CEO who will then forward the dispute details to the DRAP for the dispute to be dealt with in accordance with the procedures as laid down in in Sections A and B of this document.

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 outcome of an Official Dispute was notified to all parties.

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.

Matters Relating to Audio Recordings and Transcripts of Proceedings:

For the purposes of the Grievance and Disputes Process audio recordings will be made in most cases of any Dispute Hearing. In addition, any written notes made during the course of a hearing and transcriptions of the audio recording will also form part of the records. All such audio and written recordings shall hereinafter be referred to as recordings.

The reasons for this are to protect the interests of all parties involved. 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 Process takes, including right to appeal, and for a further 6 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 Scouting Ireland's Grievance and Disputes Process and to authorised administrative staff in Scouting Ireland's National Office.

Post any Dispute Hearing and/or Dispute 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 a Dispute Appeal Hearing Panel.

In general, we will only retain information for the duration of the Grievance and Disputes Process and a further six months thereafter. For historical/archival purposes, we retain the names of parties mentioned (and the period of their membership).

However, Scouting Ireland 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 Scouting Ireland to comply with associated legislation.

The recordings will be held in electronic format on a memory device (e.g. USB stick) 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 Scouting Ireland's Access Control Policy and any electronic files will be password protected and only accessed by authorised persons.