

VERSION NUMBER	1	DEPARTMENT	Quality and Care
APPROVAL DATE	5 March 2024	NEXT REVIEW DATE	March 2027
DOCUMENT OWNER	Executive Manager	DOCUMENT ENDORSER	Chief Commissioner

Contents

1.1. Scouts Australia Policy	1
1.2 Scouts WA Policy Statement	2
2. Purpose and Scope	2
3. Related Documents	2
Scouts WA Complaints Standard	2
4. Exclusions	2
Definitions	2
Natural Justice	3
Procedural Fairness	3
Whistleblower protections	3
Complaints involving vulnerable people	3
Timeliness	4
Complaint resolution	4
Third Party Investigator	4
6. Related Documents & References	4

1.1 Scouts Australia Policy

Scouts WA will develop policy where Scouts Australia do not have a relevant policy statement where the Scouts Australia Policy does not abrogate, prejudice, limit or adversely affect any existing right in respect of name, property or otherwise under the laws of Western Australia.

Scouts Australia does not have a Complaints Policy

Should Scouts Australia develop and adopt a new policy statement, Scouts WA will review our policy to align and where needed may even revoke our policy in favour of the Scouts Australia Policy Statement.

1.2 Scouts WA Policy Statement

Scouts WA is proud of the diversity of its membership. Diversity is a strength and with it comes a variety of views and means of expression. At times this can result in disagreements on a particular course of action or direction being undertaken. Disputes and grievances are usually quickly resolved at the point of origin and without the need for further action. However, there are times when a person wishes to formalise a dispute or grievance into a complaint to seek written clarification, ruling or resolution.

1. Purpose and Scope

The purpose of this policy is to describe the position taken by Scouts WA in receiving and responding to complaints.

This Policy applies to all adults in Scouting, members of Scouts WA, parents, guardians and caregivers of vulnerable people, and the public.

3. Related Documents

Scouts WA Complaints Standard

4. Exclusions

This Policy excludes:

- Complaints which involve matters relating to the safeguarding of vulnerable people¹.
- Complaints relating to a matter or matters before the Courts, the subject of investigation by law enforcement, or subject of a civil litigation claim.
- Complaints that arise from an issue or incident that occurred more than 12 months ago.
- Third party complaints unless the complainant are the guardian of a vulnerable person.
- Vexatious, malicious, or frivolous complaints.

¹ Refer Scouts Australia Child Protection Policy and Scouts WA Safeguarding Vulnerable People Standard.

Definitions

Dispute: an assertion of opposing views.

Grievance: a strong feeling of unfair treatment or a cause of distress.

Complaint: a statement that something is unsatisfactory or unacceptable that is generally initiated by a dispute or grievance for which a resolution or ruling is sought.

Vulnerable people: young people under the age of 18yo or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.

Third party complaints: Complaints made by a third party on behalf of another person.

Vexatious, malicious, or frivolous complaints: a complaint meant primarily to bother, embarrass, or cause legal expense to Scouts WA or an individual. A vexatious, malicious or frivolous complaint is a form of abuse as it can cause hurt or disruption to a person's life and may result in a psychosocial injury.

Adverse Information: unfavorable information about the complainant, subject of the complaint, other people or the organisation.

Adults in Scouting: refer Scouts Australia Policy & Rules P3.1

Improper Conduct: means recklessly negligent, dishonest, or illegal conduct or an improper state of affairs including;

- Corrupt, dishonest, fraudulent, or illegal conduct
- Conduct involving substantial mismanagement of Scouts resources or finances
- Conduct involving substantial breach of approved risk management plan resulting in unacceptable risk to health and safety of the public or members
- Conduct that brings or is likely to bring Scouting into disrepute

Natural Justice

Scouts WA will uphold the principles of natural justice in responding to a complaint. This requires that the subject of the complaint be given enough information so that they can understand and respond to the complaint made against them. Non-adverse information, adverse information which is not being relied on, and information that would merely be of interest (e.g. the identity of the complainant will invariably be of interest to the person complained about however may not be relevant to the subject matter of the complaint) does not trigger a natural justice obligation to provide the person with that information.

Procedural Fairness

Scouts WA will maintain complaint procedures which ensure procedural fairness. These must include

- Reasonable notice that an adverse decision may be made.
- Notice of the specific, critical issue or issues on which the decision is likely to turn.
- Information about any adverse, relevant, or credible evidence that has been obtained from other persons.
- A fair opportunity to directly address those critical issues.
- Genuine consideration by the decision maker of the person's submissions with an open mind and without prejudice or any form of bias.
- A right for the person to appeal the decision on the basis of not being provided natural justice and/or procedural fairness.

Whistleblower protections

Scouts WA commits to take all reasonable steps to protect persons making a complaint of improper conduct from victimisation, harassment or discriminatory treatment by Scouts WA, its employees, volunteers and members. In support of this all complaints of improper conduct will be investigated by the Executive Manager unless they are the subject of the complaint in which case the matter will be investigated by the Board Chairman.

Complaints involving vulnerable people

When the complainant or respondent is a vulnerable person, it is preferable that the vulnerable person informs their legal guardian and will be supported to do so by Scouts WA. Vulnerable people will not be interviewed in the examination of a complaint without their legal guardian or the legal guardian's nominated representative being present.

Timeliness

Scouts WA will not unreasonably delay investigation of a complaint. We will seek to conclude an investigation within 25 business days of receiving the complaint and provide a response to the complainant within the following 15 business days.

Complaint resolution

Resolution of a complaint, if substantiated, may include but are not limited to an apology, redress, amendments to documentation, training, recommitment to the Code of Ethics and/or Code of Conduct, change of role, suspension or termination of membership.

Third Party Investigator

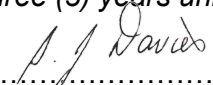
Scouts WA reserves the right to appoint an external investigator in addressing a complaint

5. Related Documents & References

INTERNAL	EXTERNAL
<ul style="list-style-type: none"> Scouts WA Complaints standard Scouts Australia Policy & Rules The Rules and Regulations of the Scouts Association of Australia/Western Australian Branch. 	<ul style="list-style-type: none"> Associations Incorporation Act 2015 (WA) Charities Act 2013 (Cth) Australian Charities and Not-for-profits Commission Act 2012 (Cth)

6. Review

Policies will be formally reviewed, with the outcome of the review approved by the Board, no greater than every three (3) years unless a policy is approved with a shorter review date.


.....
Signed – Board Chairperson

5 March 2024
.....
Date

Policy Custodian

VERSION HISTORY					
VERSION	APPROVED BY	APPROVAL DATE	DESCRIPTION OF CHANGE	AUTHOR	REVISION DATE
1	Board of Directors	<u>5 March 2024</u>	Policy Created	Executive Manager	March 2027