



WESTERN AUSTRALIAN BRANCH

POLICIES and OPERATIONAL PROCEDURES MANUAL

Updated – 21-Dec-04

C2. CONFLICT RESOLUTION.

C2.1 General Provisions.

C2.1.1 In seeking to effect outcomes to conflict resolution within the Scout Association of Australia, Western Australian Branch (“the Association”) a Disputes/Disciplinary Tribunal is established by the Chief Commissioner, as and when required, to hear all cases which may be brought before him from time to time. Such cases shall be those involving, but not limited to, disagreements, disputes, and disciplinary matters arising between leaders, parents and youth or community representative members.

The Tribunal may hear matters brought before it from any source including:

- Those referred directly by the Chief Commissioner or the Deputy Chief Commissioner.
- Those referred to the Chief Commissioner by a District Commissioner or other person or persons involved in a dispute pursuant to the provisions of Rule 3.5.5 as stated in Policy & Rules.
- Any other source at the discretion of the Chief Commissioner.

Procedures.

C2.2 On receiving a formal advice the Chief Commissioner shall, within seven (7) days of receiving such written notification, appoint the Chairman of the Tribunal.

C2.2.1 Upon appointment the Chairman will appoint, in addition to himself, and on advice to, and approval by, the Chief Commissioner, the remaining members of the tribunal which will consist of not less than two (2) nor more than four (4) suitably experienced leaders, lay supporters or community representative members.

C2.2.2 The Tribunal members must be an independent group who will mediate fairly in all cases.

C2.2.3 Tribunal members are expected to exercise a high degree of confidentiality on matters that they are involved in.

C2.2.4 The members of each Tribunal established may change from time to time (or in each case) at the discretion of the Chief Commissioner. Once members are appointed to a particular tribunal no changes will be made to its composition.

Proceedings of the tribunal.

C2.3 At the time of appointing the Tribunal the Chief Commissioner should also provide the parties to the dispute with a copy of these guidelines so as to ensure they are all aware of their rights, responsibilities and obligations and the procedures to be followed.

- Where it appears desirable and in particular where it concerns the protection of Youth members, the holder of Adult Membership,

may be suspended by the Chief Commissioner pending an inquiry into the matter.

- A person whose Adult Membership is suspended must, for the time being, refrain from participating in any activity connected to the Association and must not wear uniform or badges. Under no circumstances must the suspended member purport to continue in the role covered by the Position of Appointment until the hearing has concluded.
- The Tribunal appointed to mediate in any dispute, or inquire into any matters involving the suspension of Adult Membership should within fourteen (14) days meet with the parties concerned, who should be given ample opportunity to state their particular case or version of events.
- Witnesses may be called by any of the parties to the dispute or by any member of the Tribunal and, appearance at the meeting would be by prior confirmation to attend.
- Evidence may be given by personal appearance or alternatively in writing. However, written submissions may only be admitted at the discretion of the members of the Tribunal and having been received by the Chairman, and available for distribution to the other Tribunal members, prior to the hearing.
- At the conclusion of the meetings, discussions and deliberations, the Tribunal members shall report their findings and make any appropriate recommendations to the Chief Commissioner. The report must be provided to the Chief Commissioner not later than seven (7) days following the conclusion of the hearing.
- The Chief Commissioner should within seven (7) days of receiving the Tribunal report, act on its findings and recommendations at his discretion.
- In cases involving the cancellation of a Position of Appointment, the Chief Commissioner should either withdraw the cancellation, after receiving the Tribunal report, or take further action as appropriate.
- In cases involving the suspension of Adult Membership, the Chief Commissioner should either withdraw the suspension, after receiving the Tribunal report, or take further action as appropriate. Where it appears desirable, and in the best interests of the Association, such further action could involve the cancellation of Adult Membership' at the discretion of the Chief Commissioner. Providing however that in exercising his discretionary power, the Chief Commissioner should always be affording people natural justice.

Conclusion.

C2.4 In all cases of human conflict the primary object should be to resolve the matter amicable to the satisfaction of all concerned.

Authority:

The document was endorsed by the Chief Commissioner's Committee on 23 November 04 and by the Branch Management Committee on 21 December 04 for inclusion in the Policies and

Operational Procedures Manual and accordingly is incorporated into the Branch Risk Register from this date.

Signed M. H. Thomas - Chief Commissioner.

J. S. Noakes - Branch Chairman.

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