



SCOUTS[®]
South Africa

Members Code of Conduct and Disciplinary Policy

Version 2019/v1

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Preamble

Members of SCOUTS South Africa (SSA) are defined in the Constitution and Organisational Rules, (OR) of SSA. The Members are volunteers but SSA also has a number of service providers, contract and permanent employees.

Volunteer Members are fundamental to the success of the Scout system and the delivery of its programmes. SSA's Constitution and OR regulates all aspects of volunteering in SSA. As a group working together, conflict situations may arise and in the interests of the organisation and the individual members, it is necessary to define, in clear terms, the expected conduct, grievance and disciplinary procedures relating to volunteers. The "Members Code of Conduct and Disciplinary Policy" provides these definitions.

Volunteer refers to any adult member who is motivated by free will to participate in any activity or programme organised by SSA to benefit the youth and their communities in accordance with the fundamental principles of the SSA.

Scouting is a value-based Organisation and its sole purpose is to contribute to the development of young people. The programmes are based on the values that are embodied in the Promise and Law and all Scouting events and activities should take place in a happy, friendly and safe environment where all members and employees, are expected to exercise a "Duty of Care" and act in accordance with the Promise and Law.

Scope

This Policy and associated "Practice Notes" apply to all Members of SSA. Any breach may result in disciplinary action (including termination of membership in some instances). In some cases, a breach may also lead to criminal prosecution.

The conduct of Contractors and Service Providers is covered by their Contracts and Service Level Agreements. The conduct of Employees is governed by their contracts of employment, which invoke this Members Code of Conduct and Disciplinary Policy, but the "Practice Notes" for this policy do not apply to employees. There are separate Policies for Employees which cover Grievance Procedures, Disciplinary Procedures and other matters.

Revision Approval

This revision of the Members Code of Conduct Policy was approved for publication by the SSA Management Committee on 3 September 2019 by the committee comprising:

Dr Brendon Hausberger (Chairman); Ms Jeanette Angus; Mr Cameron Belling; Ms Joy Hutchinson; Mr Khonzaphi Mdaka; Mr Craig Rens; Ms M Siebrits; Mr Lawrence Stanton; Mr Peter Statham; Mr John Sturgeon; Mr Robert Surgison; Mr Andrew Tanner; Ms Sheila Tanner and Ms Adrienne van der Watt

1 General Conduct

- 1.1 The conduct of members and employees of SSA is governed by the Constitution and all Policies of SSA. It is regulated by this Member Code of Conduct and Disciplinary Policy and their conduct is also governed by the Promise and Law.
- 1.2 Members and Employees of SSA are expected to:
 - 1.2.1 Respect the rights and the dignity of themselves and others.
 - 1.2.2 Declare any criminal convictions or pending charges, prior to registering as a member or accepting a Warrant.
 - 1.2.3 Notify the organization of any new criminal charges whilst a member of SSA.
 - 1.2.4 Ensure that the members for whom he or she is responsible observe the rules, regulations and policies of SSA.
 - 1.2.5 Act with consideration and good judgment in all interpersonal relationships both inside and outside the Movement.
 - 1.2.6 Not use the movement to promote interests which conflict with Scout principles or for their own gain.
 - 1.2.7 Avoid unaccompanied and unobserved activities with Youth members.
 - 1.2.8 Avoid potentially compromising situations by ensuring, where reasonably possible, that at least two adults are in attendance while supervising and/or accompanying youth members.
 - 1.2.9 Always respect the right of all members to personal privacy with special consideration to providing separate sleeping accommodation and washing facilities for male and female Youth Members that are also different from the separate facilities provided for male and female Adult Members.
 - 1.2.10 Refrain from smoking in front of youth and are prohibited from providing tobacco products to youth.
 - 1.2.11 Refrain from drinking alcohol in front of youth and are prohibited from providing alcohol products to youth.
 - 1.2.12 Refrain from using their role as Adult Members or Employees to have relationships with Youth Members participants outside of Scouting.
 - 1.2.13 Follow the SSA Policies and guidelines for connecting with Youth Members participants using technology.
 - 1.2.14 Realise that any form of bullying, physical, verbal or cultural abuse and neglect or abuse of any other form, is unacceptable conduct by any member of the Movement.
 - 1.2.15 Act in accordance with the Promise and the Law, Constitution, OR and all Policies and Guidelines of SSA.

