

POLICY

Prevention of Bullying



Issued with the authority of the Chief Commissioner and Chief Executive Officer of Scouts NSW

Chief Commissioner		CEO signature	
Sponsor	Deputy Chief Commissioner (Program, Youth Safety & Support)	Sponsor Signature	 (Acting) DCC P,Y,S & S
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If you, or someone you know needs support, contact your Local Region Office to arrange a Member Support Person.

Alternatively, you may contact the State Commissioner for Member Support directly.

- Lifeline Australia 13 11 14
- Mental Health Line 1800 011 511
- Kids Helpline 1800 551 800
- Blue Knot Helpline 1300 657 380
- Beyond Blue 1300 224 636
- 1800RESPECT
- Community Justice Centres 1800 990 777
- Know It, Live it, Log It

<https://www.nsw.scouts.com.au/youthprotection/knowit-liveit-logit/>

Prevention of Bullying

1 Introduction

1.1 Scouts NSW expects its members to live by the principles and values expressed in the Australian Scout Promise and Law. In effect, youth and adult members agree to be respectful, do what is right, and believe in themselves.

1.2 ***Scouts NSW has a zero tolerance towards bullying. Every member has the responsibility to prevent bullying and promote a safe Scouting environment. All members of Scouting have a right to feel safe.***

1.3 This policy should be read in conjunction with the Scouts NSW Code of Conduct, which reflects Scouts NSW's commitment to providing a safe environment for all members and reflects a zero tolerance towards bullying, or any form of abuse.

1.4 To understand how Scouts NSW will respond to a bullying complaint, this policy must be read in conjunction with the Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy (POL39).

1.5 This policy applies to all Youth and Adult members participating in the Scouting program in any form.

1.6 This policy is subject to a review every 2 years or earlier if directed by the Chief Commissioner.

1.7 For the purposes of this procedure:

“Adult” means any person over 18 years of age, and includes any employee, Leader, adult supporter, or Rover Scout who is involved in the delivery of Scouting in any form.

“Bullying” means repeated and unreasonable behaviour directed towards an individual or group which has the potential to cause a risk to a person's wellbeing and safety.

“Cyber Bullying” means using technology to deliberately harm someone through hurtful messages.

“Employed Staff” means a remunerated member of Scouts NSW. This extends to all contractors and temporary employees. This category includes non-member volunteers working on Scout premises for the Association.

“Physical Bullying” means deliberately hitting, kicking, pushing, or interfering with a person's belongings.

“Psychological Bullying” means intentional psychological abuse, such as using threatening language or sending hostile messages.

“Scouts NSW” means the New South Wales Branch of Scouts Australia.

“Social Bullying” means deliberately excluding someone from activities or events or deliberately causing embarrassment.

“Verbal Bullying” means using language which is purposely hurtful, such as belittling comments, threats, name calling or teasing.

“Volunteer Member” means any member or supporter in Scouts NSW who is not remunerated for their contributions.

“Workplace” – remains as previously defined in 2012 by SafeWork Australia & SafeWork NSW. Workplaces are:

- State Office &, Region Offices, Directors and Officers of the Association are considered to be Workers;
- Any Adventurous Activity Workshops, Courses or Training Days, SAIT Training Courses;
- Performing Arts - Rehearsals, Performances & Training Activities for Gang Shows and Cirque du Scout and,
- Working Bees on Scouting Property.

Regular Scout Meetings where Scout Leaders deliver Recreational activities to Children within the Scout Youth Program are not considered workplaces for the purpose of WHS legislation. Volunteer members are not considered to be workers unless they are operating in positions directly connected with the above defined workplaces at the time of the incident.

These definitions may be altered by Safe Work NSW at any time.

“Youth” means a person less than 18 years of age, involved in any Scouting activity, whether or not they have formally been registered as a member.

2 What is Bullying?

- 2.1 Bullying is defined as *repeated and unreasonable behaviour which has the potential to cause a risk to a person’s wellbeing or safety*. Bullying can take many forms and may be physical, psychological, emotional, or social.
- 2.2 Bullying may occur in both online and offline environments. Bullying may include any one or more of the following behaviours:
- 2.2.1. Abusive language or offensive comments
 - 2.2.2. Aggressiveness or intimidation
 - 2.2.3. Unjustified criticism or humiliating comments
 - 2.2.4. Being repeatedly hit, pushed, or shoved
 - 2.2.5. Harassing someone based on their gender, race, ability, religion, or sexual orientation
 - 2.2.6. Deliberately excluding someone from activities or events in offline and online forums
 - 2.2.7. Abusing your power or authority over someone else
- 2.3 The above behaviour has the potential to cause a significant risk to a person’s safety and wellbeing which is why every member of Scouting must commit to a zero tolerance towards Bullying.

