



## Governance Bulletin #12 (March 2018)

Dear Scouter

Welcome to Scouting Ireland's Governance Bulletin, Issue 12, a publication designed to keep the membership informed of developments regarding the Governance Project that Scouting Ireland is currently undertaking. This issue deals with the legal responsibilities for Scout Group trustees and the directors and officer's insurance cover for trustees. We also reinforce the Scout Group Charter which is currently in place. This is a contract between the Scout Group and Scouting Ireland that sets out, in summary form, the obligations of the two parties to each other.

Here is a link to the current Scout Group Charter [Link](#)

## Legal Responsibility and Support for Scout Groups and Scouters

### Current Position

Anyone who has taken up a volunteer role/s at Scout Group Level has also taken on the responsibility that goes with such role/s.

In particular it must be recognised that all members of the Scout Group Council or the NMC/Board may be held collectively responsible for decisions made even if an individual member may not have agreed with any decisions.

Scouting Ireland helps volunteers to deal with these responsibilities through its training scheme and the supports it provides.

The legal responsibility for ensuring that we safeguard our members and the public to the greatest extent possible rests with:

- The Scouters concerned with planning and running any activities;
- The members of the Scout Group Council;
- The members of the NMC /Board of Scouting Ireland;
- Others working on behalf of Scouting Ireland.

In the aftermath of something untoward happening, e.g. a tragic accident, all these people may come under scrutiny and may be the subject of an investigation and/or litigation.

The NMC/Board of Scouting Ireland has and does provide whatever support it can to all who may be embroiled in such unfortunate incidents.

This is underpinned by Article 4.1.h of the Scout Group Charter which states "Provision of a system which provides supports to the Scout Group in times of difficulty, crisis or extraordinary events;". The NMC/Board ensures that there is a system of supports in place which includes but is not limited to:



- Provision of advice and support in dealing with parents and family members;
- Dealing with the relevant official authorities and the media;
- Arranging Legal Advice if required;
- Liaison with the Scouting Ireland Insurers;
- Provision of Counselling Services and support.



## What changes after Registration with the CRA?

While there is no doubt that the formal CRA registration process will bring into sharp focus the responsibilities of Trustees, i.e. the members of the Scout Group Council, it must be said that the members of the Scout Group Council have those responsibilities already as set out above.

Following the Rule change by National Council in April 2017 the membership of the Scout Group Council has been reduced to a maximum of 7 people. The number of Trustees of the Scout Group is therefore that number, the Scout Group Council the members of the Scout Group Council will be registered as such with the CRA.

The purpose of the Rule change was to clarify and limit who the Trustees would be. This was important for those who are the Trustees and for those who are not.

The Charities legislation has not fundamentally changed the primary responsibilities which members of our Scout Group Councils had to now. The members of the Scout Group Council (Trustees) will continue to have the same responsibilities that the members of the Scout Group Council have had for years but now, in addition, they will have to:

- Register with the CRA annually;
- Make an Annual Report to the CRA which must include the annual accounts;
- Comply with any instructions given by the CRA.

Scouting Ireland will continue to provide supports, as described above, to Scout Groups as it does now. There will be supports for Groups during and after the registration process with the Charities Regulatory Authority (CRA) in the same way as support was and continues to be provided to the Scout Groups in Northern Ireland who have registered with CCNI. In bulletin 11 we set out the range of services and supports provided by Scouting Ireland and you can access that bulletin [here](#).



Article 4.1.j of the Scout Group Charter facilitates the provision of insurance cover for the specified programmes and activities of the Scout Group. To provide additional protection for the members of the Scout Group Council the NMC/Board has negotiated Directors and Officers Insurance cover which Scout Groups may avail of if they wish (please see the section below for details).



