



## THE KOORALBYN INTERNATIONAL SCHOOL

# Anti-Bullying Policy

### PURPOSE OF THE POLICY

Bullying is responsible for a growing number of mental health issues, particularly among young people, in Australia. THE KOORALBYN INTERNATIONAL SCHOOL (the school) implements its Anti-Bullying Policy to ensure that students and staff feel safe from bullying in all its forms. The policy sets out several definitions and Frequently Asked Questions to help inform students, staff and families as well as (where helpful) provide operational guidelines (Procedures) for all parties. In addition, the policy affirms what the school can proactively do to reduce both the occurrence of and the impact of bullying in our small school.

Embedded in the school values of **Tenacity, Kindness, Integrity and Self-belief**, the basic principles underlying this policy are:

1. Every individual has value in our community.
2. Every individual has the right to feel safe from bullying or harassment in all its forms.
3. Every conflict can be resolved, but only if all parties commit to resolving it.
4. Every individual in a community has a responsibility to consider the safety of all other individuals in that community.
5. Every individual in a community has a responsibility for ensuring that all individuals in that community can reach their potential in a supportive and non-threatening environment.
6. TKIS, like all workplaces and schools, has a zero tolerance to bullying. For clarity: A person who intentionally bullies will be removed from this school and this workplace.
7. Our anti-bullying mantra: *Report, support, don't retaliate.*

#### **Scope**

This policy applies to students, staff, volunteers, parents/carers and people visiting the school.

#### **Responsibility**

Principal

#### **Point of Contact**

Principal

### DEFINITIONS AND F.A.Q.

*Bullying is **repeated** oppression, psychological or physical, of a less powerful person by a more powerful person and occurs when someone, or a group of people, knowingly create a risk to another person's health and safety, or their property, reputation or social acceptance.*

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## 1. What is bullying?

'Bullying' is a word that is used frequently in the media and the broader community these days. Some people use the term when referring to *any* unwanted (or anti-social) altercation that they can't resolve with another person. Unfortunately, in the school setting, it is not uncommon for both parties of an altercation to accuse the other of bullying. Its legal meaning in the workplace (and school), however, is quite specific. *Bullying* requires evidence of several things to be happening...

1. a **desire to hurt** from the offender *plus*
2. **hurtful action** (that creates a risk to health and safety) taken by the offender *plus*
3. a **power imbalance** with evidence of an unjust use of that (perceived) power *plus*
4. **repetition** of the hurtful action *plus*
5. evidence of **benefit or enjoyment** from or for the offender *plus*
6. a **sense of being oppressed** on the part of the victim.

The school's policy relies on this very specific definition of 'bullying', because the *perception* that one is being *bullied* might **not** necessarily mean that the person is actually being bullied. If the hurt, pain and fear someone is feeling is *not* coming from what is legally referred to as *bullying in the workplace*, then calling it that might not help resolve the problem and in fact might make its resolution more difficult to achieve, (e.g. people have a legal recourse from being wrongfully accused of bullying by their school or employer; and 'confrontation' for confrontation's sake, is not helpful. For example, once someone is accused of bullying, they're more likely to focus their energies on defending themselves rather than working to resolve the conflict.) Not wishing to belittle the importance of someone's hurt and pain, but from the definition above, it is clear that *being bullied* implies that the *offender* is 100% to blame (they show an intent to hurt; they take *hurtful* actions i.e. actions that create risks to health and safety; they use a perceived power over their victim to inflict their hurtful actions; they *repeat* this hurtful action and they have a perceived benefit or enjoyment from engaging in this repeated hurtful action) and the alleged victim has no responsibility for the situation and has never retaliated in a manner that could be deemed threatening, harassing or discriminatory against the 'offender'. If all of this is true, then yes, the victim **is** indeed being bullied and our *Anti-Bullying Policy* is here to help and support them.

**One-off events and the importance of early intervention:** Though 'bullying' requires repetition, there are several negative behaviors that our *Student Handbook* our *Parent Code of Conduct* and our *Staff Code of Conduct* prohibit even if the behaviour occurs only once. These *single-event* infringements could include **harassment** (e.g. sexual harassment, where the person being *harassed* is feeling offended, humiliated or intimidated), **discrimination** (where a person is being treated unfairly because of some protected characteristic they exhibit), **threats** (stating an intention to do harm to someone, in such a way that an *ordinary* person is likely to feel fearful) and **physical contact or aggression** (often occurring as a result of an argument, frustration, or one or more parties having a social-emotional disability or diminished emotional state). For the record, the school has a zero tolerance to *all* such behaviours as they all represent a risk to safety. They are **all Triple Demerit** and potentially *Notice to Show Cause* infringements, but they may not be, in and of themselves, *bullying*.

