

---

## Policy Document:

### Complaints

*Last updated: December 2021*

*Last reviewed: December 2021*

#### 1. Overview

- 1.1. In line with its values, SSAGO recognises its responsibility to deal fairly, constructively and consistently with expressions of concern or dissatisfaction from members and nonmembers.
- 1.2. When applying this policy these values should be at the forefront of every interaction and decision, and all those involved should be reminded of them and apply them.
- 1.3. SSAGO accepts complaints regarding the behaviour of SSAGO members at our events, how members have been treated by SSAGO and breaches of SSAGO's rules and policies.
- 1.4. SSAGO accepts complaints regarding individual members as well as SSAGO clubs, committees, events and other groups.

#### 2. Making a Complaint

- 2.1. Complaints should be made to the most local level possible. This will be:
  - 2.1.1. The Club Committee - where the complaint relates to an incident within a club or at a club event.
  - 2.1.2. The National Event Committee - where the complaint relates to an issue taking place at a national event.
  - 2.1.3. The National Executive - represents a safeguarding concern, involves members from multiple clubs, a breach of national policy, behaviour in a national SSAGO role or relates to a club as a whole.
  - 2.1.4. The Scouts or Girlguiding - where the complaint is against the entire National Executive or there are no unconflicted National Executive members to report to.
- 2.2. In the first instance complaints should be sent to all committee members who are not the subject of the complaint or have a known conflict of interest, however, complaints can be made to any individual committee

- member, who should circulate it to all other unconflicted committee members.
- 2.3. Where it is not possible to report a complaint at the correct level in 2.1. as all individuals are or maybe conflicted, then it should be reported to:
    - 2.3.1. All members of the National Executive who are unconflicted where the complaint should be reported to 2.1.1. or 2.1.2.
    - 2.3.2. The National Commissioner for Scout Active Support Units, or any suitable county or national commissioner, following the complaints procedure of The Scouts or Girlguiding.
  - 2.4. Complaints reported to a higher level under 2.3. should be resolved by a person holding an equivalent role, this will be:
    - 2.4.1. A committee member of a different SSAGO club for complaints that should be reported under 2.3.1.
    - 2.4.2. A County Commissioner for complaints reported under 2.3.3.
  - 2.5. The preference is for complaints to be made using the complaint form available on the SSAGO Website, however complaints may be made in any format, including verbally.
  - 2.6. Where complaints are being made relating to an issue happening currently at a National SSAGO event complaints should initially be reported by phone or verbally to the Event Committee or, if not possible, the National Exec.
  - 2.7. Complaints may be made by any individual, including members, parents and guardians of members, wider members of The Scouts or Girlguiding and other non-members of SSAGO.
  - 2.8. Where complaints are in relation to the treatment of a member such a complaint will only be accepted if:
    - 2.8.1. It is made by an individual who was directly affected,
    - 2.8.2. It is made by the parent or guardian of a member under the age of 18 directly affected.
    - 2.8.3. It is made by a representative of an individual directly affected who is unable to make the complaint themselves and has given permission for the representative to make the complaint on their behalf.
    - 2.8.4. It also constitutes a safeguarding concern or breach of other SSAGO policy.
  - 2.9. SSAGO may reject complaints for the following reasons:

- 2.9.1. The issue was reported over 3 months after the complainant reasonably had enough information to start the complaint process.
- 2.9.2. There is reasonable belief the complaint is vexatious or malicious.
- 2.9.3. The complaint is broadly or substantively the same as a previous complaint or is an extension of an existing complaint, even if such a complaint was dealt with informally.
- 2.9.4. The complaint is about the outcome or resolution of a previous complaint and does not meet the criteria for an appeal.
- 2.9.5. The complaint is a disagreement about SSAGO Rules or Policy.
- 2.10. SSAGO has complete discretion as to which policy a complaint should be resolved under and may choose to resolve a complaint under the mechanisms of the Safeguarding policy should these be deemed appropriate.
- 2.11. Complainants should attempt and engage with an informal attempt at resolution wherever possible.
- 2.12. Complaints may be made anonymously, however this will restrict the extent to which a complaint may be investigated.
- 2.13. Complainants may ask to keep their identity or other aspects of the complaint confidential but no assurances of confidentiality can be made as disclosure may be necessary or legally required.

