

Guide to Disciplinary Action



Adult Members



Adults in Scouting



Table of Contents

Background.....	3
Types of Adult Discipline.....	4
Exclusion.....	4
Stand-down.....	5
Suspension.....	6
Termination.....	7
Support.....	7
Communication	9
External.....	9
Media.....	9
Internal	9
AiS Standard	10
Conclusion.....	10

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Background

Scouts Australia desire is that all adults work in harmony and cooperation with each other to support the Purpose of Scouting in a manner consistent with our Values¹:

The purpose of the Scout Movement is to contribute to the education of young people in achieving their full physical, intellectual, emotional, social and spiritual potentials as individuals, as responsible citizens and as members of their local, national and international communities.

However, we acknowledge this is not always possible. For this reason, Scouting has developed various guidelines to support productive performance conversations, manage conflict and where needed, conduct investigations of members. In our Branches, procedures and practices are in place, documented in a manner determined by the Branch, to manage occurrences of behaviour which is inconsistent with our Values.

At the foremost in implementing the various guidelines and tools is a desire to see the behaviour change to being consistent with our Values and that in the process that change is sustained. This is done through the member's willingness to change and the understanding, patience and support they receive from their Team Leader.

Unfortunately, sometimes the particular circumstance or reluctance by the member to change, requires a more decisive approach to be taken. In Scouting there are four identified "actions" that can be taken:

1. Exclusion
2. Stand-down
3. Suspension
4. Termination

While the nature of each action increases in the implied level of gravity, these are not to be read as an "order of discipline" to be followed. The circumstances may be such that any one of the four options needs to be applied. Conversely, one level of action may, in time, give rise to the next.

On any matter relating to the potential abuse of a child/youth member immediate suspension is required and is well documented in the Scouts Australia National Child Protection Policy.

An important point to remember is that all members are registered in their respective Branches (not Scouts Australia). Accordingly, the procedures and practices of the member's Branch must be followed. Also, it is usually the Branch Executive Committee/Board (or their approved delegate – e.g., Branch Chief Commissioner [BCC]) that has the authority to terminate membership. Often, grievance procedures may exist to appeal a decision. Again, this will operate according to Branch custom.

NOTE: The primary audience for this guide are Team Leaders, in particular Commissioners. This said, all Adults in Scouting will benefit from being aware of the approach to adult discipline endorsed by Scouts Australia.

¹ Refer Policy & Rules Preamble 6

Types of Adult Discipline

As outlined above there are four types of discipline for Adults in Scouting. Each has a different level of consequence and empowerment (i.e., who can exercise the authority to act). It is important to understand the different circumstances and that the right action is applied. Also, in doing this, lesser issues may be resolved quickly and more locally and avoid the need for everything being escalated to the highest authority level. NOTE: Branch variations may exist. Please refer to your Branch guidelines.

Exclusion

Definition Excludes an Adult(s) from participating in an event/activity due to an identified issue of sufficient concern to warrant immediate action.

Situation Where members, particularly youth members, are placed at serious risk by actions of an Adult(s) and urgent action is required to secure their safety “exclusion” grants the event/activity organiser the authority to direct the Adult(s) concerned to stop participating and to await further instructions. Sometimes, the risk is to the Adult(s) themselves.

Therefore, it is event/activity driven only and may not be used for general meetings or an ongoing adult behaviour management issue. However, it may be possible that exclusion at one event/activity may need to be repeated at a future event/activity where the same behaviour occurs (e.g., being under the influence of alcohol). This said, repeated behaviours of concern may require one of the other disciplinary actions to be considered.

The period of exclusion may be for the duration of the event/activity (e.g., the whole of a weekend) or just for a specific part or element (e.g., the abseiling activity for the next 2 hours).

Action The Adult(s) is informed they are to stop what they are doing, told the reason why and to step aside and no longer participate.

Ideally, they will move to location that cannot directly influence the remedial action being taken and should not be in view of others. In some cases, they may choose to leave the event/activity and return to their home. If this is their choice a suitable file note needs to be made.

A Branch incident report is to be completed/lodged and the Adult(s) involved informed that this action is being taken.

