



Scouts WA
**FP – 004.1 Formal Grievance and Dispute
Resolution Procedure**

Date Approved:

30 July 2018

Editor:

B de la Hunty

1. PURPOSE AND SCOPE

- 1.1 This procedure constitutes the Formal Grievance and Dispute Resolution Procedure referred to in section 3.1 of the Grievance and Dispute Resolution Policy approved by the Board of Scouts WA, and must be read and applied together with that Policy. It provides a process intended to resolve personal disputes and grievances which may occur in Scouts WA.
- 1.2 These procedures shall not apply if the subject of the grievance or dispute directly concerns:
- a) the issuing or revocation of Certificates of Adult Leadership and/ or membership of the Association (which are covered under Regulation 4 of the Association);
 - b) employment matters, including appointments, promotions, performance management or termination (which are covered by the Employee Policy); and
 - c) criminal complaints.
- 1.3 Subject to the Privacy Policy (which permits the disclosure of personal information in limited circumstances):
- a) any information of a personal nature provided by a party to a formal or informal grievance or dispute process shall remain confidential to the parties to that process, any decision-maker and any Reviewer;
 - b) The Decision-maker or Reviewer has the discretion to protect the identity of a Youth Member where this deemed to be in the best interests of the Youth Members

2. DEFINITIONS

For the purposes of this procedure:

- 2.1 **“Grievance”** means any problem or condition related to Scouts WA activities which a member of Scouts believes to be unfair, inequitable, discriminatory or a hindrance to their effective operation.
- 2.2 **“Dispute”** means a situation where two or more individuals or parties within Scouts WA cannot agree on a particular matter or issue.
- 2.3 **“Regional Chief Commissioner’s Panel”** means a decision-making body comprised of three persons (other than the Regional Chief Commissioner) who in the Regional Chief Commissioner’s opinion have sufficient knowledge, skills and expertise to resolve the grievance or dispute. The composition of the panel will reflect diversity of age, gender and role and will ideally be chaired by the Assistant Regional Chief Commissioner Adult Resources where feasible.
- 2.4 **“Chief Commissioner’s Panel”** means a decision-making body comprised of three persons (other than the Chief Commissioner) who in the Chief Commissioner’s opinion have sufficient knowledge, skills and expertise to resolve the grievance or dispute. The composition of the panel will reflect diversity of age, gender and role and will include the Branch Commissioner Adult Resources.
- 2.5 **“President’s Panel”** means a decision-making body comprised of three persons (other than the President) who in the opinion of the President can review the

decision concerning the grievance or dispute impartially, and have sufficient knowledge, skills and expertise to do so.

- 2.6 **“Board Chairman’s Panel”** means a decision-making body comprised of three persons (other than the Board Chairman) who in the opinion of the Chairman of the Board can resolve the grievance or dispute impartially, and have sufficient knowledge, skills and expertise to do so.
- 2.7 **“Decision-maker”** means
- a) the Group Leader of a formation for disputes or grievances concerning Adult or Youth Members and non-members of a Group, including Leaders, Adult Helpers, and parents
 - b) the District Commissioner for disputes or grievances concerning:
 - i. Adult Members at a District level
 - ii Adult members at a Group level which have not been resolved by the Group Leader.
 - c) the Regional Chief Commissioner’s Panel for disputes or grievances concerning:
 - i. a District Commissioner
 - ii. an Assistant District Commissioner
 - iii. Adult members at a District level which have not been resolved by the District Commissioner
 - iv. Adult members at a Group level which have not been resolved by the Group Leader or the District Commissioner
 - d) the Chief Commissioner’s Panel for disputes or grievances concerning:
 - i. a Regional Chief Commissioner
 - ii. a Deputy Chief Commissioner
 - iii. an Assistant Chief Commissioner
 - iv. a Branch Commissioner
 - v. a Branch Leader
 - vi. Adult members at a Region level which have not been resolved by a Regional Chief Commissioner’s Panel
 - e) the President’s Panel for disputes or grievances concerning:
 - i. conduct of the Board or its committees, including matters of governance
 - ii. conduct of a member of the Board (excluding the Chairman, Chief Commissioner and Honorary Treasurer)
 - iii. the conduct of any recognised Branch entity that exists to deliver and/or support Scouting in Western Australia
 - iv. the Executive Manager
 - f) the Board Chairman’s Panel for disputes or grievances concerning:
 - i. matters of governance, excluding the Board
 - ii. conduct of senior office holders, including the Chief Commissioner, Vice President, President and Honorary Treasurer
 - g) the Board in the absence of the Board Chairman for disputes or grievances concerning the Board Chairman
 - h) the Executive Manager for disputes or grievances concerning members of the Branch Support Team or Scouts WA employees, contractors and agents
- 2.8 **“Reviewer”** means:
- a) the District Commissioner for any decision made by the Group Leader
 - b) the Regional Chief Commissioner for any decision made by the District Commissioner or the Regional Chief Commissioner’s Panel
 - c) the Chief Commissioner for any decision made by the Regional Chief Commissioner or the Chief Commissioner’s Panel
 - d) the Board Chairman for any decision made by the Executive Manager or the Board Chairman’s Panel

- e) the President's Panel for any decision made by the Board Chairman or the Board
- f) the President for any decision made by the President's Panel

3. **INFORMAL RESOLUTION OF DISPUTES AND GRIEVANCES**

- 3.1 It is the responsibility of all members of Scouts WA to ensure that they attempt to resolve disputes or grievances informally where appropriate.

