

ANTI BULLYING POLICY

Mandatory – Quality Area 4, 7

PURPOSE

This policy will provide guidelines and procedures to ensure that:

- Employees are not subjected to any form of bullying while at work.
- To guide the CKCC'S approach to concerns or complaints about workplace bullying.
- CKCC is committed to providing a safe and healthy environment in which all workers are treated fairly, with dignity and respect.
- This policy is communicated to all students, volunteer, contractors, parents / guardians and that CKCC will not in any instance tolerate bullying behaviour.
- All people who attend the premises of Camberwell Kindergarten and Child Care Centre Inc., including employees, children, parents/guardians, students, volunteers, contractors and visitors, are provided with a safe and healthy environment.
- All reasonable steps are taken by the Approved Provider, as the employer of staff, to ensure the health, safety and wellbeing of employees at the service.

POLICY STATEMENT

1. VALUES

Camberwell Kindergarten and Child Care Centre Inc. has a moral and legal responsibility to provide a safe and healthy environment for employees, children, parents/guardians, students, volunteers, contractors and visitors. This policy reflects the importance of Camberwell Kindergarten and Child Care Centre Inc. places on the wellbeing of employees, children, parents/guardians, students, volunteers, contractors and visitors, by endeavouring to protect their health, safety and welfare, and integrating this commitment into the service.

Camberwell Kindergarten and Child Care Centre Inc. is committed to ensuring that:

- It provides a supportive environment which encourages positive relationships between staff, parents/ guardians, volunteers, students, children, visitors and contractors.
- To encourage all members of the CKCC community to support the Anti-bullying policy by reporting all incidents so that they may be investigated.
- By providing information and relevant training for staff.
- Assist staff to develop skills for resolving conflict and dealing with bullying incidents.
- Is committed to providing a workplace that is free from bullying.
- All persons employed at CKCC is responsible for actively intervening to prevent and stop bullying behaviour that is occurring in their workplace, whether or not a complaint is received.

2. SCOPE

This policy applies to the Approved Provider, nominated supervisor, person responsible, educators, staff, children, parents/guardians, students on placement, volunteers, contractors and visitors attending the programs and activities of Camberwell Kindergarten and Child Care Centre Inc.

This also includes all functions and places that are related, for example, work lunches, conferences, and Christmas functions.

3. BACKGROUND AND LEGISLATION

Background

Everyone involved in an early childhood education and care service has a role to play to ensure that we all feel safe in their own working environment, which staff are treated fairly, with respect and dignity.

This policy seeks to develop a supportive workplace with policies and procedures that provide a clear statement of CKCC'S expectation of its staff, students, visitors, parents/ guardians, contractors and volunteers in respect of conduct that may constitute workplace bullying and / or breach of the CKCC'S related polices, including but not limited CKCC'S code of conduct for all staff, students, visitors, parents / guardians, contractors and volunteers. In Victoria, anti-bullying and health and safety in the workplace is governed by a system of laws, regulations and compliance codes that set out the responsibilities of employers and employees to ensure safety is maintained at work.

The *Occupational Health and Safety Act 2004* (OHS Act) sets out the key principles, duties and rights in relation to workplace health and safety. The *Occupational Health and Safety Regulations 2007* specifies the ways duties imposed by the OHS Act must be undertaken and prescribes procedural/administrative matters to support the OHS Act, such as requiring licenses for specific activities, or the need to keep records or notify authorities on certain matters.

The legal duties of an **employer** under the OHS Act are:

- To provide and maintain a workplace that is safe and without risk to the health and wellbeing of staff, visitors, students, volunteers, parents/ guardians and contractors.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Occupational Health and Safety Act 2004* (Vic).
- *Disability Discrimination Act 1992*.
- *Equal Opportunity Act 2010*.
- *Sex Discrimination Act 1984*.
- *Australian Human Rights Commission Act 1986*.
- *Education and Care Services National Law Act 2010*.
- *Education and Care Services National Regulations 2011*.
- *National Quality Standard*, Quality Area 4: Staffing Arrangements.

Standard 4.2: Professionalism – Management, educators and staff are collaborative, respectful and ethical.

Element 4.2.1: Professional collaboration- Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.

Element 4.2.2: Professional standards – Professional standards guide practice, interactions and relationships.

- *National Quality Standard*, Quality Area 7: Governance and Leadership.
- Standard 7.2 Leadership – Effective leadership builds and promotes a positive organisational culture and professional learning community.

DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

Approved Provider – An individual or organisation that has completed an application and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12,13 and 14 of the National Law) to operate one or more education and care services. Where the applicant is an organisation, each person with management and control of that organisation must complete a separate application form. (Note: Under the Education and Care Services National Law Act 2010, Section 5, Definitions: ‘**a person with management or control**, in relation to an education and care services, means – (b) if the provider of the service is an eligible association,, each member of the executive committee of the association who has the responsibility alone or with others, for managing the delivery of the education and care service).

Contractor - A person or company that undertakes a contract to provide materials or labour to perform a service or do a job. Examples include photographer, tradesperson, people contracted to provide an incursion

Direct Bullying –

- Abusive, insulting or offensive language.
- Spreading misinformation or malicious rumours.
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling or screaming.
- Interfering with a person’s personal property or work equipment, or
- Harmful or offensive initiation practices.

Exclusion – Socially or physically excluding or disregarding a person in work related activities.

Gesture Bullying – Nonverbal threatening gestures, glances that can convey threatening messages.