- 2.4 Bullying can often be prevented or resolved with effective communication. Adult Leaders are encouraged to complete the Communications module and the Bullying module located on ScoutCentral.

3 What is not Bullying?

- 3.1 Scouts NSW recognises that we have a diverse group of members who will inevitably have differences of opinion. However, for behaviour to amount to bullying, it must be repeated, and unreasonable behaviour directed towards an individual or group.
- 3.2 The below actions are generally not considered to be bullying if they are carried out in a reasonable manner:
- 3.2.1. Differences of opinion
 - 3.2.2. Giving management directions
 - 3.2.3. Addressing performance issues or giving constructive criticism
 - 3.2.4. One off comments Accidentally hitting someone
- 3.3 While these forms of behaviour may not necessarily amount to bullying, these issues can still be addressed by your local issues resolver. For more guidance, refer to the *Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy (POL39)*.

4 Bullying in the Scout Membership Environment

- 4.1 Scouts NSW reaffirms a zero-tolerance stance to Bullying where proven to have occurred in a Scouting environment. However, *bullying* has a clear and strict definition when it comes to resolving matters.
- 4.2 For the purposes of this Policy, Bullying is defined in Section 2 and specifically occurs in the Scouting environment;
- 4.2.1. When one or multiple named parties in a matter are considered to be members of Scouts NSW, and;
 - 4.2.2. The reported incidents occur in a Scouting context.
- 4.3 In order to be considered in the Scout Membership Environment, it must involve:
- 4.3.1. Uniformed and non-uniformed members, volunteer assistants or Employed Staff.
- 4.4 The conduct must be considered to have occurred in a Scouting context. These include (but are not limited to):
- 4.4.1. Weekly Section Meetings
 - 4.4.2. Social occasions between members
 - 4.4.3. Weekend and Region level activities, such as camps, hikes, Gangshows, and adventurous pursuits.

- 4.4.4. Group, District, Region, and State Level Councils, Committees, and Groups
 - 4.4.5. Employed Staff and their places of work
- 4.5 It must be considered that bullying problems that occur outside of Scouting may in turn be transplanted and grow further inside of Scouting, such as youth members who struggle with bullying at school having the conduct extended to a weekly Scout meeting. Youth Members struggling with Bullying Behaviours towards them can follow a modified youth process to get help. Refer to **Appendix A** for *Scouts NSW Prevention of Bullying Policy Assistance Flowchart – Youth Member*.
- 4.6 Scouts NSW will not intervene where;
- 4.6.1. The conduct occurs outside of a Scouting environment, such as issues at school or work where the issue would continue without a Scouting intervention; as in these circumstances, it is not possible for Scouts NSW to correct the matter.
 - 4.6.2. However, all members are urged to log reports if a member appears to be affected by behaviours they have described (or could be defined) as bullying. The Youth Protection and Issues Management Team can then assist the member in arranging Member Support.
- 4.7 Before logging a report, members should attempt to resolve the issue themselves where possible by speaking with the alleged bully and asking them to stop the behaviour causing concern. Should this action not alleviate the concerns, members should log a report. Bullying Incidents have no expiration date and can be logged once the reporter feels it is appropriate. However, it is **strongly recommended** to report incidents as soon as they occur. Failure to log a report quickly can lead to diminished results and can make reaching resolutions more difficult.
- 4.8 To log a report, members must log a report via the Reporting Portal, a link to which is located below:
- 4.8.1. <https://www.nsw.scouts.com.au/youthprotection/log-it/>
- 4.9 Matters will then be assessed and triaged by the Youth Protection and Issues Management Team as they are submitted.
- 4.10 The triage and management of Bullying reports will then default to the process outlined in the Behavioural and Issues Management Process, as defined in *POL39, Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy*. Refer to **Appendix C** for *Scouts NSW Prevention of Bullying Policy Assistance Flowchart – Member* to assist with steps Members can take to commence action if they feel they are being bullied by another Member.