Authority The event organiser / activity Leader in charge is authorised to exclude members. Where the organiser wishes to seek further advice, it may be appropriate to consult the organising team, contact the Adult(s) Team Leader or reach out to the Branch Members support people.

Advice In all cases, their Team Leader is to be informed post event/activity and no later than 48 hours after the conclusion of the event/activity. In the case of longer duration events (e.g., over several days) this notification should be within 48 hours of the incident.

Stand-down

Definition	Removal of an Adult Member from their Scouting role for a defined period of time (say 2-3 months)
Situation	<p>Either as a single or collection of events there is a need for an adult's behaviour to be further considered. The "Conducting an Investigation" factsheet provides a framework for this need. What is critical is that while information is being gathered the Adult of concern stands-down from active participation in Scouting. This includes (but not limited to) not attending regular Unit meetings and/or adult gatherings, including training activities. By removing themselves from Scouting and allowing "due process" to take its course a fair, independent and unbiased approach may be taken to understanding all of the inputs and outcomes.</p> <p>Other examples when an adult needs to be stood down may be:</p> <ul style="list-style-type: none">• health risks (i.e., not following previous medical advice potentially reducing their safety and that of others).• Internal disputes that are interfering with the smooth running of the Unit or Group <p>Often the outcome of a stand-down is reinstatement and is coupled with an IAVP Phase 4 discussion to set a plan to modify the behaviour. What is critical is that this action is short-term (no more than 3 months). Should the matter need more detailed review requiring a longer period of removal from Scouting then suspension should be considered.</p>
Action	<p>The Adult will be informed in writing of the specific behaviour being raised, the process to be followed and any other action required of them, in particular withdrawing from active Scouting for a short term.</p> <p>A time will be established for them to provide a response to any statement or allegation made against them.</p> <p>The relevant Commissioner will keep them informed of the proceeding and ensure that during this period they are supported by the Branch members' support people².</p>
Authority	Approval to stand-down is the prerogative of the BCC and/or (according to Branch practice) the Region Commissioner.
Advice	<p>Branch procedures and practices will define reporting requirements. However, in all cases the BCC is to be fully appraised of the stand-down.</p> <p>In general, a stand-down will not affect an Adult Members service recognition</p>

² Some Branches have support teams skilled to provide support to members in these circumstances – refer section "Support"

Suspension

Definition	Removal of an Adult Member from their Scouting role for an undefined period of time.
Situation	<p>The behaviour of an Adult maybe such they must be removed from their Scouting role for a period yet to be determined. This can be behaviour that is of a serious nature (e.g., a breach of the National Child Protection Policy) or repeated behaviour not consistent with the Code of Ethics, Code of Conduct or the Values of Scouting.</p> <p>Suspension may (also) be required where an Adult:</p> <ul style="list-style-type: none">• fails to comply with a stand-down request• is the subject of an external (regulatory agency) investigation <p>While the same provisions as detailed in “stand-down” apply, including the practice of conducting an investigation (where appropriate) this action is more severe in nature.</p>
Action	<p>The Adult will be informed in writing of the specific behaviour or allegation being raised, the process to be followed and any other action required of them, in particular withdrawing from active Scouting until further advised. They may be asked to acknowledge this communication.</p> <p>A date will be advised for them to provide a response to any statement or allegation made against them. This may be both in writing and/or in person.</p> <p>The BCC (or their delegate) will keep them informed of the proceedings and ensure that during this period they are supported by the Branch members’ support people. Also, it may be appropriate to encourage them to seek external support in the form of legal advice and/or counselling.</p>
Authority	In all cases the adult’s suspension will have been authorised by the BCC and (according to Branch practices) endorsed by the Branch Executive Committee/Board if required.
Advice	<p>Branch procedures and practices will define reporting requirements. However, in all cases the BCC will be fully appraised of the reasons for a suspension.</p> <p>Branch membership records will record the date of suspension and any other related systems (e.g., Members Admin) will be updated to temporarily suspend access.</p>