Even before that, however, there are those situations where people (sometimes even friends) have misunderstandings, miscommunications or become the victims of gossip where heated conflicts (verbal, social or online) can arise that initially may have nothing to do with bullying, harassment or discrimination yet still leave the participants extremely angry and their mental health affected to the point where they may not even want to go to school or work anymore. We refer to these situations as **serious mutual conflict**. Apart from them having the potential to escalate into more serious things as they often encourage one or both parties to participate in a self-defeating power struggle and a desire to retaliate, these conflicts may also encourage both parties to do or say hurtful things repeatedly to one another and in so doing, display a perceived power, (all of which looks like bullying). Why they are **not** bullying, is because **both** parties are engaging in hurtful actions and there is no perceived power imbalance. The good news, is that these serious mutual conflicts **can** also, potentially be de-escalated, resolved or avoided by *early intervention* if both parties are able to commit to that solution.

## 2. What's the difference between **intentional and unintentional bullying**:

I'm having a conflict with someone. She started it and they're repeatedly hurtful and threatening to me, doesn't that mean that the other person is 'bullying' me?

Perhaps, but not necessarily. If someone is *threatening* you, you need to report it immediately. In Queensland it is an offence to threaten or intimidate a person, whether the threat be written, verbal or physical; but to *legally* constitute a 'threat' it needs to be something that an *ordinary person* would be fearful of. (So, a Grade 5 student threatening to come around to your house and beat you up, or a Grade 7 student reacting to a perceived harassment by a group of students on the bus by threatening and swearing at them, though highly inappropriate, is probably not *threatening* in the legal sense.) Still, it would be a clear breach of our School Rules and our Staff Code of Conduct to threaten someone (regardless of how believable or otherwise, that threat might be.)

For clarification then, **any** hurtful, inappropriate or threatening behaviour is unacceptable at this school and would have serious repercussions, but for it to be deemed *intentional bullying*, requires:

1. *hurtful intent*: does this person actually *want* to hurt you for some reason?
2. *hurtful action*: would an *ordinary* person (i.e. a person who is not suffering from clinical depression or anxiety for example) believe that the actions are *actually* hurtful?
3. *a power imbalance and an unjust use of that power*: does this person have a perceived power over you that they're using while taking this hurtful action?
4. *repetition*: has this person done this more than two times recently?
5. *evidence of some benefit or enjoyment*: does this person obtain some benefit or enjoyment from taking this repeated hurtful action against you?

If you have truthfully answered 'yes' to all five questions above, then this would indeed be deemed 'bullying in the workplace' or 'bullying in the school yard' (depending on who/where you are) and the school's Anti-Bullying Policy is here to support you.

## 3. How does the school respond to various levels of anti-social behaviour?

Bullying sometimes stems from an escalation of other anti-social behaviour, like mutual conflict or power struggles within friend groups, or personality disorders or insecurities or a decline in emotional state and uncontrolled retaliation to some provocation. Clearly all these types of behaviours may be related, but the difference is in *how* the school deals with each type of behaviour.

A student who has had a **serious mutual conflict** with another person will (if they've done something wrong like have minor *physical contact* or *swear* or *implausibly threaten* someone) be demerited and (like staff) they're likely to be required to enter into **conflict resolution** with the other party. The earlier this intervention can occur, the better.

A student or staff member who engages in actual **harassment** or **discrimination** or **threatening** behaviour or **physical aggression**, would be **triple demerited** and usually issued a **Show Cause Notice**, requiring them to demonstrate to the principal and school board, why their enrolment (or employment) shouldn't be terminated.

Any student or staff member who has been found to have bullied but for whom there is no evidence that they *intentionally* (i.e. knowingly) bullied, would be demerited (as above), issued a **FORMAL NOTICE** with a SHOW CAUSE and a reminder that any repetition of such behaviour would constitute an act of intentional bullying.

