



## **ADULT MEMBER COMPLAINT AND GRIEVANCE PROCEDURE**

### **1 Application**

- 1.1 This procedure applies to all Adult Members of SCOUTS South Africa (SSA).
- 1.2 This procedure is intended to lead to the resolution of Members' Grievances or formal Complaints at the earliest possible time.
- 1.3 Any Member lodging a Grievance or raising a formal Complaint, or against whom Grievance is lodged or a formal Complaint is raised, shall be given every opportunity to have the benefit of an interpreter to enable a thorough and correct version of the matter to be presented, heard and recorded.
- 1.4 Suitable records will be kept of all statements and decisions.
- 1.5 The founding principle of this Procedure is to ensure that all Members feel free to raise a Grievance or formal Complaint, without fear of intimidation or victimisation. Any such intimidation or victimisation shall, if reported or observed, be treated as a disciplinary matter which may result in the termination of membership of the Member responsible.
- 1.6 This Procedure shall not be invoked by a member for the purpose of amending any policy or procedure of SSA as the process for such changes is clearly defined in OR.

### **2 Introduction**

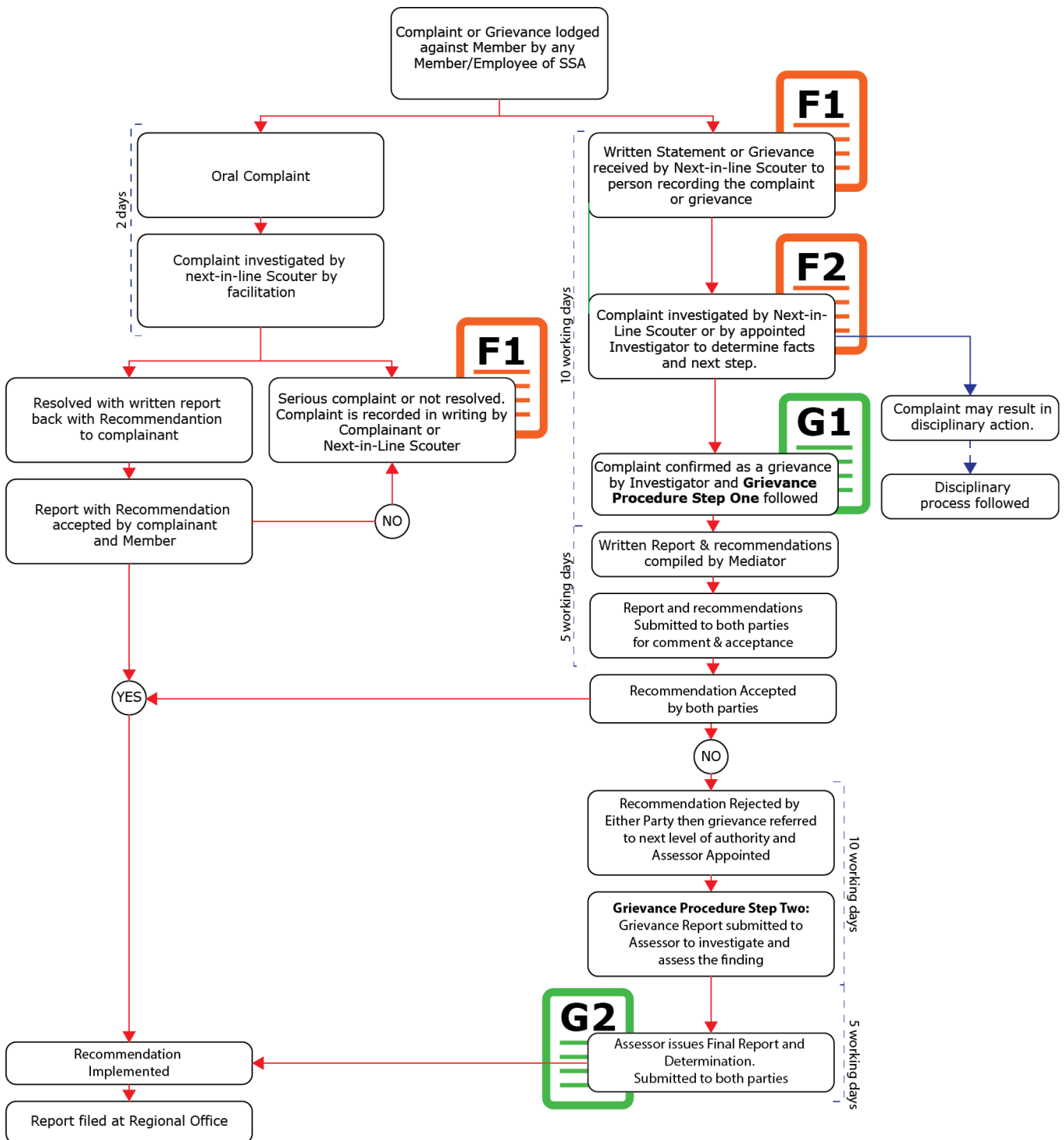
- 2.1 SSA and its Members acknowledge that this procedure is necessary for the maintenance and promotion of sound relations between the Members of the Movement. All Members undertake to observe this Procedure to resolve Grievances that may arise between Members of the Movement.
- 2.2 Practices and attitudes change with time and new norms of acceptable personal behaviour emerge. This Procedure is SSA's best practice at this time and is not a rigid standard. See the Member Code of Conduct and Disciplinary Policy for more information. In the case of a Grievance, this procedure may be varied, or added to, after reasonable notice and with the agreement between the Members engaged in the Grievance process.
- 2.3 For this procedure, the definition of a Grievance or a Complaint is any matter of concern to a Member or group of Members arising out of any interactions or incidents in the Movement. A Grievance excludes any issue which is required to be dealt with by SSA directly as a Disciplinary matter.
- 2.4 The aim of this Procedure is to enable members to have a Complaint or Grievance resolved as quickly and as near to the point of origin as possible.
- 2.5 Notwithstanding the stages and time limits provided here, the parties shall deal with matters as expeditiously as possible. Similarly, where the reasonable investigation of a

