

# Scottish Youth Parliament

## Complaints and Disciplinary Procedure

### February 2024



## Complaints Procedure

MSYPs are assisted in their roles by staff in local authorities, national voluntary organisations and the Scottish Youth Parliament (SYP). MSYPs should in the first instance discuss any matters they are concerned about with their support workers and/or SYP staff.

SYP recognises that it may not always be possible to resolve issues informally. If it is not possible to resolve issues informally anyone who wishes to make a complaint about an MSYP, Convener and Deputy Conveners, a Board member or External Advisor, or a young person participating in SYP activities, SYP staff member or a support worker should do so by sending details to the email address below or using the form attached as an Appendix to this procedure:

[complaints@syp.org.uk](mailto:complaints@syp.org.uk)

All formal complaints or matters of concern will be considered by the Complaints and Disciplinary Committee (the Committee). The Committee will normally consist of the Vice Chair, Chief Executive and an SYP External Advisor. The Committee may determine that an investigation is required and if so, who should undertake the investigation. It may be necessary to appoint an independent investigator. The Committee or investigator may ask the person who has raised the complaint and any other relevant parties to meet with them.

The Committee shall keep a written record of all matters considered by them and any decision reached by them.

The Committee may take advice from SYP lawyers or other external advisers e.g. accountants, child protection specialists or data protection advisers.

The Committee may make any or some of the following decisions:

- That there is no basis for disciplinary proceedings or other action and no further action will be taken; or
- The concern raised should be addressed by way of training, coaching, mediation or other appropriate action;
- That the complaint should be referred to a third party e.g. Police Scotland;
- That there is a case to answer and that disciplinary proceedings should commence; and/or
- That the person(s) about whom a complaint has been made or about whom there is a concern, should be suspended until conclusion of the disciplinary process or while matters are investigated.

Suspension is a precautionary step and does not imply any wrongdoing. While suspended an MSYP may not fulfil their role and duties as an MSYP. For example contact other MSYPs about the subject matter under consideration, contact constituents, take part in any official SYP business. If the MSYP is an election candidate they may not participate in SYP elections until the suspension is lifted.

Any person suspended will have this confirmed in writing and be allocated a nominated contact (usually a member of SYP staff or support worker) to liaise with during the period of suspension. The period of suspension will be kept under review.

All complaints will be handled confidentially and sensitively but depending on the nature of the complaint anonymity cannot be guaranteed. Details of complaints will be communicated to individuals in a sensitive way in line with a youth work approach. MSYPs must not discuss the subject matter under consideration with other MSYPs. If MSYPs have any questions they should contact their nominated contact.

## Disciplinary Procedure

Members of the Scottish Youth Parliament (MSYPs) are the democratically elected voice of Scotland's young people. MSYPs are acting as representatives of the Scottish Youth Parliament, and must behave accordingly.

For the purposes of this document, Conveners, Deputy Conveners and Board Members and young people who participate in SYP activities are also covered under the phrase MSYP whilst they remain in post.

MSYPs are required to comply with the following:

- Code of Conduct
- Child Protection Policy
- Drug and Alcohol Policy

Where an MSYPs behaviour does not meet the standards expected, disciplinary action may be taken in accordance with this procedure.

Disciplinary action may be commenced in the event that a complaint is made to SYP by an MSYP, member of SYP staff or a third party or when there are matters of concern that have been brought to the attention of SYP.

In the event that there is a case to answer, the individual will be advised of this and details of the allegations and any relevant documents will be provided to them in writing.

Any relevant documents provided to the individual may be anonymised if necessary to protect the confidentiality or wellbeing of any person.

A Disciplinary Panel (the Panel) will be convened to consider the allegations. The Panel will normally be made up of the Vice Chair of SYP, and two further members who have had no earlier involvement in the matters being considered. The two further members will normally be selected from MSYPs and local authority or national voluntary organisation support workers unless external panel members are required dependent on the matters to be determined and expertise required (e.g. in child protection, data protection or complex matters).

If the Vice Chair is unable to be part of the panel, another board member will take their place. The Panel may be advised by SYP's senior management team, solicitor or HR advisers, who may attend the hearing with the Panel.

The Panel will hold a hearing to consider the allegations made. The individual will be given 14 days' notice of the date and time of the hearing.

The individual may be accompanied at the hearing by a person of their choice e.g. a trusted companion or support worker. The chosen companion has the right to address the hearing to put

forward the individual's case, sum up the case and respond on the individual's behalf to any view expressed at the hearing. The companion may also confer with the individual during the hearing. However, the companion cannot answer questions on the individual's behalf, or address the hearing where the individual indicates that they do not wish this.