Termination

Definition	An adult's membership is terminated.
Situation	<p>Once one or many of the other disciplinary actions have been taken a decision to terminate an adult's membership may be required.</p> <p>This should be seen as a last resort and only exercised when:</p> <ul style="list-style-type: none">• all other options have been considered/exhausted• there is an external (regulatory agency) outcome presented that either finds against the adult (e.g., a criminal/civil charge has been lodged), the adult no longer meets the requirements of membership (e.g.; no longer holds a current Working With Children Check) or where there is no finding, the view of the Branch is that termination is a preferred option.
Action	<p>The Adult will be informed in writing of their intended termination, including the date from which it will take effect and that they will no longer be permitted to participate in Scouting, wear the Scout Uniform or represent themselves as being a member of Scouting.</p> <p>The Adult will be offered an opportunity to respond to show just cause as to why their membership should not be revoked except when the adult no longer meets the requirements of membership</p> <p>In addition, they will be advised of the Branch appeals process, should they wish to avail themselves.</p> <p>They may be asked to acknowledge this communication.</p>
Authority	In all cases the adult's termination will have been authorised by the BCC and (according to Branch practices) endorsed by the Branch Executive Committee/Board if required.
Advice	<p>Branch procedures and practices will define reporting requirements.</p> <p>Branch membership records will record the date of termination and any other related systems (e.g., Members Admin) will be updated to remove access.</p> <p>A suitable file note will be made at the Branch to signal the reason for termination and whether a "do not re-register" flag is required and also noted in the Scouts Australia Member Alert system.</p>

Support

Making the decision to exercise any one of these four discipline actions can create (and usually does) a very emotive situation. Feelings can "run high" for both the member and the Team Leader with anger, disgust, regret and many more emotions being felt, often at the same time. Therefore, it is critical that neither party feels they are alone and that support is available to provide perspective. In some Branches there are dedicated support teams to provide guidance and direction, so that the painful nature of a decision can be managed

appropriately. This guide does not seek to detail what these support mechanisms should be or how they could operate – that is something for each Branch to determine.

However, making the decision to apply disciplinary action does not mean the act of being a good leader are excluded. Here, more than ever, the principles of the Leadership Star need to be applied in the nature and tone of the conversation:



- | | |
|----------------------|---|
| Context | <ul style="list-style-type: none">• Why is this action being taken?• How does it relate to the Code of Ethics and Code of Conduct?• What has led up to the event? |
| Clarity | <ul style="list-style-type: none">• What are the behaviour issues of concern?• What does this decision mean? |
| Clear the Way | <ul style="list-style-type: none">• What needs to happen now (and next) to enable the member to act in accordance with the decision• Are there other things locally that must occur (e.g., handing over responsibilities)? |
| Celebrate | <ul style="list-style-type: none">• Recognise that this is event driven and not (necessarily) a direct reflection on their character |
| Care | <ul style="list-style-type: none">• Do they have access to support to help them through? |

What is important is that once one (or more) of the disciplinary actions has been determined it is followed through with speed, an appropriate level of documentation and “procedural fairness”. This is more so, in the case of an employee in Scouting where the provisions of the [Fair Work Act \(Cth. 2009\)](#) apply.

Communication

External

At all times it is the policy of Scouts Australia to cooperate with any regulatory agency (e.g., Police). The need to involve such an agency will depend on the nature of the action to be taken and could be Scouting initiated (e.g., a matter is referred to the Police) or agency led (e.g., the Police have become aware of or are involved in attending to an incident and wish to seek more details, including taking Statements). Regardless, adult members of Scouting are to offer their full assistance and help to the agency involved.

In all circumstances the BCC is to be immediately informed through the normal Branch reporting processes of any investigation. The BCC will provide further guidance as required.

Media

Once an action has been taken, in particular suspension or termination there is a possibility that the media may become aware. This often happens at larger events where an incident has occurred and members have made contact with their family or where emergency services have become involved. Regardless of how the media is aware that something has happened (noting that usually they are not fully informed) it is imperative that the standard response should be:

“Thank you for your enquiry. I’ll direct you to the appropriate person for a response by asking you to email/phone our Branch office at {email} or on {phone number}.”

Put simply, at no time is any member of Scouting, other than the relevant Chief Commissioner (or their nominated delegate), permitted to offer any comment or response to the media. This is critical when regulatory authorities may need to be involved in the incident.