### **3. Informal Complaints:**

- 3.1. SSAGO's preference is to resolve complaints informally and attempts will be made to do this for all received complaints when possible.
- 3.2. During the informal resolution process the following should occur:
  - 3.2.1. Any questions the complainant has are answered,
  - 3.2.2. Any concerns are dealt with,
  - 3.2.3. Their opinions are noted and recorded,
  - 3.2.4. If required, mediation occurs between parties involved,
  - 3.2.5. A voluntary agreement is reached between parties involved,
- 3.3. A summary of all the above is sent to all parties, including the management level above, and recorded should any subsequent complaints be made.

### **4. Receiving a Complaint**

- 4.1. Complaints should be acknowledged within 7 days, acknowledgement does not mean a complaint has been accepted.
- 4.2. If the complaint has been raised to the incorrect level, due to conflicts reporting it at the correct level or otherwise, those receiving the complaint should aim to find an appropriate, unconflicted, individual at that level to investigate the complaint. Where there is no such individual the following may be used for the respective level:
  - 4.2.1. A committee member of another club.
  - 4.2.2. A District, Division or County Commissioner in The Scouts or Girlguiding.
  - 4.2.3. Any individual as appropriate by the respective complaints policy of each organisation.
- 4.3. Acknowledgement of the complaint should also be sent to the management level above the level at which it is being dealt with.
- 4.4. Clubs may also have a responsibility to report complaints to their Students' Unions, where the Students' Union has their own complaints policy clubs may follow their Students' Union procedure instead of sections 4-7. of this policy. They must follow other sections.
- 4.5. Where a complaint is received at a National Event the event committee may take initial action to remove a participant, at their own cost, from an activity or the event.

## **5. Managing a Formal Complaint:**

- 5.1. When a complaint is received the committee should decide if it is acceptable under this policy and if so an appropriate individual should be found to manage the complaint.
- 5.2. If the complainant has existing complaints or there are other related complaints then the decision may be taken to combine these, which may involve moving the complaint to be dealt with at a higher management level.
- 5.3. Once a manager is appointed the complainant should be told who they are and given their contact details.
- 5.4. Anyone managing or investigating a complaint should follow the conflict of interest policy and should a conflict develop they must inform the relevant committee before continuing.
- 5.5. Where a complaint relates to a Safeguarding concern or other severe breach of this policy the manager may decide to proceed straight to a formal complaint in 6. or referral to the Safeguarding policy.

- 5.6. Individuals involved in a complaint may decide to make a Subject Access Request, complaining data with respect to the complaint should be dealt with by the complaint manager and the complaint may be paused while the request is dealt with. Submitting the request may provide more evidence to the complaint.

## **6. Formal Complaints:**

- 6.1. If a complaint is escalated to being managed formally then the complainant should be given the following:
  - 6.1.1. A concise list of the areas to be investigated.
  - 6.1.2. A copy of this policy.
  - 6.1.3. Details of the manager of the complaint and their contact details.
  - 6.1.4. Timescales for future communications, which must include an update every 14 days.
- 6.2. The manager of a complaint may appoint other, unconflicted, individuals to assist with the investigation of the complaint and report back to them on the facts to be considered.
- 6.3. Where a club or event is resolving a formal complaint under 2.2.1. or 2.2.2. they may ask for a member of the National Exec to assist with following the process of this policy. Where they do so a single, unconflicted, member should be assigned to assist, this member may play no part in any appeals.
- 6.4. When speaking to anyone about the investigation of a complaint they should be:
  - 6.4.1. Informed how they are involved with the complaint and asked to respond.
  - 6.4.2. Be given appropriate details of the complaint, as determined by the manager what is appropriate to share.
  - 6.4.3. Informed their response will form part of the complaint and conversations should be recorded for reference.
  - 6.4.4. Allowed to bring a third party to any meeting, this person will not be allowed to speak during the meeting other than to recommend the meeting ends due to concern for the individual. They will be allowed to make their own recording of the meeting.

