



BARBADOS BOY SCOUTS ASSOCIATION

INFORMATION SHEET

RESOLVING COMPLAINTS

GUIDELINES FOR RESOLVING COMPLAINTS

INTRODUCTION

The term 'complaint' is taken to also cover disagreements and disputes and is meant to apply to any Scouting member including any youth or adult member accused of an alleged breach. This Information Sheet on Resolving Complaints outlines the process to be used when dealing with a complaint related to the actions of any individual involved in Scouting.

The purpose of this Information Sheet is to:

- i. ensure that complaints are addressed in a fair, transparent, and just manner before imposing any sanction, corrective or disciplinary action on any member which may include suspension or removal from the Barbados Boy Scouts Association;
- ii. provide a complaints procedure that is easy to use for anyone wishing to make a complaint;
- iii. ensure the confidentiality of the process of handling complaints to protect both the Complainant and the Respondent during the process;
- iv. ensure that complaints are, wherever possible, resolved amicably;
- v. ensure that in every instance, the principles of Natural Justice are upheld; and
- vi. provide the Association with an opportunity to learn and improve its operations and performance through critical review of feedback and to improve its performance and practices, both in respect of the overall governance practices of WOSM and more specifically in the application of the Code of Conduct;

CONFIDENTIALITY

All complaint information will be handled sensitively and confidentially, providing information to the relevant parties only and in accordance with any relevant data protection requirements and legal requirements in respect of the subject of the complaint.

Anonymous complaints will not be accepted by the standing District Commissioner.

At the discretion of the presiding Commissioner, the identity of the Complainant may be withheld from the Respondent. This option may only be exercised **in special circumstances** and where withholding the information does not undermine the Respondent's ability to address the complaint. It is understood that if the case is referred to the authorities, then the matter of withholding the identity of the Complainant may not be an option.

PRINCIPLES OF COMPLAINTS POLICY

All complaints must be taken seriously, managed expeditiously, dealt with in a timely manner, and promote the maintenance of relationships.

The process of complaint handling should be robust and safeguard against the ability of any individual to manipulate the outcome of a complaint.

2 BARBADOS BOY SCOUTS ASSOCIATION

For a complaint to be considered, it must be submitted in writing, fall within the scope of this Policy, identify the Complainant and provide contact information, and provide the basis for the complaint and whatever available evidence.

The presiding Commissioner, Disciplinary Group and/or the National Executive Committee in processing and/or dealing with the complaint:

- a. must provide all parties involved the opportunity to present their views clearly to ensure all facts are clear and understood;
- b. must consider all facts and points of view;
- c. may, within the constraints of confidentiality, seek the advice of other experts or consultants;
- d. should seek a solution that provides a right to a fair hearing, is aligned with Scouting values and ethics, and is acceptable for both parties;
- e. must record the factors on which they have based their recommendation; and
- f. should investigate and conclude the process as expeditiously as reasonably possible;

The process allows for a single appeal, as outlined below, to the National Executive Council on any recommendation arising from a complaint by either the Respondent or Complainant, and the decision after the appeal process, as approved by the National Executive Council will/shall be final.

Where complaints are identified as **frivolous, malicious or vexatious**, the presiding Commissioner may refer the matter of the complaint to the Chief Commissioner who has the discretion to dismiss the complaint.**

If the complaint is considered by the presiding Commissioner to involve a crime, the presiding Commissioner shall refer the complaint in writing to the Chief Commissioner who shall advise and encourage the Complainant to report the matter to the relevant authorities and in his discretion, report the matter directly to the authorities upon consultation with the Association's legal counsel.

PROCESS OF COMPLAINT HANDLING

All initial hearings of complaints shall be conducted by the presiding Commissioner of a District other than that of which he is a member. The presiding Commissioner conducting this initial hearing shall be selected by the Chief Commissioner of the Barbados Boy Scouts Association.

All Complaints should be submitted to the Complainant's District Commissioner *in writing* either via email, or post or by hand under the heading 'Confidential'. The contact details for each District Commissioner are listed in Appendix 1. **All complaints should be submitted not later than six (6) months subsequent to the event occurring.** Should the complaint involve the District Commissioner then it must be submitted directly to the Chief Commissioner whose contact details are also listed in Appendix 1.