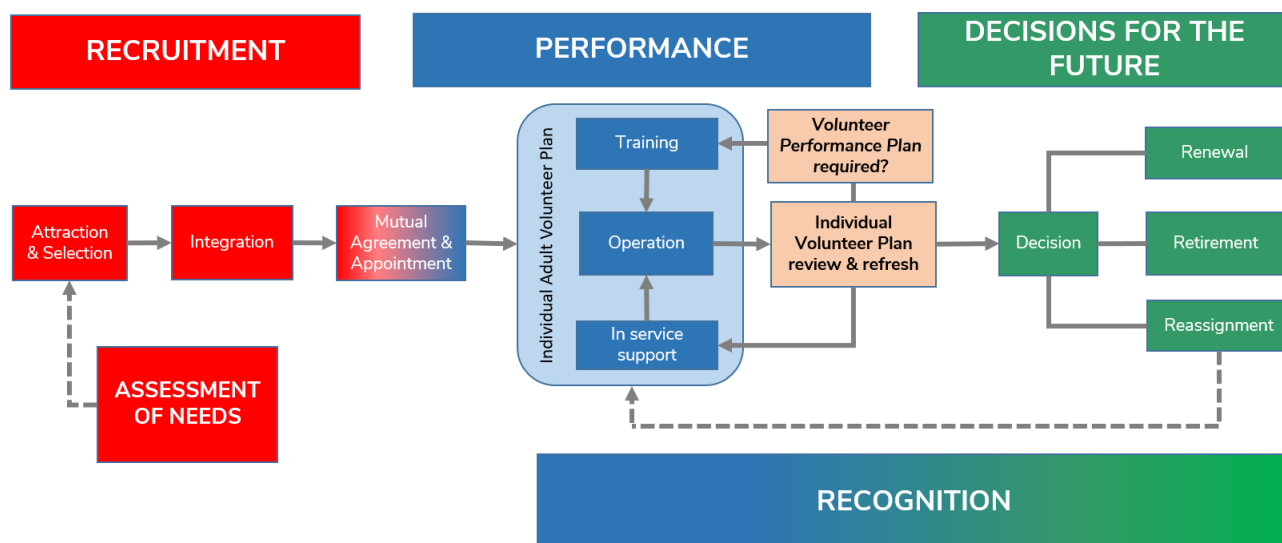
Internal

There can be a natural tendency for people to want to talk about an incident or a decision affecting an Adult, usually who they know, with others. Many will want to form an opinion or view of “who is right?”. Members of Scouting need to resist this temptation. In the cases of suspension and or termination, the Adult, Scouting or a regulatory agency may be considering further legal action/recourse. When this happens, any related conversation can be called upon in the ensuing proceedings and worse still, may be found to have tainted the principles of fair and reasonable justice.

This said, our members should not feel abandoned. Maintaining social networks in Scouting is important and fundamental to our principles. However, open discussion of the issue/concern/decision should not be entered in to and at all times a person’s privacy needs to be upmost in our minds.

AiS Standard

The Adults in Scouting Standard speaks to the Life Cycle of an Adult in Scouting:



This lifecycle needs to be considered in the decision to take disciplinary action as it helps provide a framework for “what happens next” in the life of an Adult in Scouting. For example: does the adult member need:

- greater clarity of role
- recompletion of or supplementary Adult Training and Development
- more short-term support
- to be reassigned to a different role (whether voluntary or non-voluntary³)

and the Individual Adult Volunteer Plan process is available to support the Team Leader in this process.

Conclusion

No-one enjoys needing to discipline others, especially adults - this is a human trait. However, we have a responsibility to our youth members and the wider community to ensure adults have the necessary Attitudes, Skill and Knowledge to support them on their journey of discovery. This means, from time to time, despite the best of intentions adults will falter and may need to be disciplined. Remember, the saying attributed to our current Chief Scout when he was Chief of the Defence Force, “The standard you walk past is the standard you accept”.

Therefore, it is all our responsibility to ensure that this is done appropriately, using the information in this document to help guide our actions.

³ Where a non-voluntary reassignment of role is proposed this needs to be agreed to by the Team Leader and their next level authority or according to Branch practices.