- 6.5. A person investigating should detail the facts in writing and may make recommendations to the person managing the complaint about it's outcome.
- 6.6. Once all investigations have concluded the manager should decide the outcome of the complaint and recommendations on actions to be taken as a result.
- 6.7. Investigations may recommend:
  - 6.7.1. Changes to how a club operates or is run,
  - 6.7.2. Changes to National SSAGO policy,
  - 6.7.3. Mutually agreed restrictions placed on a member, which may include an agreed resignation or suspension,
  - 6.7.4. Further disciplinary action by the National Executive in line with 7.
- 6.8. The manager should share their decisions in 6.6. With the unconflicted members of the relevant committee who should approve these.

## **7. Disciplinary Action:**

- 7.1. As a result of a complaint further disciplinary action can be taken by the National Executive, in partnership with The Scouts and Girlguiding when:
  - 7.1.1. There is an identified breach of the Code of Conduct,
  - 7.1.2. There is a breach of a voluntary agreement put in place after an informal complaint,
  - 7.1.3. There is a breach of a formal recommendation given as previous disciplinary action,
  - 7.1.4. Disciplinary action is recommended as the result of a formal complaint,
  - 7.1.5. Other situations deemed appropriate by the National Exec.
- 7.2. Where appropriate the SSAGO Representative Committee may be consulted on any disciplinary action in the form of an advisory discussion or binding vote.
- 7.3. Where action is recommended against a club then one or more of the following sanctions can be taken by a majority vote of the National Executive:
  - 7.3.1. Given a formal warning or formal recommendation, or;
  - 7.3.2. Banned from SSAGO Rally, Ball, other SSAGO event, or;
  - 7.3.3. Seek to claim compensation to cover any losses or damages cause, or;

- 7.3.4. Banned from any specific aspect or activity on a SSAGO Event as deemed appropriate, or;
- 7.3.5. Committee, or other responsible member(s), of the club disciplined according to 7.4., or;
- 7.3.6. Imposal of other conditions or restrictions on the club, or;
- 7.3.7. Asked to leave an event they are in attendance at, at their own cost, or;
- 7.3.8. Given a temporary suspension from SSAGO;
- 7.4. Where action is recommended against an individual then one or more the following sanctions can be taken by a majority vote of the National Executive:
  - 7.4.1. Given a formal warning or formal recommendation or;
  - 7.4.2. Banned from specific Club Activities;
  - 7.4.3. Banned from SSAGO Rally or Ball, other SSAGO event, or;
  - 7.4.4. Banned from a Specific activity on a SSAGO Event, or;
  - 7.4.5. Banned from interacting with SSAGO on online platforms, or;
  - 7.4.6. Removal of National SSAGO Role, or;
  - 7.4.7. Seek to claim compensation to cover any losses or damages caused, or;
  - 7.4.8. Imposal of other conditions or restrictions on the individual, or;
  - 7.4.9. Asked to leave an event they are in attendance at, at their own cost, or;
  - 7.4.10. Given a temporary suspension from SSAGO, or;
  - 7.4.11. Given a lifetime ban from SSAGO.
- 7.5. Results of any disciplinary action must be shared with the club the individual is a member of and where appropriate The Scouts, Girlguiding and, where the club is affiliated, their Students' Union.
- 7.6. The Scouts, Girlguiding and Students' Unions may take further action inline with their own Behaviour Policy as a result of any complaint shared with them by the National SSAGO Executive.
- 7.7. SSAGO may share the results of any investigation with the police or other authority where appropriate or legally required to do so.