2 Disorderly Behaviour

- 2.1 The following behaviour is not permitted and will not be tolerated by SSA.
 - 2.1.1 Threatening or attempting to physically injure another person.
 - 2.1.2 Disobeying a direct reasonable and lawful instruction from a responsible member at an event or in the execution of normal SSA activities
 - 2.1.3 Fighting.
 - 2.1.4 Any behaviour that causes or could cause danger to others.
 - 2.1.5 Any behaviour that causes or could cause damage and or malfunction of any property or equipment belonging to or being used by SSA.

3 Gambling

- 3.1 No Gambling or betting as described by the National Gambling Act 7 of 2004, as amended, as requiring a gambling licence, may be carried out on any Scout premises or be part of any Scouting activities. This does not include Bingo, Raffles or Fair type games that are played as part of a fundraising activity.

4 Private Work

- 4.1 No member may use the SSA's equipment, property, intellectual property or material for private work or the raising of funds for a private individual.
- 4.2 Members shall declare any conflict of interest as defined in the Conflict of Interest Policy.

5 Child Protection

- 5.1 The SSA Child Protection Policy is to safeguard the welfare of its members by protecting them from physical, sexual and verbal harm, or the neglect that allows such harm to occur. It is expected that Members act in accordance with the SSA Child Protection Policy.
- 5.2 No form of illegal activities against children and youth will be condoned and members are to report any such known or suspected activity in accordance with SSA Child Protection Policy.

6 Safety Regulations

- 6.1 It is the duty of all members, when they are leading a Scout Activity, to observe the Safe Scouting Policy, and all other safety regulations and instructions.. Members must not take unnecessary risks which may endanger themselves or others or may damage property of SSA, its Members, or third parties.

7 Media, Membership and Financial Information

- 7.1 Media Contacts
 - 7.1.1 Only the Chief Executive Officer (CEO), an appointed deputy or those otherwise so authorised may liaise with, and issue statements on matters of SSA policy and related topics, to the media, i.e. Press, radio, television and social media.
 - 7.1.2 No member shall discuss any matter regarding SSA Policies and Members with any media representative.
 - 7.1.3 All requests for authorisation in this regard shall be directed to the CEO.
- 7.2 Membership and Financial Data
 - 7.2.1 Membership details are strictly confidential and the divulging of any personal information about members is prohibited.
 - 7.2.2 Financial information may not be divulged to any source within or outside the movement except in established forums making provision for financial reporting.
 - 7.2.3 Any requests for financial information or membership data from donors shall be referred to the CEO who shall agree what can be provided.

8 Language

- 8.1 Vulgar, inappropriate language or swearing is prohibited. Language should be acceptable in terms of the Scouting ethic.

9 Discrimination

- 9.1 No behaviour which discriminates or is seen to discriminate on any basis will be tolerated.

10 Alcohol / Drugs / Chemical Substances

- 10.1 No member or other person who has a duty of care shall use or permit the use of alcohol, illegal drugs and chemical or related substances by any member who is supervising, participating in or presenting any facet of SSA's programmes.

11 Firearms / Weapons

- 11.1 No member shall carry or bring onto SSA premises any dangerous or potentially dangerous or lethal weapons or articles without prior authority from their District or Regional Commissioner to do so.
- 11.2 Knives and/or axes may only be carried by members where it is appropriate to do so.
- 11.3 All members must ensure that all third parties carrying firearms and / or weapons at Scouting activities have the necessary authority to do so.

12 Use of Social Media

- 12.1 All Adult Members are required to be aware of and apply the SSA Social Media Usage Guideline (on SSA website).
- 12.2 All Adult Members are discouraged from creating online friendships with Youth Members via online media in their personal capacity including but not limited to Facebook, Instagram, WhatsApp and Snapchat, and any social media interaction should be via an approved social media tool public to all members of the Group and SSA.

13 Vexatious Behaviour

- 13.1 Behaviour or complaints may be deemed to be vexatious where they meet some of the following criteria:
 - 13.1.1 Persists in pursuing a complaint where the procedure for handling complaints has been fully and properly implemented and exhausted.
 - 13.1.2 Repeated unwillingness to accept documented evidence given as being factual, denying receipt of an adequate response despite correspondence answering their complaint, or not accepting that facts can sometimes be difficult to verify.
 - 13.1.3 Regular and continuous focus on a trivial matter to an extent which is out of proportion to its significance.

