Scout Association of Hong Kong
Administration Branch
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1 April 2024
Circular No. 08/2024
[Standing Circular]

Procedures for Handling Improper Acts and Complaints

This Circular substitutes Administration Circular No. 33/2022 issued on 1 December 2022.

1. Introduction

This circular sets out the procedures for handling improper acts and complaints.

2. Effective Date

This circular was updated to become effective from 1 April 2024 onwards and will be reviewed at least bi-annually.

3. Definitions of 'Improper Act' and 'Complaint'

3.1 In the context of this circular, 'Improper Act' can be breaching the Code of Conduct of Scout Association of Hong Kong (the Association) or conflict of interest or abuse or sexual harassment or discrimination or other improper/ unethical conducts; and 'Complaint' is defined as an expression of dissatisfaction or feeling of injustice about the treatment a complainant receives from Adult Members of the Association OR a submission lodged by the complainant in respect of the perceived Improper Act of Adult Members of the Association.

3.2 For matters/ complaints relating to abuse and sexual harassment, they should be handled in accordance with the Safe from Harm Policy of the Association.

3.3 For disputes within Scout Group, Scout District or Scout Region, procedures as defined in Rules 2.13, 3.12 and 4.12 of the Association's "Policy, Organisation and Rules" should apply respectively.

4. Major Responsible Officers for handling complaints

4.1 All Assistant Chief Commissioners are appointed as the Complaints Officers to handle complaints and improper acts as described in item 6. For complaint cases in relation to Silver Jubilee District, Deputy Chief Commissioner (Operations) will be the Complaint Officer.

4.2 Chief Scout Executive (or his/ her delegate with rank of Assistant Chief Scout Executive or above) is responsible for monitoring the complaint/ improper act handling process, and is responsible for recording the case in the confidential files of the Association.

5. Lodging of complaint

5.1 Any Scout Member with cause to make a complaint may do so in writing, either by himself/ herself or through his/ her parent/ guardian (for youth of age under 18). If the complainant prefers, he/ she may make his/ her complaint orally by making an appointment with the Complaints Officer.

(a) Complaints must be lodged within one month of knowing the facts.

(b) Written complaints (in Chinese or English) should be sent under restricted cover and marked for the personal attention of the concerned Complaints Officer.

(c) Complaints against Complaints Officers[1] / Assistant Chief Commissioners, either personally or about how the complainant's case is handled, should be in writing sent under restricted cover and marked for the personal attention of the Deputy Chief Commissioner concerned or made in person to him/ her by appointment. The Deputy Chief Commissioner concerned should handle the complaint as described in item 6.

(d) Complaints against Deputy Chief Commissioners or Lay members of the Association Headquarters or Professional Scouters or salaried staff should be in writing sent under restricted cover and marked for personal attention of the Chief Commissioner or made in person to him/ her by appointment. The Chief Commissioner should handle the complaint as described in item 6. If the person being complained is the Chief Scout Executive, the Chief Commissioner will designate other person to perform the tasks in item 4.2.

5.2 Complaints lodged by the public and complaints/ improper acts made known by media or any other channels should be directed, following the principles in item 5.1, to the concerned Complaints Officer/ Deputy Chief Commissioner/ Chief Commissioner for handling.

5.3 All complaints will be dealt with in strict confidence. Complainant should identify himself/ herself with contact particulars in the complaint for future follow up. The complainant's identity shall not be revealed unless with sound justifications and consent of the Chief Commissioner.

5.4 For a complaint to be considered, it must:

(a) fall within the scope of this Circular;

(b) identify the complainant and provide contact information;

(c) provide the basis for the complaint and whatever available facts/ evidence; and

(d) not be part of a bulk mailing or email sent to numerous other organisations.

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[1] Complaints against Assistant Chief Commissioner (Communications and Public Affairs), Assistant Chief Commissioner (International) and Assistant Chief Commissioner (Mainland Affairs) should be marked for the personal attention of the Chief Commissioner or made in person to him/ her by appointment. If the Complaint Officer is Deputy Chief Commissioner (Operations), procedures in item 5.1(d) should apply.

5.5 Nonetheless, Complaint Officer may at discretion follow up as appropriate with anonymous complaints and where necessary employ suitable measures, thus improving in any way the Association can.

5.6 The Association reserves the right to take actions including claim for damages against any persons lodging unfounded and malicious complaints.

6. Handling Procedures

6.1 When a written complaint is received, the Complaints Officer should acknowledge it in writing within 3 working days; in the case of an oral complaint, the Complaints Officer or his/ her delegate should record it in writing and confirm the record with the complainant as soon as possible. Where youth members of age below 18 are involved, the Complaints Officer shall inform the parent/ guardian of the youth(s) of the case.

6.2 The Complaints Officer should immediately report the case to the Chief Commissioner, informing also the Deputy Chief Commissioner concerned and the Chief Scout Executive. If the case obviously involves criminal offence, the Complaints Officer should arrange for reporting to the Police. If the case would likely arouse public or media interest, the Chief Scout Executive should inform the Assistant Chief Commissioner (Communications and Public Affairs) of the case with relevant information for the purpose of responding to the public or media enquiries.

6.3 The Complaints Officer should maintain a classified file for the case file and conduct an investigation in such a manner as may be justified by the circumstances of the case. The investigation may include interviewing[2] the complainant, the person(s) being complained, the suspect(s) and/or other persons, subject to the complainant's agreement to reveal his complaint to such other persons. The Complaints Officer may also appoint a delegate or a committee to carry out the investigation. All investigations must be conducted in strict confidence.