5 Employed Staff Members

- 5.1 Under New South Wales Work Health and Safety and Fair Work laws, employed staff are defined as workers in workplace bullying complaints raised between Workers and Volunteer Leaders.
- 5.2 Everyone in the workplace has a duty to ensure their actions do not adversely affect the health and wellbeing of another worker.

- 5.3 Volunteer members and supporters are not deemed to be workers under this legislation. However, should a complaint be notified by a staff member in relationship to behaviour by a volunteer towards an employed staff member, the matter will be handled in accordance with NSW State Law rather than the *Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy (POL39)*.
- 5.4 Scouts NSW recognises that there are employed staff members who also carry out volunteer roles in their own time. It must be outlined that if an employed staff member is subjected to bullying behaviours in a volunteer Scouting environment, that are not demonstrated as a result of their employed duties, they not considered workers in this capacity.
- 5.4.1. Should the employed staff member be subject to bullying behaviours in both the workplace and in the volunteer space, then their matter will be assessed under the WHS legislation as an employee, not volunteer.
- 5.5 Scouts NSW has a duty to its workers to keep them safe in the workplace. Scouts NSW treats reports of bullying in the workplace as serious Work, Health and Safety breaches that will be thoroughly investigated to ensure the ongoing safety of the worker.
- 5.6 Workers have a duty to ensure that they comply with safety directives to prevent injury to themselves and others.
- 5.7 Scouts NSW adheres to the following legislation and guides when considering bullying complaints involving employed staff members. This is not an exhaustive list:
- NSW WHS Act 2011
<https://legislation.nsw.gov.au/view/html/inforce/current/act-2011-010>
 - NSW WHS Regulation 2017
<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0404>
 - NSW WHS Codes of Practice or Guides applicable to bullying in the workplace.
<https://www.safeworkaustralia.gov.au/doc/dealing-workplace-bullying-workers-guide>
 - Fair Work Commission – The Fair Work Commission’s anti-bullying jurisdiction is limited to preventing the worker from being bullied at work. The Fair Work Commission cannot issue fines or penalties and cannot award financial compensation. The focus is on resolving the matter and enabling normal working relationships to resume.
- 5.8 In matters of Workplace Bullying, Scouts NSW will follow the management process recommended in **APPENDIX B – WORKPLACE BULLYING FLOWCHART** located in the Safework Australia Publication “Guide for Preventing and Responding to Workplace Bullying” <https://www.safeworkaustralia.gov.au/doc/guide-preventing-and-responding-workplace-bullying>

6 Behavioural and Issues Management Process

- 6.1 Once the Local Issue Resolver ¹ or the Youth Protection and Issues Management Team has been informed via **Know It, Live, Log It**, that you, or someone you know has been bullied, Scouts NSW will:
- Respond to the bullying report quickly and reasonably in accordance with the policies and procedures in the *Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy (POL39)*.²
 - Treat all reports seriously.
 - Follow the procedures for how the matter will be dealt with, set out in the *Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy (POL39)*.³
 - Advise you of the name and details of a contact person.
 - Maintain confidentiality.
 - In keeping with the Scouts NSW procedural fairness policy, allow all parties to explain their version of events.
 - Remain neutral and impartial towards everyone involved.
 - Advise you of support options available to you, such as counselling.
 - With the permission of the Local Issue Resolver, allow you to have a support person present at interviews and meetings. That person may not act as an advocate and may be asked to leave if they act beyond their role as supporter.
 - Keep records of the bullying report, conversations, meetings and interviews.
 - Attempt to resolve the matter.
 - Communicate to you, the outcome of the actions taken, reasons for the decision made and any right of appeal if the parties are not satisfied with the outcome.
- 6.2 If the matter is resolved Scouts NSW will provide ongoing support or advise of external support services.
- 6.3 Scouts NSW can direct Members to impartial mediation services offered by Service NSW, such as the Community Justice Centres located in most major towns and cities.
- 6.4 Scouts NSW has faith in the mediation system and recommends that these programs be approached for assistance in bullying matters.
- 6.4.1. An example of such a service are the local Community Justice Centres, contactable on 1800 990 777.
- 6.5 The outcomes of Bullying complaints are the same as outlined in POL39 for serious misconduct issues. Refer to POL39 for full details.
- 6.6 Failure to resolve matters in a reasonable manner or comply with reasonable requests to assist in resolving a matter, remain as grounds for review or termination of membership.