A student who *intentionally* 'bullies' is likely to be **immediately excluded-removed** from the school and a staff member who intentionally bullies would face disciplinary action in accordance with the relevant Employment Award, usually resulting in a termination of employment.

#### 4. Does 'Zero Tolerance' mean everyone who is *accused* of bullying, is removed from the school?

No. Everyone has a legal right to expect *natural justice and procedural fairness*. For example, for a person to be expelled/excluded for bullying, means that for a start, the school must have found *independent evidence* to prove that the alleged bully has *intentionally* bullied and that the suspected bully has had an opportunity to respond to any accusation against them. In other words, the school must have been able to prove...

1. *hurtful intent*: that the person knowingly *wanted* to hurt their alleged victim.
2. *hurtful action*: that the action taken by this person was *intentionally* done and caused risk to the alleged victim's health and safety. This matter includes an 'objective test': would an *ordinary person* believe the action was intentional and likely to create a risk to health and safety? Unfortunately, what the alleged victim thought or felt is not relevant and only verifiable independent evidence (e.g. CCTV footage or an independent witness – i.e. a witness who is not related or affiliated to either the complainant or the accused offender) can be used.
3. *a power imbalance and an unjust use of that power*: that this person has a perceived power over their alleged victim and that they're using this power to intentionally commit their hurtful actions. It is difficult to prove this, if, for example, there is evidence that **both** parties have done or said hurtful things to each other (i.e. it appears that both parties have the same power to inflict harm.)
  - It might still be possible for the school to determine that one of the parties in a physical or verbal altercation was more responsible and more powerful than the other, but remember, for impartiality reasons, the school can only make decisions based on the independent evidence it has available to it.
4. *repetition*: that this person has knowingly committed this hurtful action on their victim on more than two occasions recently?
5. *benefit or enjoyment*: that this person is somehow benefitting from or enjoying committing their hurtful actions. (Again, there is an objective test, - what would an ordinary person think - so, unfortunately, it is not relevant what the alleged victim believes.)

**So, does this mean it's *impossible* to ever prove that someone has bullied?** Not at all. The school regularly removes students for whom the required evidence was able to be found. But the school has to be careful not to believe a person has intentionally bullied if it has insufficient evidence to do so. (It's akin to wrongful dismissal or an employer taking wrongful action against a staff member.)

**FORMAL NOTICE:** This introduces an important aspect of the school's Anti-Bullying policy and process. Even if the school cannot prove **all** the elements to charge someone with *intentionally bullying*, once the school informs a person that their actions **are** deemed to be hurtful to another person and that there **is** a perceived power imbalance between them and this other person, then any future occurrences (repetition) of similar behaviour to anyone, **would** qualify as *intentionally bullying* and according to the school's policy, exclusion/expulsion would be the school's routine response. We refer to this as a *FORMAL NOTICE*. (In certain situations, it might even be appropriate for the school to issue a *FORMAL NOTICE* to **both** parties of an altercation.)

## 5. How does the school ensure procedural fairness and impartiality?

e.g. It looks like Student A's behaviour was better than Student B's and yet it appears as if Student A is the one who has been expelled from the school. Where's the fairness in that?

The school will always do its absolute best to ensure unbiased consistency in its dealings with students and staff. The school will ensure that the *principles of natural justice and procedural fairness* are observed throughout any investigation of alleged wrongdoing.

People (especially children) have rights to privacy which means that unless a court orders it to do otherwise, the school won't publicly disclose **any** details of its investigations. The school, for example, would never disclose publicly whether or not it has actually expelled/excluded or (in the case of a staff member) terminated employment of a person. So, the suggestion in the example above, may not even be based on fact. For example, parents/carers often voluntarily choose to withdraw their child before the school has had time to complete its investigation or make a final determination about the accused person's alleged wrongdoing.

The school has access to footage from over one hundred and twenty CCTV cameras located throughout its classrooms and grounds. Due to privacy rights and our Full CCTV Policy, the school is unable to share footage or images of identifiable persons to anyone other than those staff authorised to view it. Footage that is relevant to an investigation and which is used to support the school's decisions in such matters, is securely stored in the event that at some time in the future, a court might order the school to provide it as evidence.

It is also possible that someone who provides independent corroborating evidence to an investigation, may request *anonymity*. Where possible, the school will attempt to provide such anonymity, but again, a court order may require the school to divulge all relevant evidence including (of course) the names of witnesses.