Grievance necessitates longer time periods than those provided for and the reasons therefore are disclosed to the other party, such party's consent to extended periods shall not be unreasonably withheld.

- 2.6 Only working days shall be considered in computing time periods.
- 2.7 The members undertake to ensure that any Complaint or Grievance and the ensuing Procedure is kept confidential and not discuss the contents of the Complaint or Grievance with any third parties unless authorised to do so in writing by SSA.

### **3 The Procedure**

- 3.1 Should a Formal Complaint or Grievance arise between any members it shall be dealt with as follows and as illustrated on the following flow diagram:
- 3.1.1 A Complaint may be raised orally, or in writing on the F1- Statement Form with the next-in-line Scouter. If the Complaint relates to the next-in-line Scouter, it shall be raised orally or in writing, with the next level of authority, in accordance with the Referral Hierarchy in Clause 7.
- 3.1.2 If an oral Complaint is not resolved by the next in line Scouter, in discussion with the parties, within 2 days, or as agreed with the parties, it shall be reduced to writing, signed by the member lodging the Complaint and submitted to the next-level of authority, in accordance with the Referral Hierarchy in Clause 7.
- 3.1.3 On receipt of a written Complaint the next in line Scouter shall investigate the Complaint, or, appoint another Scouter to investigate the complaint and determine the facts, which shall be recorded on the F2 -Complaint Investigation Form.
- 3.1.4 The Next in line Scouter or the investigator shall recommend if:
- The Complaint is confirmed as Grievance and the Next in line Scouter shall ask the complainant to complete a G1 - Grievance Form Step One. The Grievance Procedure Step One, set out below, should be followed
  - The Complaint may result in Disciplinary action and the Disciplinary Process set out in Practice Note 2 should be followed.
- 3.1.5 If the Investigator is not the next in line Scouter, the next in line Scouter shall endorse or change the recommendation, in consultation with the Investigator.



**Note:**

If complainant will not submit a complaint in writing but there is substance to the complaint, the Next-in-Line Scouter shall record the complaint in writing on Form F1 and it shall be investigated and recorded on Form F2.