¹ See Appendix A - Local Conduct Issues Resolution Table) in the *Behavioural Issues Processes and Resolution of Conflicts & Disputes Policy Scouts NSW* p17.

² Behavioural Issues Processes and Resolution of Conflict & Disputes Policy <https://www.nsw.scouts.com.au/members-services/policies-and-resources/policies/>.

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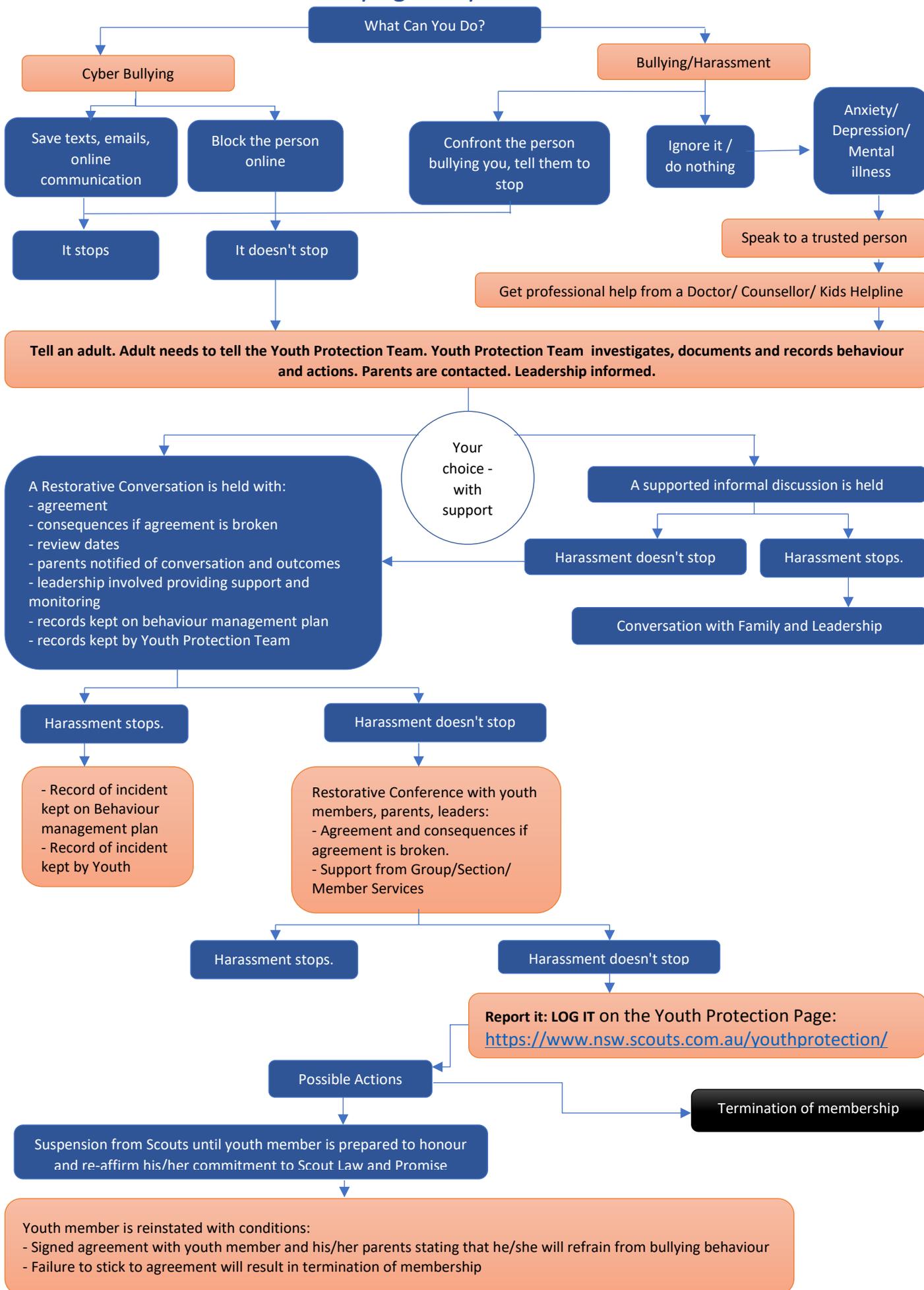