## **Directors and Officers (Scout Group Council Members) Insurance Cover (note references to Directors and Officers can be taken as references to members of the Scout Group Council)**

- Despite being a not for profit entity, those in positions of responsibility including the members of the Scout Group Council/ the directors and officers of each individual Scout Group Council can still become embroiled in allegations of Wrongful Acts;
- Directors and Officers liability insurance protects against loss arising from claims made against directors and officers/ members of the Scout

Group Council personally during the policy period because of any allegation of a “wrongful act” committed in their capacity as a director or officer;

- A “wrongful act” is defined as “any actual or alleged breach of duty, negligence, error, misstatement, misleading statement, omission, breach of warranty of authority, Manslaughter Wrongful Act, Employment Practice Wrongful Act or other act committed or attempted, by a director or officer, individually or otherwise, in his/her capacity as a director or officer of the insured company / Not for Profit Entity.” ;
- Furthermore, even if a staff member / member made a derogatory comment towards a Third Party, the Director / Officers of the Scout Group can be held responsible for failing to supervise and implement correct procedures against this occurring;
- It is important to note that claims can come from many and varied sources and often do not fully develop, however, they can be costly to respond to and defend;
- This includes civil or criminal proceeding including but not limited to any Manslaughter Allegation against an insured person for a wrongful act;
- This cover is designed to protect the personal liabilities of the directors and Officers;
- Covers all loss that a director or officer becomes legally obligated to pay on account of a claim made against him/her from an alleged or actual ‘wrongful act’ committed in his/her executive capacity;
- All past, present and future directors/officers/insureds of the Individual Scout Group.

The Limit of the cover is €1,000,000 including defence costs and expenses. A claim is considered to be any of the following:



- Any Written Demand or;
- Any civil or arbitral proceeding or;
- Any criminal prosecution or;
- Any formal administration or regulatory proceeding.

The NMC/Board will activate this insurance policy during 2018. There will be a cost of less than €200 per annum for each Scout Group.



## The Scout Group Charter

The Scout Group Charter is a contract between the Scout Group and Scouting Ireland that sets out, in summary form, the obligations of the two parties to each other. It provides the Scout Group with assurances regarding the types and level of supports to be provided by Scouting Ireland and reassures Scouting Ireland (and therefore all of the other Scout Groups) that a Scout Group will carry out its operations in a certain manner. This is to protect the reputation of Scouting Ireland and all the Scout Groups of Scouting Ireland.

Article 4 of the Charter sets out the services and supports that Scouting Ireland will provide to Scout Groups. It includes:

- An undertaking to comply with legislation;
- The representation of Scouting Ireland Internationally;
- Building of relationships with Government, the regulators and other bodies;
- Protecting the positive reputation of Scouting and the Scout Group by regular monitoring of the quality of Scouting and the delivery of the Youth Programme and Scouter Training throughout the country;
- Maintenance and management of campsites and activity centres at national level for use by Scout Groups and Scouting in Ireland;

Further information on the range of services and supports provided by Scouting Ireland is set out in bulletin 11 which can be accessed [here](#)

When an extraordinary event occurs, there is a system of supports in place which includes but is not limited to:

- Provision of advice and support in dealing with parents and family members;
- Dealing with the relevant official authorities and the media;
- Arranging Legal Advice if required;
- Liaison with the Scouting Ireland Insurers;



- Provision of Counselling Services and support

The Charter requires Scout Groups to:

- Observe and comply with all elements of the Scouting Ireland Constitution and Rules;
- Adopt the Scout Group Constitution as its governing documents without amendment other than to include the name of the Scout Group;
- Ensure that all youth and adult members of the Scout Group must be properly registered with Scouting Ireland at its National Office.



## **Changing the Charter:**

The NMC/Board may amend or change the Charter. Any changes or amendments made will apply to all Scouting Ireland Scout Groups. The NMC/Board will review the Charter, at least annually, to determine whether or not any changes or amendments are needed. Scout Groups are free to submit suggested amendments or changes to the NMC/Board for consideration. The National Council will be advised of any changes made to the Charter by the NMC/Board together with the reasons as to why any changes/amendments are made.

## **How can Scout Groups ensure their issues/complaints on service delivery are dealt with:**

In the first instance a Scout Group may raise issues or concerns/suggestions with the County Commissioner, the Provincial Commissioner, a Scouting Ireland Staff member or with the NMC/Board through the National Secretary.

The Governance Review Group (GRG) is aware that this methodology may not always work satisfactorily for Scout Groups. The GRG is developing an additional process that Scout Groups could avail of to have their issues highlighted and dealt with if using the channels mentioned earlier fails.