**For a Complaint to be Facilitated it:**

Must be simple and is not in the Scouting Spirit and the remedy sought is an apology and/or request that the behaviour not recur in future.

Convenor must decide who receives which documents

- G1 - Step 1 & Step 2 Grievance Form - need not be shared with a Member
- Factual evidence on forms F1 & F2 - will be shared with Member

Evidence should only contain facts and shall not include expectation of outcome or defamation of a member

## **4 Procedure for Written Grievances**

- 4.1 To expedite resolution of a Grievance, any written Grievance will initially be heard at one level, Step One, and may only be referred up one more level, Step Two, of the hierarchy. Any decision made in Step Two, is final and binding on all parties.
- 4.2 A Member who is party to a Grievance may, at any stage, seek the assistance of a fellow Member who is prepared to assist the Member in applying the Grievance procedure.
- 4.3 Where applicable, any Member may, at any stage, be called in to assist in the resolution of a Grievance by either party or the Member tasked with dealing with the Grievance, at the discretion of the SSA Member dealing with the Grievance.
- 4.4 **STEP 1: MEDIATION**
  - 4.4.1 The member must first raise the Grievance with their next-in-line Scouter by completing a Grievance Form Step 1
  - 4.4.2 If the next-in-line Scouter was the Investigator, or is the cause of the Grievance, then the Grievance shall be referred to the next level of authority in accordance with the hierarchy recorded below.
  - 4.4.3 The next-in-line Scouter, who is not party to the Grievance, shall act as Mediator, or appoint a Mediator at the same level in the organisation.
  - 4.4.4 The Mediator attending to the Grievance shall investigate the merits of the Grievance and make a written recommendation. If required, the Mediator may, at their sole discretion, call for a Grievance Meeting with the parties to investigate and resolve the Grievance. Each party may, if they so wish, be accompanied by a fellow member.
  - 4.4.5 The mediator must record their response to the Grievance on the Form G1, Grievance Form D Step One, under the relevant sections, including "Solution Proposed".
  - 4.4.6 The mediator must inform the aggrieved member(s) and the member whom the Grievance is against, within five (5) working days.
  - 4.4.7 If a satisfactory solution cannot be found, the matter must proceed to Step Two.
  - 4.4.8 If the Grievance is not resolved by the Mediator, within ten (10) working days of the Mediator being appointed, it shall, unless otherwise agreed by both parties, be referred to the next level of authority, to implement Stage Two of the grievance Procedure. and act as Assessor, in accordance with the hierarchy in Clause 7.
- 4.5 **STEP 2: REFERRAL AND ASSESSMENT PROCEDURE**
  - 4.5.1 If the Grievance was not resolved to the satisfaction of all parties in Step 1, the Mediator who attended to the matter must now, within 5 working days, refer the Grievance and findings, with all accompanying records, to the next level in the referral Hierarchy in Clause 7, for further action. The member in the next level in the Hierarchy shall then, within 5 working days, agree to act as the Assessor or appoint another

member, at the same level of authority , to act as an Assessor.

- 4.5.2 On receipt of the completed Grievance Form and findings, the Assessor will, within 10 working days, assess the Grievance and findings and make a final decision.
- 4.5.3 The Assessor may, at their sole discretion, call for a further Grievance Meeting with the Parties. The parties to the Grievance, and if the members so wish the same supporting Members as at the initial Grievance Meeting, shall all be present at the meeting.
- 4.5.4 The Assessor must record their decision on Form G2, "Grievance Form Step 2" and, within 5 working days, inform the aggrieved Member(s) and the Member against whom the Grievance is lodged, of their decision. They must both sign to acknowledge receipt.
- 4.5.5 Any finding, recommendations or solution determined by the Assessor shall be final and binding and neither party shall have a right of recourse to a higher authority in relation to the Grievance lodged.
- 4.6 A written record shall be kept of all Grievance proceedings.
- 4.7 All documents, recordings and records of a Grievance procedure must always be kept confidential.
- 4.8 All Grievance documentation must be lodged with the Regional Commissioner and Chair: National Adult Resources or if the Regional Commissioner is party to the Grievance or was the Mediator or Assessor to the Chair: National Adult Resources and the Chief Commissioner.