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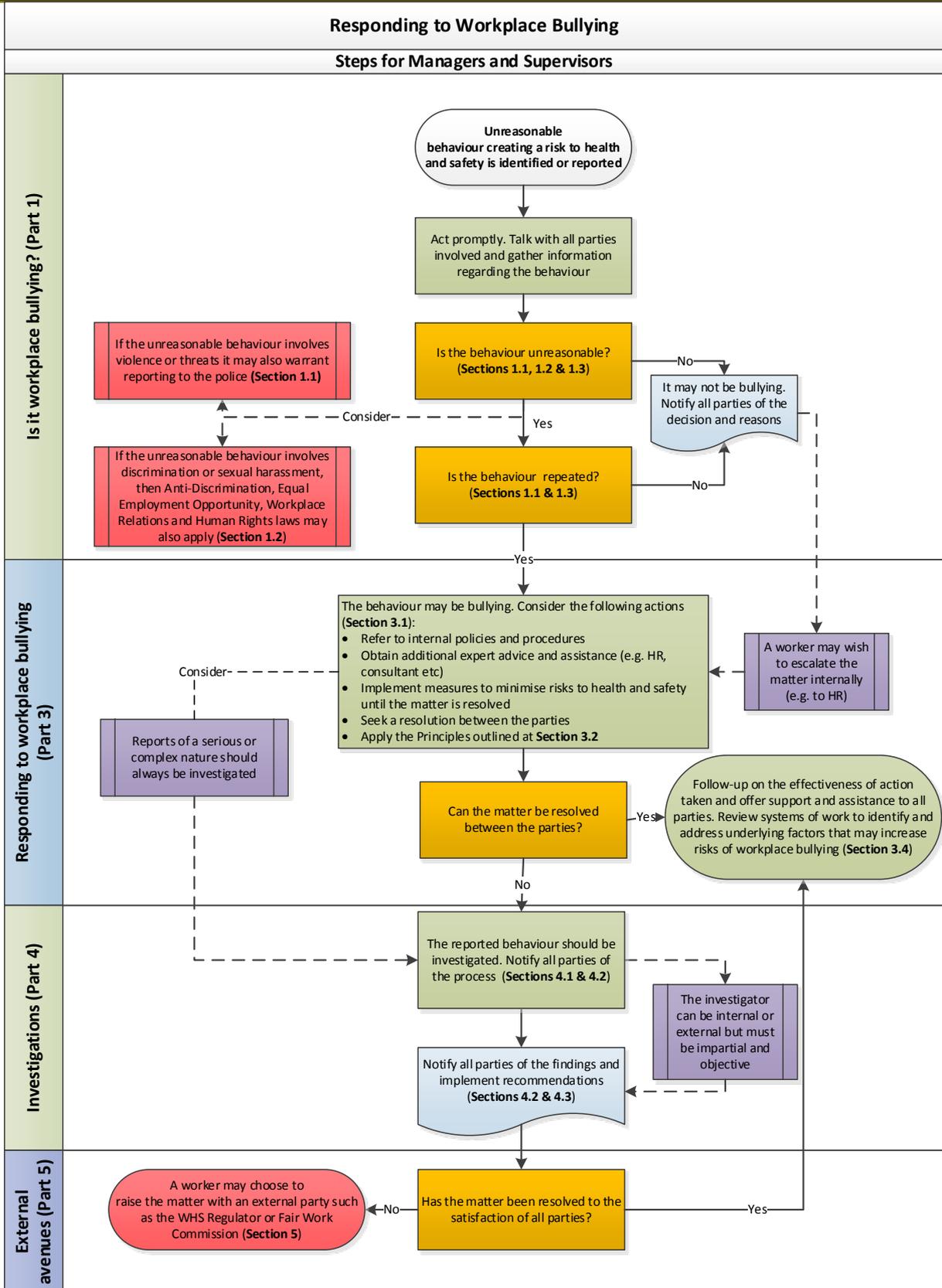
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Scouts NSW Prevention of Bullying Policy Assistance Flowchart – Youth Member



7 APPENDIX B – WORKPLACE BULLYING FLOWCHART



Scouts NSW Prevention of Bullying Policy Assistance Flowchart – Adult Member