Relevant witnesses may attend the hearing. If the individual wishes to bring a witness they should advise the Panel of this at least 7 days prior to the hearing. The Panel will advise the individual in advance of the hearing if they intend to ask any witnesses or the investigator to attend.

If the individual wishes the Panel to consider any documents or other material these should be supplied 7 days prior to the hearing.

The hearing will be held in private to protect the confidentiality of those involved. At the hearing the individual can address the Panel on the allegations, the outcome they seek and any mitigating circumstances. A note of the hearing will be prepared and provided to the individual.

The hearing can be adjourned and reconvened if further investigation is required before the Panel can make its decision.

The Panel will deliberate in private. The decision of the Panel will be communicated to the individual as soon as possible after the hearing and the decision will be confirmed in writing.

The potential outcomes are:

- No penalty is imposed.
- A reprimand and warning as to future conduct is issued.
- That the MSYP is required to undertake training, coaching or asked to take part in mediation.
- That the MSYP is prohibited from holding the position of MSYP or any elected position for a period of time.
- Removal from any internal office or position.
- That the MSYP's membership is terminated.
- That the matter be referred to external authorities.
- Any other appropriate outcome as decided by the panel.

The Panel may order a combination of any of the above.

## Appeals

The individual may appeal against any penalty imposed. An appeal will be considered by the Appeal Panel. The Appeal Panel shall be made up of the Chair of SYP, and two further members who have had no earlier involvement in the matters being considered. The two further members will normally be selected from MSYP's and Advisers (and SYP senior management team) unless external members are required dependent on the matters to be determined and expertise required (e.g. in child protection, data protection or complex matters). If the Chair is unable to be part of the Appeal Panel, another board member or external advisor will take their place. The Appeal Panel may be advised by SYP Senior Managers, SYP's solicitor or HR advisers, who may attend the hearing with the Appeal Panel.

Any appeal should be made within 14 days of the decision of the Panel being communicated to the individual in writing and should set out the grounds of that appeal.

The individual will be given 14 days' notice of the date and time of the appeal hearing. The individual may be accompanied at the hearing by a person of their choice e.g. a trusted companions or support worker. An appeal should not be a rehearing of the original disciplinary hearing and witnesses will not normally be relevant attendees. The Appeal Panel will have a copy

of the notes of the Disciplinary Hearing and may elect to have members of the Panel attend the Appeal Hearing if required to clarify any matters.

The hearing will be held in private to protect the confidentiality of those involved. At the hearing the individual can address the Appeal Panel on the merits of their appeal, the outcome they seek and any mitigating circumstances. The chosen companion has the right to address the hearing to put forward the individual's case, sum up the case and respond on the individual's behalf to any view expressed at the hearing. The companion may also confer with the individual during the hearing. However, the companion cannot answer questions on the individual's behalf, or address the hearing where the individual indicates that they do not wish this.

The hearing can be adjourned and reconvened if further investigation is required before the Appeal Panel can make its decision.

A note of the hearing will be prepared and provided to the individual.

The Appeal Panel will deliberate in private. The decision of the Appeal Panel is final and will be communicated to the individual as soon as possible after the hearing and the decision will be confirmed in writing.

The potential outcomes of an appeal are:

- The Appeal Panel agrees with the decision previously made and confirms that it stands;
- The Appeal Panel determines that another penalty is appropriate and issues a fresh penalty. The potential penalties are those that were open to the original Panel and are listed above.
- The Appeal Panel determines that no penalty be imposed.

Any MSYP or other individual who is involved in the process should only be a member of one of the following: The Panel and the Appeal Panel. All decisions made shall be made on the basis of majority. SYP's Senior Management Team, solicitor or HR advisers may be involved at any stage in the process.

In the event that the individual is unable to attend any hearing or any rescheduled hearings when a postponement has been granted, a hearing may be held in their absence and they may be given the option of submitting written representations.

The decision made by the Panel and any previous suspensions will stand during the appeal process.

If an MSYP is no longer a member of the Scottish Youth Parliament or resigns this process may continue notwithstanding that.

This policy will next be reviewed in March 2027.

APPENDIX

COMPLAINT FORM

<b>Your Name</b>	
<b>Your Email</b>	
<b>Your Phone Number</b>	
<b>Please detail the concern or complaint you would like to make:</b>	
<b>Details of any previous steps taken to attempt to resolve the matter:</b>	
<b>Details of any relevant documents or materials you wish to be considered:</b>	
<b>Details of any relevant documents or materials you wish to be considered:</b>	
<b>Details of any individuals who may have relevant information about the matter:</b>	
<b>Desired outcome:</b>	
<b>Signed:</b>	
<b>Date:</b>	