ACTION ON RECEIPT OF A COMPLAINT

On receipt of a complaint the District Commissioner shall record the complaint in a complaint document that details the alleged breaches and the times and places of the alleged breaches, where applicable **and communicate these details to Headquarters.**

On reviewing the complaint, the Chief Commissioner shall appoint a neutral District Commissioner or other Commissioner to preside over the hearing of the complaint and manage the process.

The presiding Commissioner shall share the complaint document with the Complainant and provide five (5) days or such reasonable extension of *but* not more than 14 days reasonable time for the

Complainant to review and accept the pertinent information before the complaint document is issued to the Respondent. (Complainant to confirm information by signing the document)

The presiding Commissioner shall then notify the Complainant and Respondent of a proposed timeline for actions on the complaint and the date and time and venue whether in person or virtually of the initial hearing of the complaint.

THE INITIAL HEARING BY THE PRESIDING COMMISSIONER

The Respondent shall be entitled to attend this disciplinary hearing accompanied by any representative of his or his parents' choice and shall be permitted to participate in the hearing by calling relevant witnesses and/or presenting such evidence as he believes exculpates him from the allegation. Where the presiding Commissioner is convinced that there is no case, he shall advise the Chief Commissioner of these findings and recommend the dismissal of all the charges without prejudice.

ACTION ON FINDING OF BREACH

If after the initial hearing, the presiding Commissioner finds that **based on the evidence presented** the alleged breach had possibly occurred, the presiding Commissioner shall refer his findings to the Chief Commissioner who shall, as soon as reasonably possible afterwards, empanel a Disciplinary Group of not more than five persons selected by him from among **but not limited to** the membership of the Association including members of the National Executive. **The Disciplinary Group will be required to investigate the nature of the breach, the conditions and factors leading up to the breach and conduct a hearing on the matter before coming to a final decision.**

The decision of the Disciplinary Group shall be by majority.

If after the Disciplinary hearing, the Group shall recommend an appropriate sanction or corrective action of the Respondent, and which may include the suspension of or dismissal from membership of the Association, that recommendation shall be reported to the Chief Commissioner who shall notify the Respondent in writing of the findings and recommendations of the Disciplinary Group.

APPEAL OF DECISION BY THE DISCIPLINARY GROUP

The Respondent shall be entitled to appeal the decision to the National Executive Committee by filing with the Chief Commissioner a desire to appeal in writing within twenty-eight (28) days of the original decision. The appeal document must clearly state the basis on which the Respondent is making the appeal and why an alternative decision should be considered.

The appeal shall be heard by a subcommittee of no more than seven (7) members of the National Executive Committee. That subcommittee shall include the Chairman, the Chief Commissioner, and no more than five (5) other members of the National Executive, provided that those members were not members of the Disciplinary Group referred to above and that there is no conflict of interest in respect of the complaint with any of the committee members to whom it is allocated. The subcommittee shall schedule a date of hearing of the appeal by notice in writing to the Respondent and the Complainant.

At the hearing of the appeal. The Respondent shall be entitled to participate in the hearing either by a representative of his choice or by himself, and by calling such witnesses and presenting such documents into evidence as he believes exculpates him.

The decision of the National Executive Committee shall be by majority, if necessary, and it shall be final.

APPENDIX 1

CONTACT DETAILS FOR THE DISTRICT COMMISSIONERS AND CHIEF COMMISSIONER

Commissioner	Email	Postal Address
Bridgetown District	dcbridgetown@barbadosscouts.org	The District Commissioner Bridgetown District Scout Council C/o Scout Headquarters “Hazelwood”, Upper Collymore Rock St. Michael BB14004
Northern District	dcnorth@barbadosscouts.org	The District Commissioner Northern District Scout Council C/o Scout Headquarters “Hazelwood”, Upper Collymore Rock St. Michael BB14004
Southern District	dcsouth@barbadosscouts.org	The District Commissioner Southern District Scout Council C/o Scout Headquarters “Hazelwood”, Upper Collymore Rock St. Michael BB14004
Chief Commissioner	chief@barbadosscouts.org	The Chief Commissioner Barbados Boy Scouts Association “Hazelwood”, Upper Collymore Rock St. Michael BB14004

REFERENCES

1. **Regulations & Rules of the Barbados Boy Scouts Association.** 2021 Edition. Barbados Boy Scouts Association, “Hazelwood”, Upper Collymore Rock, St. Michael BB11604, Barbados.
2. **Resolving Complaints – The Scout Association’s Complaints Procedure.** FS140100 No. 5 Edition (December 2015). The Scout Association, Gilwell Park, Chingford, London, England E4 7QW.