All this 'confidentiality and privacy' may be frustrating to affected parents and students who are quite likely to never learn about the evidence the school uncovers or perhaps even the outcomes of its investigations or the actions it takes. (As explained above, feedback is normally only communicated to the persons directly related, i.e. the person who made the complaint and the person about whom the complaint was made, and even then, there are severe limitations about what privacy-protected information the school is able to offer.)

That being said, reasons that might explain an *apparent* lack of impartiality include...

1. *The evidence*: The school may have found irrefutable evidence that Student A *intentionally bullied* but couldn't find similar evidence about Student B. Hence, according to the school's Anti-Bullying Policy (3. *How does the school respond...*), Student A was excluded, and Student B wasn't expelled but privately issued a FORMAL NOTICE.
2. *The context*: Perhaps neither student was found to have *intentionally bullied*, but both were found (during the course of the investigation) to have been guilty of separate serious breaches (physical violence, harassment, discrimination or threatening behaviour). The difference might be *the context*, e.g. that Student B was on high merits within the school's Honours System (so the wrongdoing was a rare occurrence for them) and Student A was already on *probation* for a previous Serious Breach. Being 'on probation' might have meant that a condition of Student A's continued enrollment was that he/she needed to demonstrate 'exemplary behaviour' at all times. Being guilty of another serious breach would have meant that Student A was suddenly in violation of their probation conditions, which would automatically lead to Student A's exclusion. (So, Student A's removal was not a function of the school's Anti-Bullying Policy, but rather, the school's broader Terms and Conditions.)

3. *Hearsay*: A community's perception of 'fairness' is sometimes coloured by reputation, rumour and gossip (e.g. 'Oh, everybody knows she's a bully!') But since its decisions affect people's lives, the school is required to use **actual independent evidence**, not hearsay.

There is absolutely no reason that the school would choose to knowingly keep a bully enrolled (or employed). There is absolutely no reason that the school would choose to do nothing about bullying. Anyone who suggests otherwise is either ill-informed or has their own agenda. Thousands of staff hours a year are spent investigating and dealing with allegations of bullying and the school does its best to ensure the safety and wellbeing of every student and staff member. Hearsay and rumour are very difficult things to fight, especially given the school's legal requirements to maintain privacy and confidentiality of and for all parties.

One of the worst cases of bullying the school has ever encountered involved several students starting malicious rumours about a new student insinuating that she had been expelled from her previous school for bullying and appalling immoral behaviour. The emotional impact from these rumours was devastating for the child. Since so many students apparently 'knew about' it, and were openly talking about it, then, clearly it must be true, right? No. There was absolutely no truth to the rumours at all.

It was later confirmed that the new student actually left their previous school because they were assaulted by a person at that school. Our investigation revealed that it was actually a relative of the alleged bully at the other school, who started the rumours via social media and convinced two students at this school of their truth. The two students at this school then further fabricated evidence to support the lies. At this school, we started receiving written concerns and complaints from several concerned parents, outraged and asking why TKIS was harbouring this new student who *was a known bully and a bad influence on their children*.

Hearsay and rumour are themselves, the tools of bullies. The school was able to collect sufficient evidence to expel the two students responsible for leading the untruthful and malicious rumour campaign against their innocent victim.

Regardless of whether a student is on 200 merits or 20 demerits, the school will use all its available resources and available evidence, to prove or disprove any allegations made against anyone. The principles of natural justice and procedural fairness are a legal requirement and something that every child and every staff member at this school is entitled to.

