

<b>VERSION #</b>	1	<b>DEPARTMENT</b>	Quality & Care
<b>APPROVAL DATE</b>	5 March 2024	<b>NEXT REVIEW DATE</b>	March 2027
<b>DOCUMENT OWNER</b>	Manager Quality & Care	<b>DOCUMENT APPROVER</b>	Executive Manager
<b>DOCUMENT CUSTODIAN</b>	Executive Assistant	<b>DOCUMENT ENDORSER</b>	Chief Commissioner

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### Purpose and Scope

This document states what Scouts WA will do to support its Complaints Policy by implementing standards addressing natural justice, procedural fairness, whistleblowing protections and timely resolution of complaints.

This Standard applies to all Scouts WA youth and adults in Scouting.

### Exclusions

NIL

### Definitions

**Investigator:** the role responsible for conducting the investigation into a complaint and making a recommendation to the Decision Maker and Appeal role.

**Decision Maker and Appeal:** the role with authority to accept, decline or amend the recommendation of the investigator. This role will also consider the merits of an appeal by the complainant and make a recommendation to the Final Decision Maker

**Final Decision Maker:** the role with authority to consider the recommendation of the original decision maker following consideration of the complainant's appeal and accept, decline or amend the recommendation.

**Senior Officers:** For the purposes of this Standard Senior Officers include the Board Chairman, Members of the Board (where the complaint is in their capacity as a Board member), the Chief Commissioner, and Executive Manager.

**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

## Vexatious, Malicious or Frivolous Complaint Determination

An investigator may recommend jointly to the Chief Commissioner and Executive Manager that a complaint be determined as vexatious, malicious or frivolous where one of the following criteria is met:

- There is regular and continuous focus on a trivial matter to an extent which is out of proportion to its significance.
- During initial inquiries, an investigator may find that the contents and context of the complaint do not warrant the continuation of the process due to being irrelevant, trivial, or of little weight or importance. If the complaint is deemed as an attempt to harass, delay, bully or discredit another member, then the investigator may submit a recommendation that the complainant be the subject of investigation instead.
- The complainant persistently raises new issues or seeks to prolong contact by raising further concerns or questions whilst the complaint is being addressed, taking care not to disregard new issues which are significantly different to the original complaint.
- The complainant makes unreasonable demands which impose a significant burden on Scouting and where the complaint is clearly designed to disrupt or annoy or has the effect of harassing another person or can otherwise be characterized as obsessive or manifestly unreasonable.
- The complainant persists in pursuing a complaint, with no new material information or irrelevant or minor issues occurring more than 12 months before the complaint, where the policy and standard for handling the original complaint has been fully and properly implemented and exhausted.

Determination that a complaint be treated as malicious or vexatious requires agreement between the Chief Commissioner and Executive Manager. Should this not be achievable the Board Chairman will make the final decision.

## Complaint Categories

Scouts WA will maintain procedures and supporting forms which allow for the categorisation of complaints as shown below. This table also states which role will be responsible for key elements of addressing the complaint. The individual holding the relevant role will be advised of their involvement in the complaint by the Manager Quality and Care.

Where the complaint involves a staff member the investigator will be nominated by the Executive Manager.

Complaint Category	Investigator	Decision Maker and Appeal	Final Decision Maker <sup>1</sup>
Policies and Procedures	District Commissioner	Regional Chief Commissioner	Chief Commissioner & Executive Manager
Youth program participant behaviour or Program Delivery	Group Leader	District Commissioner	DCC Program Support and/or Regional Chief Commissioner.
Bullying, Harassment, Discrimination, Code of Ethics, Code of Conduct	Manager Quality & Care	Assistant Chief Commissioner	Chief Commissioner
Facilities	Facilities Officer	Regional Chief Commissioner	Chief Commissioner
Financial Mismanagement	Chief Financial Officer	Executive Manager	Honorary Treasurer
Improper Conduct	Executive Manager	Board Chairman & Chief Commissioner	Scouts WA Solicitor
Admission to Membership	Regional Chief Commissioner	Chief Commissioner	Board of Directors

## Complaints Against Senior Officers

Complaints against Senior Officers may be made in writing and addressed to;

- **Scouts WA President** where the subject of the complaint is the Board Chairman
- **Scouts WA Board Chairman** where the subject of the complaint is the Chief Commissioner, Board members, or the Executive Manager.

## Complaints Procedure

The Executive Manager will maintain procedures which support the Complaint Policy and Standard. In investigating a complaint, the investigator will follow step 2 of the [Scouts Australia – Guide to conducting an investigation](#).

## Record Keeping

The Manager Quality and Care must be provided with all records relating to a complaint, except those against Senior Officers, and will securely store electronic copies of those records.

Records relating to a complaint against a senior officer will be stored securely by the Board of Directors.

<sup>1</sup> Any decision which includes a recommendation to cancel an individual membership is subject to Board approval with recommendation from the Chief Commissioner.

## Appeals

If the resolution to the complaint is not accepted, then either party may appeal the decision. Appeals must be received in writing within 15 business days of receiving the decision and contain reasons why a decision should be reconsidered. In considering an appeal the Decision Maker will consider whether the investigator deliberated on all

information and applied principles of natural justice and procedural fairness. A recommendation is then made to the Final Decision Maker.

Decisions of the Final Decision Maker are binding, and no further appeals will be considered by Scouts WA.

## Related Documents & References

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

## Review

This procedure shall be reviewed every two years by the Executive Manager unless required earlier due to a change in policy, legislation or other need arises.

*Dougal Mayor*

Signed – Executive Manager

**Document Approver**

5 March 2024

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Date

*A Mackenzie*

Signed – Chief Commissioner/CEO

**Document Endorser**

5 March 2024

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Date

VERSION HISTORY					
VERSION	APPROVED BY	APPROVAL DATE	DESCRIPTION OF CHANGE	AUTHOR	REVIEW DATE
1	Dougal Mayor	5 March 2024	Procedure Created	Dougal Mayor	March 2027