## **8. Resolution:**

- 8.1. Once a complaint is completed the complainant and all others involved with the complaint should be notified in writing:
  - 8.1.1. If the complaint was upheld, partially upheld or dismissed.

- 8.1.2. The reasons that led to this decision referencing the key issues and results of the investigation.
- 8.1.3. Identify any recommendations where these are appropriate to share.
- 8.1.4. Identify the point of appeal if they're unhappy with the process undertaken or outcome, giving their name and email.
- 8.2. The point of appeal for complaints should be:
  - 8.2.1. An unconflicted member of the National Executive Committee for complaints dealt with at a club level.
  - 8.2.2. The National Commissioner for Scout Active Support Units, or other appropriate national commissioner within The Scouts or Girlguiding, for complaints dealt with at a national level.
- 8.3. Where disciplinary action is recommended it may not be appropriate to share who is subject to such action and the exact sanctions imposed.

## **9. Appeals:**

- 9.1. The original complainant, anyone affected by the original issue or affected by the complaint outcome have a right to appeal if they are dissatisfied by the process undertaken or complaint outcome.
- 9.2. Multiple appeals regarding the same complaint will be combined into a single appeal.
- 9.3. Any appeal must be received by the specified person within 14 days of receiving the notification in 8.1.
- 9.4. Appeals should be dealt with following the complaints procedure following 3-6.
- 9.5. Where the original complaint was resolved under a clubs' Students' Union policy National SSAGO may reject an appeal where the appeal options under the policy it is dealt with have not been exhausted.

## **10. Whistleblowing**

- 10.1. Everyone has the right to raise a serious concern, which may involve whistleblowing to the appropriate body, including:
  - 10.1.1. The Charity Commission
  - 10.1.2. The Fundraising Regulator (for issues relating to fundraising).
  - 10.1.3. The Scouts
  - 10.1.4. Girlguiding
- 10.2. A serious concern should include:
  - 10.2.1. A disclosure of information;



- 10.2.2. A reasonable belief the concerns shows that one of the following has happened, is currently happening or is likely to happen:
  - 10.2.2.1. That a criminal offence is committed;
  - 10.2.2.2. The health and safety of an individual is endangered;
  - 10.2.2.3. The environment is damaged.
  - 10.2.2.4. A Miscarriage of Justice has occurred;
  - 10.2.2.5. Information tending to show any of the above is being concealed;
  - 10.2.2.6. Conduct that is likely to seriously harm the reputation of SSAGO, The Scouts or Girlguiding.
- 10.2.3. A reasonable belief that the concern is in the public interest.
- 10.3. Those who raise a serious concern in the reasonable belief that it is in the public interest to do so, can expect to be protected from any discrimination, recrimination, victimisation or any unfavourable treatment from SSAGO, as a result of coming forward.
- 10.4. If anyone should attempt to stop, discourage or in any way victimise a person reporting a concern that they reasonably believe to be in the public interest, they would themselves be subject to the relevant procedures.

## **11. Reporting**

- 11.1. The National Executive should report any incident or complaint which results, or could result, in a significant loss of funds or a significant risk to members, work, property or reputation. This includes:
  - 11.1.1. Any actual or suspected criminal activity;
  - 11.1.2. Actual or suspected serious fraud or theft - the seriousness depends on the amount taken and who is alleged to have taken it.
  - 11.1.3. Other significant losses - representing over 20% of annual income or over £25,000
  - 11.1.4. Someone disqualified as a trustee has been or is currently on National Exec.
  - 11.1.5. Any media coverage which is likely to have a negative impact on SSAGO.
- 11.2. Safeguarding or safety incidents do not need to be reported unless there is a negative media impact.

- 11.3. Reports must be made immediately to the Charity Commision and all members of the National Exec must have the chance to approve the report.