6.4 The person(s) being complained or the suspect(s) should be given full opportunity to present their defence/ responses/ views in respect of the accusations and allegations.

6.5 Where the case involves youth(s) under the age of 18, meetings with them should be conducted in a secure, carefree and comfortable environment. They should be accompanied by their parent or guardian, or, in their absence, a registered social worker or an appropriate adult of gender same as the youth(s).

6.6 Where considered necessary, the Complaints Officer can require the person being complained/ the suspect/ the person being investigated to take leave or temporarily change post(s) or suspend their memberships.

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[2] Through face-to-face meeting and/or writing means.

6.7 After investigation, the Complaints Officer should as soon as possible submit a report to the Chief Commissioner via the Deputy Chief Commissioner[3] concerned. The report should include, amongst others, recommendations and respective draft replies to the complainant and the person being complained/ the suspect/ the person being investigated. If accepted by the Chief Commissioner, the Complaints Officer should issue the replies without delay.

6.8 Investigation of a case should normally be completed with reply issued within three months after receipt of the case. Any investigation cum replies not completed within three months should be immediately brought to the attention of the Chief Commissioner, the Deputy Chief Commissioner concerned and the Chief Scout Executive for further directive.

6.9 The complainant or the person being complained/ the suspect/ the person being investigated may within 30 days of the reply appeal, with concrete evidence/ substantiations, in writing in regard to the investigation conclusions and recommendations of the Complaints Officer to the Chief Commissioner, whose decision shall be final.

6.10 Review of appeal should normally be completed and with the written reply duly issued within three months after receipt of the appeal. If the review cum reply cannot be completed within three months, the appeal case should be immediately brought to the attention of the Chief Commissioner, the Deputy Chief Commissioner concerned and the Chief Scout Executive for further directive until the written reply is duly issued.

6.11 Where complaints are identified as vexatious or malicious, the Complaints Officer may, after consulting the Deputy Chief Commissioner concerned and/ or the Chief Commissioner, notify the complainant that the complaint will not be progressed. A complaint is vexatious if it meets the criteria set out at **Annex**.

6.12 If the case has been reported to Police, the Complaint Officer may, as agreed by the Chief Commissioner, defer the investigation to after the completion of statutory actions or not arrange for investigation.

7. Adhoc Investigation Panel on Conduct Matters

7.1 Having considered the recommendations of the Complaints Officer and/ or the severity of the investigation findings, the Chief Commissioner may refer the case to an Adhoc Investigation Panel on Conduct Matters appointed by him/ her to follow up.

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[3] If the Complaint Officer is the Assistant Chief Commissioner (Communications and Public Affairs), Assistant Chief Commissioner (International) and Assistant Chief Commissioner (Mainland Affairs), the report should be submitted direct to the Chief Commissioner.

7.2 For appeal submitted under item 6.9, the Chief Commissioner may opt to refer to an Adhoc Investigation Panel on Conduct Matters he appoints for follow-up. The Panel should review the case, conducts as necessary further investigation and accordingly makes recommendations to the Chief Commissioner, who will then make the final decision and where considered necessary inform the Executive Committee of the Association of the case.

8. Ethics Committee

The Chief Commissioner may, as he considers fit, refer the case and/or appeal to the Ethics Committee for advice. The Ethics Committee may invite persons concerned to attend meetings for specific discussions as and when necessary.

9. Sanctions

Sanctions are meant to be corrective actions and may be imposed by the Association to address any and all complaints/ reports on improper acts. The sanctions may include:

- verbal and written warnings
- cease and desist letters
- reassignments
- withdrawal of any award or recognition granted by the Association
- suspension or termination of membership
- any legal action to seek redress
- any other sanctions it deems appropriate which are within the authority of the Constitution and/ or POR of the Association

10. Record and File

All information of the case including but not limited to interview records, investigation findings, report of the Complaints Officer, report of the Adhoc Investigation Panel on Conduct Matters/Ethics Committee, final decision of the Chief Commissioner, etc should be properly put in confidential files of the Association with restricted access. In any case, all reports are strictly confidential and shall not be released.

11. Enquiry

Enquiries arising from this circular should be addressed to the Scout Executive (Administration) (Tel : 2957 6334), or Scout Executives of respective Units.

Terence LO

Deputy Chief Commissioner (Management)

Annex

Any complaint that meets one or more of the following criteria will be taken as vexatious complaint:

(a) persistently pursuing a complaint where the procedure for handling complaints has been fully and properly implemented and exhausted
(b) repeated unwillingness to accept documented evidence given as being factual, denying receipt of an adequate response in spite of correspondence answering their complaint, or not accepting that some circumstances can sometimes be difficult to verify
(c) regular and continuous focus on trivial matters to an extent which is out of proportion to their significance
(d) persistently raising new issues or seeks to prolong contact by raising additional questions whilst the complaint is being addressed (save that new issues which are significantly different to the original complaint must be addressed)
(e) unreasonable complaints or demands which impose a significant burden on the Association in terms of required resources which is out of proportion to the seriousness of the allegation/ complaint, and where the complaint clearly is designed to disrupt or annoy, or has the effect of harassing another person or can otherwise be characterized as obsessive or manifestly unreasonable
(f) repetitive complaints and allegations which ignore the actions taken and responses previously supplied