



Handling Grievances & Disputes in Scouting

Introduction:

Working in an Association as large as Scouting, there will always be times when parties, in particular Adults, will not agree on a particular course of action or direction to be taken. Usually, most of these disagreements are handled in such a way that resolution is arrived at very quickly and often at the local level without the need for any further escalation. For those occasions where the parties cannot agree to a solution of their own accord, Scouting has established a Grievance Policy.

So what is the Grievance handling procedure?

It is a process that makes an independent person available to help the parties find a resolution that all are willing to be bound by. There are a number of different techniques for facilitating or handling problems. The framework below is a technique that has been found to be very effective. It provides a means for discussion but also escalation should this become necessary. In addition, should the matter become more serious, it provides strong evidence of the procedures followed and a record of the findings and agreements made.

What are the types of Conflicts?

There are many different types of conflicts:

- A. Disputes caused by differences of opinions (usually where two parties have different views of the best solution or they simply seek clarification of the policy and rules);
- B. Disputes about an unjust act or where the person feels wronged (Not including those in C, D & E below);

NB: Serious matters outlined in C, D & E below will not be dealt with in this guideline. The processes for dealing with these matters are covered in the Organisation & Information Handbook ((Behavioural Management. items 3.1 through to 3.5) available on the website www.nswscouts.com.au.

- C. Matters concerning discipline or unacceptable behaviour of individuals;
- D. Actions in breach of Association Guidelines (a situation that is contrary to Policy & Rules); and
- E. Serious Matters (eg Sexual Abuse, Grief, Trauma, Behavioural problems, Code of Conduct etc).

How can I go about resolving them?

There are ten simple steps that can be used as a guide when trying to resolve conflicts:

1. Appoint a facilitator

One person should be appointed to manage the discussion. This is critical in those situations where there is some heat or anger in the issue at hand. Ideally, all parties involved should agree to this person.

2. Find some neutral ground

All parties should meet at a location that is neutral (ie not in each other's homes). The Group Scout Hall is often a good location for this discussion.

3. Allow each person to state their case

Each person should be given time to put forward their point of view without interruptions from the other parties involved. Key issues should be recorded for reference later. Sometimes recording the issues on a whiteboard or chart paper helps the visualisation of the issues at hand. The purpose of this is to ensure that the opposing parties are aware of what each of the other parties feels is important. Parties should keep a focus on the issue not the personalities involved (where possible).

4. Clarify the issues

The facilitator should paraphrase the conflicts to ensure that everyone understands the issues and to confirm areas of common ground. Sometimes disagreements have common ground on which everyone does agree – so there is no need to resolve these (though they may need to be identified for referral to others later, especially if beyond the control of the parties involved).

5. Seek solutions

Encourage the participants to offer solutions. This can be done in an "open forum" format so that the parties can build on each other's ideas. Encourage them to think wider than just their own point of view. Again, control focus around the issue rather than personalities..

6. Consider the consequences

It is important to review each solution and the impact it would have upon the individuals involved, our youth, and the Association, especially from a community perspective. Where the impact is adverse, then it should be discarded or modified

7. Agree a Course of action

It is one thing to come up with a solution, but another to agree a course of action. Sometimes, one solution naturally leads to another. Other times, the solutions will move in opposite directions. The best one, usually, is the one that can be delivered quickly. Take time though, to test it against the Aim, Principles and Method of Scouting before deciding to implement it.

8. Confirm acceptance

All parties must confirm their commitment to the solution. Lack of buy-in or ownership of what needs to be done will only see the problem arise again (soon). Sometimes, getting this in writing and signed by the people involved helps.

9. Follow-up

A few weeks after the meeting it is important to check with the parties to ensure things are on track. This contact shows your interests in ensuring things are being worked out. Where there still seems to be some disagreement, try and bring the individuals back to the issues and solution agreed. Where possible avoid going through the whole process again.

10. Document the learning's

As the facilitator, you too will learn from the process. Review what went well for you and what didn't. Ask yourself what you would do different next time. Sometimes sharing your experience (always respecting the confidentiality of the people involved) with a friend or confidant helps debrief you. This is very important where the parties are known well to you and the situation is very hurtful.

However, **this is not an infallible process**. Sometimes, no solution can be found, or the issue, especially where the action seems in contravention of Scouting's policy and rules, requires referral to a higher authority. There can even be cases where one of the parties feels they have not been fairly heard and wish to escalate the issue. In these cases the procedures set out in the Organisation & Information Handbook (Conflict Resolution) Item 3.1 & 3.2 www.nswscouts.com.au are to be followed :

Disclaimer:

This procedure is a guide to assist in resolving disputes and grievances of a general nature involving individuals within Scouting in New South Wales.

This procedure should not be used in cases where individuals are involved in matters under 3.1 and 3.4 of the Conflict Resolution in the Organisation and Information Handbook.

These matters must be dealt with utilising existing disciplinary and other management procedures and policies.

The Formation – individuals involved in the grievance or dispute

- The individuals involved in a grievance or dispute must make all reasonable efforts to resolve the grievance or dispute within their formation, having regard to Scouting principles (see the steps earlier).
- Any such agreement must be consistent with National and State Scouting policies and procedures to be considered valid.
- Any agreement under Step 8 should be placed in writing, signed and considered binding on the parties involved.
- This written document should take the form of a file note, but stored where it can be produced again in need.