Indirect Bullying –

- Unreasonably overloading a person with work or not providing enough work
- Unjustified criticism or complaints.
- Setting timelines that are difficult to achieve or constantly changing deadline.
- Setting tasks that are unreasonably below or beyond a person’s skill level.
- Deliberately excluding, isolating or marginalising a person from normal work activities.
- Withholding information that is vital for effective work performance.
Deliberately changing work arrangements, such as rosters and leave to inconvenience a particular worker or workers, or
- Unfair treatment in relation to accessing workplace entitlements such as leave or training.

Non – Physical and Non- Verbal Bullying – This includes making rude gestures, staring, manipulating relationships and running friendships, and purposefully and systematically ignoring, excluding and isolating someone.

Person Responsible: An educator who has been nominated by the Approved Provider or the Nominated Supervisor of a service (in accordance with the National Regulations), and consents in writing to being placed in day-to-day charge of the education and care service. A person responsible can be any person engaged to be responsible for the day-to-day management of the service, or with supervisory and leadership responsibilities at the service. Any person placed in day-to-day charge of the service must be assessed as a fit-and-proper person (refer to *Definitions*) and have suitable skills, qualifications and experience as determined by the service. A

Person Responsible who is placed in day-to-day charge of a service **does not** have the same responsibilities under the National Law as the Nominated Supervisor

Repeated Behaviour – Refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time.

Nominated Supervisor: A person who has been nominated by the Approved Provider of the service under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure the Nominated Supervisor is a fit and proper person (refer to *Definitions*), with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes or is no longer employed at the service.

Physical Bullying – Includes fighting, poking, shoving, tripping, kicking, shoving, punching, biting, hair pulling, scratching, spitting, locking in a room, aggressive play fights, damaging a person's property and any unwanted physical contact that is used to harm, hurt or intimidate.

Unreasonable Behaviour – Behaviour that a reasonable person. Having regard to all circumstances, would expect to result in victimising, humiliating, undermining or threatening another person.

Verbal Bullying – This includes intimidation or threats of violence, name calling, racist remarks or teasing, abusive language, spiteful teasing or making crude remarks.

Workplace Bullying – Verbal, physical, social or psychological abuse by another person or group of people at work.

- **SOURCES AND RELATED POLICIES**

Sources

- Australian Human Rights Commission –
http://www.humanrights.gov.au/complaints_information/young_people.html or 1300 656 419
- Commonwealth Fair Work Ombudsman – <http://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment> or 131394
- Victorian Chamber of Commerce and Industry (VECCI) –
<http://www.victorianschamber.com.au> or 03 8662 5333
- Worksafe – <http://www.worksafe.vic.gov.au> or 1800 136 089
- United Voice Victoria – <https://www.unitedvoicevic.org.au> or 03 9235 7777

Service policies

- *Occupational Health and Safety Policy.*
- *Discrimination / Harassment Policy.*
- *Code of Conduct Policy.*
- *Equal Opportunity Policy.*
- *Serious Misconduct Policy.*
- *Grievance and Complaints Policy.*
- *Performance Management Policy.*
- *Serious Misconduct Policy.*
- *Complaints and Grievance Policy.*
- *Health and Safety Issue Resolution Policy.*

PROCEDURES

The Approved Provider alongside the Nominated Supervisor will oversee the following has been implemented and is responsible to:

- Ensure that bullying complaints are addressed sensitively, promptly and in accordance with the relevant CKCC policy and procedure.
- Ensure all reasonable steps are taken to respect the confidentiality of the people involved in a complaint.
- Ensure that all staff, volunteers, parents/ guardians, students and visitors know and understand this policy.
- Ensure fairness and impartiality prevail throughout the appropriate resolution process – until a bullying complaint is investigated and a decision is made, a grievance is an allegation, not a fact.
- Encourage the reporting of all bullying incidents.
- Ensure appropriate records are maintained throughout the resolution process.
- Ensure the persons who notify a bullying complaint are protected from victimisation or reprisal.
- Ensure to act impartially and respectfully in managing complaints. Both the person who is alleging bullying and the alleged bully must be protected.
- Ensure the persons who notify a bullying complaint are regularly informed of the process of the matter and of the consequences of any findings eg: whether or not the grievance is substantiated.
- Ensure the persons who notify a bullying complaint are also entitled to make a protected disclosure in accordance CKCC'S policy.
- If any breach of this policy and procedure will be treated with the utmost seriousness and acted upon in a timely fashion. Breaches for this policy and procedures may lead to disciplinary action being taken, including dismissal in serious cases.

Person Responsible, educators and other staff are responsible for:

- Raising a claim for bullying with their nominated supervisor or approved provider and to attempt to resolve such claims locally and informally.
- To ensure to take reasonable care for their own health and wellbeing, as well as that of others at the service.
- Where the attempt to informally resolve the matters fails, the staff should discuss the matter with the approved provider or a member of the Committee of Management.
- Are responsible for complying with this policy, including the reporting of any bullying incident in which they were either personally involved or that they witnessed.

Parents/guardians are responsible for:

- Being familiar with this policy.
- Co-operating with reasonable Anti bullying procedures and OHS rules implemented by the service.

- Not acting recklessly and/or placing the health, safety and the wellbeing of other adults or children at the service.

Volunteers and students, while at the service, are responsible for following this policy and its procedures.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness.
- Monitor the implementation, compliance, complaints and incidents in relation to this policy.
- Keep the policy up to date with current legislation, research, policy and best practice.
- Revise the policy and procedures as part of the service's policy review cycle, or as required.
- Notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

Nil

AUTHORISATION

This policy was adopted by the Approved Provider of Camberwell Kindergarten and Child Care Centre Inc. on 16/08/2018

REVIEW DATE: 16/08/2020.