4. **FORMAL RESOLUTION OF DISPUTES AND GRIEVANCES**

4.1 Process for commencing formal resolution

Where the grievance or dispute cannot be resolved informally, a member may give written notice to the **Decision-maker** (or, where the Decision-maker is a panel, the officer by whom the panel was convened) of his/her intention to have the grievance or dispute formally resolved. The written notice should:

- a) contain a concise statement of the facts surrounding the grievance or dispute;
- b) include copies of any relevant documents;
- c) identify the specific rights the member believes have been violated;
- d) indicate the remedy that is sought.

- 4.2 The **Decision-maker** shall provide a copy of the written notice to any parties to whom the grievance or dispute directly relates.

5. Process for all formal resolutions of disputes and grievances

- 5.1 The grievance or dispute shall be resolved by the applicable **Decision-maker**.
 - 5.2 A party to a grievance or dispute resolution process shall have the right to a support person at any stage of the process, at their own cost. If the grievance or dispute involves a Youth Member, the Youth Member must have the assistance of an adult nominated by the Youth Member and approved by the Youth Member's parents or legal guardian.
 - 5.3 Each party must provide a written submission concerning the grievance or dispute to the **Decision-maker**.
 - 5.4 The **Decision-maker** must provide to each party a copy of the written submission against them.
 - 5.5 The **Decision-maker** must give each party a reasonable opportunity to make an oral submission in the presence of each other party.
 - 5.6 All decisions shall be recorded in writing by the **Decision-maker**, together with the reasons for the decision, and copies provided to the parties involved.
 - 5.7 A copy of the written decision shall be provided to the Executive Manager to be recorded in a register of disputes.
- ### 6. **REVIEW PROCEDURE**
- 6.1 If any party involved in a grievance or dispute wishes to have a decision concerning the grievance or dispute reviewed, the party may, within seven calendar days of being notified of the decision, notify in writing the applicable **Reviewer**.
 - 6.2 The review of a decision is not confined to matters that were before the **Decision-maker** but may involve the consideration of new material whether or not it existed or was before the **Decision-maker** at the time the decision was made.
 - 6.3 A party to a review process shall have the right to a support person at any stage of the process, at their own cost.

- 6.4 The **Reviewer** shall consider:
- (a) the parties' written submissions to the **Decision-maker**;
 - (b) the decision and the reasons for the decision;
 - (c) any new material which a party wishes to put before the **Reviewer**, including any further written submissions.

6.5 The parties shall not have the right to make any oral submissions to the **Reviewer**.

6.6 The **Reviewer** may:

- (a) confirm the decision; or
- (b) reject the decision and substitute for that decision the decision the **Reviewer** considers ought to have been made.

6.7 All review decisions shall be recorded in writing, together with the reasons for the decision, and copies provided to the parties involved.

6.8 A copy of the written review decision shall be provided to the Executive Manager to be recorded in a register of disputes.

6.9 The decision of the **Reviewer** shall be final.

7. APPEAL OF THE PROCESS

7.1 If any party involved in a grievance or dispute believes that, after the completion of a review as outlined in clause 6, any part of the *process only* was not followed, the party may, within seven calendar days of being notified of the decision of the **Reviewer**, notify in writing the **Reviewer** one position up the standard chain of command.

7.2 Should the process be found to be sound then the matter is deemed closed and as per clause 6.9, the decision of the original reviewer is final.

7.3 Should the process be found to not be sound then the reviewer responsible for the appeal will conduct another review, as per clause 6. The decision of any such review is final and there is no further course of review or appeal available to any party.

7.4 All appeal decisions shall be recorded in writing, together with the reasons for the decision, and copies provided to the parties involved.

7.5 A copy of the written appeal decision shall be provided to the Executive Manager to be recorded in a register of disputes.

8. REGISTER OF DISPUTES

8.1 The Executive Manager will on behalf of Scouts WA retain a copy of the decisions for all formal grievances and disputes in a register of disputes.

8.2 The register will be reviewed periodically by the Audit and Governance Subcommittee of the Board of Scouts WA in order to inform ongoing policy and risk management recommendations.

8.3 All Board or Committee dealings with the register of disputes will be considered as confidential matters for the purposes of meeting procedures and minute taking.

9. CONFLICT

9.1 A **Decision-maker** or **Reviewer** must be substituted for a Scouts WA office holder of an equivalent or higher level where a conflict exists, as defined by the Conflict of Interests Policy.

10. REVIEW

10.1 This procedure shall be reviewed every three years by the Policy and Procedures

Committee (PPC), or earlier if directed by the Board. The PPC shall provide a report to the Board, together with any recommendations arising from the review.

11. APPROVAL

11.1 This procedure was approved by the Board of Scouts WA on 30 July 2018.