The Formation - Group Leader/Leader in Charge

- Should the parties to the grievance or dispute be unable to arrive at an agreement, the Group Leader/Leader in Charge (if not already a party) will consider the matter.
- If the Group Leader/Leader in Charge is a party, then Region will appoint a person to act in their place for this process.
- The Group Leader/Leader in Charge will make a written decision on the grievance or dispute after taking account of all relevant information available to them and having regard for the principles of natural justice.
- Any such decision must be consistent with National and State Scouting policies and procedures to be considered valid.
- The parties to the grievance or dispute will make themselves and any information held by them readily available to the Group Leader/Leader in Charge.
- Any decision taken by Group Leader/Leader in Charge will, under normal circumstances, be made within 28 days of the matter being referred to them.
- Any decision made by Group Leader/Leader in Charge should be considered binding on the parties involved, unless appealed to the Region as outlined below.

The Region

- Any party to a grievance or dispute may appeal the outcome of any decision by the Group Leader/Leader in Charge to the relevant Region.
- Any appeal to the Region must be made to the relevant Regional Commissioner in writing, outlining the grounds of appeal, within 7 days of the party to the grievance or dispute being advised of the outcome by Group Leader/Leader in Charge.
- For formations attached to the Branch, the relevant State Commissioner will fulfil the role of the Regional Commissioner.

- The Region will not accept any appeal unless all the above processes have been completed.
- The Regional Commissioner or their delegate will arrange a meeting in an attempt to arrive at a mutually agreed resolution to the grievance or dispute.
- Any agreement by the Regional Commissioner (or delegate) should be placed in writing, signed and considered binding on the parties involved.
- Should the attempted meeting fail, or not be considered a valid alternative resolution, the Regional Commissioner or their delegate will make a written decision on the grievance or dispute after taking account of all relevant information available to them and having regard for the principles of natural justice.
- Any such decision must be consistent with National and State Scouting policies and procedures to be considered valid.
- The parties to the grievance or dispute will make themselves and any information held by them readily available to the Regional Commissioner or his/her delegate.
- Any decision by the Regional Commissioner (or delegate) will, under normal circumstances, be made within 28 days of the matter being referred to the Region.
- Any decision by the Regional Commissioner (or delegate) should be considered binding on the parties involved, unless appealed to the Branch as outlined below.

The Branch

- Any party to a grievance or dispute may appeal the outcome of any decision by the Regional Commissioner (or delegate) to the Branch.
- Any appeal to the Branch must be made to the Chief Commissioner or Chief Executive in writing, outlining the grounds of appeal, within 7 days of the party to the grievance or dispute being advised of the outcome by the Regional Commissioner (or delegate).
- The Branch will not accept any appeal unless all processes outlined above have been completed.
- The Chief Commissioner or their delegate will conduct the appeal process for Branch.
- The Chief Commissioner or their delegate will take steps to attempt to arrive at a mutually agreed resolution to the grievance or dispute.
- Any agreement by the Chief Commissioner or their delegate should be placed in writing, signed and considered binding on the parties involved.
- Should the attempted meeting fail or not be considered a valid alternative resolution, the Chief Commissioner or their delegate will make a written decision on the grievance or dispute after taking account of all relevant information available to them and having regard for the principles of natural justice.

- Any such decision must be consistent with National and State Scouting policies and procedures to be considered valid.
- The parties to the grievance or dispute will make themselves and any information held by them readily available to the Chief Commissioner or their delegate.
- Any decision by Chief Commissioner or their delegate will, under normal circumstances, be made within 28 days of the matter being referred to the Branch.
- Any decision by Chief Commissioner or their delegate is final and binding on all parties involved.

Note: in circumstances where the dispute involves non-uniformed members the appropriate parties to be involved are:

Group Level: Group Chairperson

Region Level: Regional Chairperson

Branch Level: Chairperson of the BEC or the Chief Executive.

IMPORTANT

Complaints that Involve Allegations of a Sexual Nature, of a Physical Nature, or those that could tend to Cause Harm to Members or Bring Disrepute on the Association

YOU MUST REPORT ALL ALLEGATIONS AND SUSPICIONS - DO NOT INVESTIGATE.

(There can be no exception or variation to this policy)

Those at all levels of the Association **must** report any suspicions and allegations of sexual, emotional or physical impropriety. The report should be made direct to the CEO at State Office, or the Chief Commissioner *If you find this difficult then contact whoever you would feel comfortable talking to, your Regional Commissioner, District Commissioner or Group Leader.* State Office will provide guidance and direction as to what action should be instigated.

There will be occasions where a youth member could be in imminent danger and therefore delay in contacting State Office would increase the risk of physical and / or mental injury. In the case where the Leader reporting suspicions has been unable to contact State Office, Chief Commissioner or Regional HQ / Commissioners they should contact DoCS direct on 1800 656 463 (Child Protection & Family Crisis Service). In this instance they are to provide State Office with relevant details including the time, date, person contacted and their response as soon as possible.