



Procedures for Handling Improper Acts and Complaints

1. Introduction

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

2. Effective Date

This circular shall take effect from 9 September 2016 and will be reviewed annually.

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

In the context of this circular, 'Improper Act' can be conflict of interest or child 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 voluntary members/ paid staff of Scout Association of Hong Kong ('the Association') OR a submission lodged by the complainant in respect of the perceived Improper Act of voluntary members/ paid staff of the Association.

4. Major Responsible Officers for handling complaints

- 4.1 All Unit Commissioners¹ are appointed as the Complaints Officers to handle complaints and improper acts as described in item 6.
- 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 person 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) Written complaints (in Chinese or English) should be marked for the personal attention of the concerned Complaints Officer.
 - (b) Complaints against Complaints Officers², 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.

¹ Unit Commissioner : Assistant Chief Commissioners/ Baden-Powell Club Commissioner/ Leadership Training Institute Commissioner

² Complaints against International Commissioner should be marked for the personal attention of the Chief Commissioner or made in person to him/ her by appointment.

- (c) Complaints against Deputy Chief Commissioners or Lay members or Paid Staff should in writing sent under restricted cover and marked for personal attention of the Chief Commissioner or made in person to him/ her by appointment. If the person being complained is the Chief Scout Executive, 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. Anonymous complaints may not be investigated. The complainant's identity will not be revealed without his/ her permission to anyone other than those involved in the investigation of the complaint. However, the complainant should be aware that, in case where revealing his/ her identity (e.g. to those against whom allegations have been made) may be essential to a fair and proper investigation, his/ her withholding permission to reveal his/ her identity may impair the completeness of the investigation.
- 5.4 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 (Public Relations) 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 the complainant, the person(s) being complained, the suspect(s) and 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 his/ her defence/ responses/ views in respect of the accusations and allegations made by the complainant.
- 6.5 Where the case is related to sexual harassment/ assault, meetings with the victim should be conducted in a secure, carefree and comfortable environment and in the presence of a person of the same sex so as to avoid embarrassment thus enabling a free presentation of the case by the victim. If child is involved in the case, reference should also be made to the prevailing "Guidelines on Keeping Young People Safe" of the Association.

- 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 or suspend their membership until conclusion of the investigation.
- 6.7 After investigation, the Complaints Officer should as soon as possible submit a report to the Chief Commissioner via the Deputy Chief Commissioner concerned. The report should include, amongst others, recommendations and a draft reply to the complainant. If accepted by the Chief Commissioner, the Complaints Officer should issue the reply 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 reply 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.
- 6.9 The person being complained or the suspect may within 30 days 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.

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 the Adhoc Investigation Panel on Conduct Matters to follow up. The Chief Commissioner may also opt to refer the appeal submitted under item 6.9 to the Adhoc Investigation Panel on Conduct Matters for consideration.
- 7.2 The Adhoc Investigation Panel on Conduct Matters, by making reference to the investigation report submitted by the Complaints Officer, conducts further investigation on the case and accordingly makes recommendations to Chief Commissioner, who will then make the final decision and where considered necessary inform the Executive Committee of the Association of the case.

8. 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, final decision of the Chief Commissioner, etc should be properly put in the confidential files of the Association and could only be retrieved for use by designated persons.

9. Enquiry

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



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