- 13.1.4 Persistently raises new issues or seeks to prolong contact by raising further concerns or questions, whilst the complaint is being addressed (note: care must be taken to not disregard new issues which are significantly different to the original complaint)
- 13.1.5 Makes unreasonable complaints or demands which impose a significant burden on SSA and where the complaint is clearly designed to disrupt or annoy or has the effect of harassing another person or can otherwise be characterised as obsessive or manifestly unreasonable.
- 13.1.6 Makes repetitive complaints and allegations which ignore the replies previously supplied.

14 The Responsibility of Members for the Application of this Policy

- 14.1 It is intended that all grievances or complaints be resolved amicably through mutual respect and conduct and all Members are encouraged to attempt to resolve disputes through face to face interaction. Only in a situation that a complaint or grievance cannot be resolved informally between the parties should the Grievance Process be initiated.
- 14.2 However, any allegation by any member of a breach of any of: The Constitution, Organisational Rules: any Policy, Practice Notes or Guidelines, the appropriate grievance or disciplinary process must be followed. These are set out in the practice notes referred to below. The procedures for youth members differ from those for Rovers and from those for Adult Members.

15 Consequences of a Transgression

- 15.1 Subject to the outcome of the disciplinary process, SSA reserves the right, at its sole discretion, to apply any of the following remedies or corrective actions:
 - 15.1.1 No action against the Member;
 - 15.1.2 A verbal warning to the Member;
 - 15.1.3 A written warning to the Member;
 - 15.1.4 A Final written warning to the Member
 - 15.1.5 Suspension of a Member's Warrant or Licence for a prescribed time
 - 15.1.6 Suspension of a Membership for a fixed period of time
 - 15.1.7 Termination of the membership of SSA;
 - 15.1.8 Any other corrective action deemed to be appropriate and in the interests of SSA.
- 15.2 Should a Member voluntarily resign following a disciplinary procedure being initiated, accusations of misconduct being made or the initiation of a disciplinary process, the appropriate process shall, if deemed necessary by the appropriate authority, still be carried out, and a finding made. Should the Member decline to participate in the process, it shall be conducted in their absence and a finding made.

- 15.3 Should a Member, who has resigned, prior to the conduct of the disciplinary hearing, wish to re-apply for membership of SCOUTS South Africa, then, prior to consideration of the new Application for Membership:
 - 15.3.1 A copy of the finding made in terms of clause 15.2 shall be provided to the applicant.
 - 15.3.1.1 The applicant will be entitled and obliged to respond in writing to the Findings.
 - 15.3.1.2 Such procedure shall not constitute a new hearing and shall be dealt with as a hearing on the Findings and replying statements only.
- 15.4 The Grievance and Disciplinary Procedures to be used in applying this Policy are contained in the following Practice Notes:
 - 15.4.1 Practice Note 1: Adult Member Complaint and Grievance Procedure,
 - 15.4.2 Practice Note 2: Adult Member Disciplinary Code and Procedure, and
 - 15.4.3 Practice Note 3: Youth and Rover Members: Disciplinary Procedures.
- 15.5 These Practice Notes do not apply to Employees, for whom there are separate Policies governing these matters.
- 15.6 Members are expected to follow these Practice Notes when applying this Policy. However, there may be circumstances which mean that some variations to the Practice Note are appropriate to achieve the intent of this Policy. In that case, the deviations from the Practice Note and the reasons shall be recorded in the findings of the issue.
- 15.7 The Practice Notes relating to this Policy may be revised from time to time, as required, with the approval of the Chair: National Adult Resources, Chief Commissioner and CEO.

Amendment Submission Contact Details

The SSA Manco is entitled to amend, add to or suspend any part of this Policy. Any Amendments, additions or suspensions will be binding on all Members and operate from the date determined by Manco.

While every attempt is made to ensure that the contents of this policy are correct and consistent at the time of publication, the changing nature of SSA and the communities that we serve is acknowledged, and as living documents this Policy should and will require correction and amendment from time to time.

The proposed amendments for this document should be submitted to:

SCOUTS South Africa

National Office

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The process described in the Organisation Rules, in effect at the time of submission of the proposed amendment, will be followed in considering and making amendments to this Policy.