



FP – 004.1 Formal Dispute and Grievance Resolution Procedure

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1. PURPOSE AND SCOPE

1.1 This procedure constitutes the Formal Dispute and Grievance Resolution Procedure referred to in section 3.1 of the Dispute and Grievance Resolution Policy approved by the Board of Scouts WA, and must be read and applied together that Policy. It provides a process intended to prevent or overcome 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 For the purposes of this procedure:

“Board 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 dispute or grievance impartially, and have sufficient knowledge, skills and expertise to do so.

“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 dispute or grievance.

“Decision maker” means:

- a) 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. Adult members at a Region level
 - b) the Deputy Chief Commissioner for disputes or grievances concerning Branch Commissioners
 - c) the Board Chairman 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
 - d) the Board 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
 - e) the Board in the absence of the Board Chairman for disputes or grievances concerning the Board Chairman
 - f) the Executive Manager for disputes or grievances concerning members of the Branch Support Team or Scout WA employees, contractors and agents
 - g) the Group Leader of a formation for disputes or grievances concerning Adult or
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- Youth members and non-members of a Group, including leaders and adult supporters and parent helpers
- h) the District Commissioner for disputes or grievances concerning Adult Members at a District level.

“**Dispute**” means a situation where two or more individuals or parties within Scouts WA cannot agree on a particular matter or issue.

“**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.

“**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 dispute or grievance impartially, and have sufficient knowledge, skills and expertise to do so.

“**Reviewer**” means:

- a) the Chief Commissioner for any decisions made by the Chief Commissioner’s Panel or the Deputy Chief Commissioner
- b) the Board Chairman for any decisions made by the Executive Director
- c) the Board for any decisions made by the Board Chairman or a Board Panel
- d) the President’s Panel for any decision made by the Board Chairman or the Board
- e) the relevant Regional Chief Commissioner for any decisions made by the District Commissioner
- f) the relevant District Commissioner for any decisions made by a Group Leader

2. INFORMAL RESOLUTION OF DISPUTES AND GRIEVANCES

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

3. FORMAL RESOLUTION OF DISPUTES AND GRIEVANCES

Process for commencing formal resolution

- 3.1 Where the dispute or grievance 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 dispute or grievance formally resolved. The written notice should:

- a) contain a concise statement of the facts surrounding the dispute or grievance;
- 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.

- 3.2 The member should also provide a copy of the written notice to any parties to whom the dispute or grievance directly relates.

Process for all disputes and grievances

- 3.3 The dispute or grievance shall be resolved by the applicable **Decision Maker**.
- 3.4 A party to a dispute or grievance resolution process shall have the right to a support person at any stage of the process, at their own cost. If the dispute or grievance 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.
- 3.5 Each party must provide a written submission concerning the dispute or grievance to the **Decision Maker**. The **Decision Maker** must give each party a reasonable

opportunity to make an oral submission in the presence of each other party.

- 3.6 A **Decision Maker** may consult with another person at the same or an equivalent level, before making the decision and may have that person present when meeting with the parties to a grievance or a dispute.
- 3.7 All decisions shall be based on a proper consideration of the facts and circumstances at the time of the dispute or grievance, and subsequent circumstances where relevant.
- 3.8 All decisions shall be recorded in writing, together with the reasons for the decision, and copies provided to the parties involved.
- 3.9 A copy of the written decision shall be provided to the Executive Manager to be recorded in a register of disputes.

4. REVIEW PROCEDURE

- 4.1 If any party involved in a dispute or grievance wishes to have a decision concerning the dispute or grievance reviewed, the party may, within seven calendar days of being notified of the decision, notify in writing the applicable **Reviewer**, or:
 - a) where the Reviewer is the President's Panel, the President
 - b) where the Reviewer is the Board, the Deputy Board Chairman.
- 4.2 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.
- 4.3 A party to a review process shall have the right to a support person at any stage of the process, at their own cost.
- 4.4 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.
- 4.5 The parties shall not have the right to make any oral submissions to the reviewer.
- 4.6 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.
- 4.7 All review decisions shall be recorded in writing, together with the reasons for the decision, and copies provided to the parties involved.
- 4.8 A copy of the written review decision shall be provided to the Executive Manager to be recorded in a register of disputes.
- 4.9 The decision of the reviewer shall be final, and cannot be reviewed under this Procedure.

5. REGISTER OF DISPUTES

- 5.1 The Executive Manager will on behalf of Scouts WA retain a copy of the decisions for all formal disputes and grievances in a register of disputes.
- 5.2 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.

- 5.3 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.

6. CONFLICT

- 6.1 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.

7. REVIEW

- 7.1 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.

8. APPROVAL

- 8.1 This procedure was approved by the Board of Scouts WA on 7 April 2015.