## **5 Grievance in respect of the Chief Commissioner or CEO**

- 5.1 In the event of a Grievance being raised in respect of the Chief Commissioner (CC), the following procedure will apply:
  - 5.1.1 The Standard Grievance form should be completed, detailing the Grievance.
  - 5.1.2 Instead of submitting the Grievance to the next in line Scouter, the aggrieved member must submit the Grievance directly to the Chair: National Adult Resources.(C:NAR)
  - 5.1.3 The C:NAR will formally acknowledge the receipt of the Grievance and advise the Chief Scout (CS). Depending on the seriousness of the Grievance, the following will apply:

The C:NAR may act as Mediator to facilitate a resolution of the Grievance between the two parties involved or request the CEO to act as Mediator.

In the event of failure to facilitate a resolution, or that the allegation is of a serious nature, the C:NAR will refer the matter to the CS and Deputy CS. The CS and DCS shall then either mediate, or, via the CEO, consult with the SSA Appointed Legal Advisors to review the Grievance.

If the Legal Advisors deem the Grievance to be valid and not to have been addressed previously, the Grievance will be referred to a mutually agreed independent third party, whose cost will be borne by SSA.

If the Legal Advisors find that the Grievance is without basis, or has already been addressed, the Grievance procedure will continue under the auspices of a mutually agreed independent third party, subject to Clause 5.1.3.5. In this case, the cost of the resolution will be borne by the party raising the Grievance.

Once the SSA Appointed Legal Advisors have made their finding in respect of the Grievance, the party raising the Grievance will be advised. If their recommendation is as detailed in 5.1.3.4, the party raising the Grievance will be entitled to withdraw the Grievance before any costs are incurred.

- 5.1.4 When referring the Grievance for independent resolution, the parties will be bound to utilise the services of The Arbitration Foundation of South Africa (AFSA).
- 5.1.5 The AFSA will also, should it be required and requested, handle all aspects or further action from the Grievances.
- 5.2 The parties undertake to utilise this service and no other dispute resolution mechanisms, even if so provided for and are available by law.
- 5.3 Any Grievance raised in respect of the CEO will be handled according to the Employee Grievance Procedure. A copy is available on request from the National Office.

## **6 Grievance in respect of the Deputy Chief Scout or Chief Scout**

- 6.1 In the event of a Grievance against the Chief Scout or Deputy Chief Scout, the aggrieved member must submit the Grievance directly to the C:NAR.
- 6.2 The C:NAR shall inform the Chairman of the Board.
- 6.3 The Chairman of the Board shall appoint a Board Member to mediate the Grievance.
- 6.4 If the Parties do not both accept the result of the mediation, the Chairman of the Board may act as Assessor or via the CEO, appoint the SSA appointed Legal Advisors to review the Grievance and outcome. The applicable Steps in Cause 5, 5.1.3.3 to 5.1.3.5, 5.1.4 and 5.1.5 shall apply.

## **7 Referral Hierarchy**

- 7.1 **Unit Issues** – Den/Pack/Troop/Rover Scouter, Rover Crew Chair or SGL
- 7.2 **Group Issues** – Scout Group Leader or District Commissioner
- 7.3 **District Issues** – Regional Commissioner (who may appoint a member of the Regional Management Team)
- 7.4 **Regional Issues** – Chair: National Adult Resources who may appoint a member of Manco (excluding the Chief Scout, Deputy Chief Scout, CEO or Chief Commissioner) as Mediator or Assessor
- 7.5 **Manco Issues** – Mediator: Chief Commissioner or CEO - Assessor: Chief Scout or Deputy Chief Scout

## **8 Attachments**

- 8.1 F1 - Statement Form, October 2019
- 8.2 F2 - Complaint Investigation Form, October 2019
- 8.3 G1 – Step 1 and Step 2 Grievance Form, October 2019