## 6. What exactly is the school's process for investigating accusations and complaints?

- A. REPORT from COMPLAINANT: A student (optionally with the support of their parent/carer) completes a **Student Incident Report** (a staff member would complete a **Complaint Form**) and submits it to Admin, who confidentially forward the form on to the Principal, and the relevant coordinators (e.g. *primary student* incidents would also be referred to the Primary Coordinator and the Dean of Students; *secondary student* incidents would also be referred to the Secondary Coordinator and the Dean of Students; a *staff member* complaint would also be referred directly to the HR Officer and General Manager.) These forms include reference to the **Alleged Offender** (the person(s) the Complainant believes has made repeated hurtful actions against them).
- B. RELATED CONSIDERATIONS: The Principal and/or Coordinators will collectively consider whether the matter reported has any other legal ramifications for the school including...
- Does the matter meet the threshold for reporting to Police as Sexual Abuse or likely Sexual Abuse? If so, the Principal or their delegate must report the matter to QPS.
  - Is a child being exposed to or likely to be at risk of 'significant harm' and if 'yes', then does that child have a parent/carer/responsible adult, willing and able to protect them? If 'yes' to the first part but 'no' to the second, then the Principal or their delegate must report the matter to Child Safety (Decision Tree, etc.)
  - The matter **must** be reported within the school's Management System as a Student Wellbeing Report or an HR Complaint (for a staff member) and in the event that the matter likely meets the conditions of mandatory reporting, the Principal or their delegate must complete the school's interactive *Report of Suspected Harm or Sexual Abuse [Form]* and proceed as instructed.
  - If the matter constitutes a complaint, then it needs to be added to the Complaints Register.
  - If the matter constitutes a suspicion against a teacher involving an allegation of harm or likely harm to a child, it must also be reported to the QCT by the Principal.
- C. DELEGATION: The Principal and/or relevant coordinators will delegate, to an authorised staff member, the responsibility of communicating with the Complainant and investigating the matter. This person is referred to as the **Investigator** (usually one or two of the relevant coordinators.)
- D. INVESTIGATION - OBTAINING PERMISSIONS: The delegated Investigator will begin the process of obtaining relevant information and evidence, including clarifying details and relevant witnesses, and applying to obtain permission to access the relevant CCTV footage, etc. The Investigator will remind all participants, that all matters associated with the investigation are *confidential* and any person speaking about the matter to unauthorised persons, will be in breach of privacy laws and open to both civil and criminal court consequences. In the event that the Investigator needs to discuss the matter with a young person or in the event that such discussions could have damaging implications to the Complainant or Alleged Offender or Witness, the Investigator will seek to obtain written permission from the parent/carer (who may prefer to be present for such questioning) to speak with their child/ward or in the case of an adult, to provide the option of being spoken to in the presence of a nominated Support Person. In the event that such written permission is not provided by the complainant or alleged offender, the Investigator will still proceed with the investigation, explaining to the person for whom parental permission has not been obtained, that they will have the opportunity to respond in writing once they've received the preliminary report from the school. (Note: Due to privacy rights, the *Preliminary Report* is likely only to provide minimal redacted information and a basic use of checkboxes, etc., to provide the Alleged Offender and Complainant an update about where the investigation sits at that time.)

- E. INVESTIGATION - PROVIDING NOTIFICATION: Similarly, as soon as practical, the Investigator will inform the Alleged Offender about the accusations against them, either using a redacted version of the Incident/Complaint Form or if no anonymity or confidentiality issues exist, by providing a full copy of the Incident/Complaint form. The Investigator is likely to ask the Alleged Offender for a written response to the accusations and, depending on the prevailing time pressures, provide a time frame in which such response is requested (e.g. 3 days, 1 week, etc.) Under no circumstances, should the Alleged Offender, or the Complainant or the Investigator, speak to anyone else (other than their confidential support persons, e.g. parents, union representative, etc.) about the matter.
- F. INVESTIGATION PROPER: The Investigator will compile any evidence and responses they are able to obtain to either prove or disprove the allegations being made by the Complainant. Only verifiable, independent evidence can be used by the school in determining its response. Actual CCTV footage, statements from independent witnesses (i.e. preferably not friends or family of either party), statements from teachers and other responsible adults, etc., are required to inform final decisions.
- G. INVESTIGATION – REPORT: Once a response has been determined, the investigator will provide the Principal and other relevant staff with an updated report on the investigation and recommend a Preliminary Report that would be suitable to provide the Complainant and Alleged Offender. (The Preliminary Report is likely to remove any sensitive information and redact any identifying information. It is likely to be a very simple paragraph, which would be suitable for inclusion in an Official Response Letter to the Complainant and the Alleged Offender.
- H. INVESTIGATION – FOLLOW UP: The Principal and relevant Coordinators will oversee any relevant follow-up correspondence, including (potentially) Demerit recommendations, a Show Cause Notice, a Serious Breach Notice with or without Probation, a Formal Notice or a Termination of Enrolment Letter. (Note: A Termination of Enrolment Letter needs to be reported to the school’s Governing Body.)

## 7. What exactly is a FORMAL NOTICE and when is it used?

Once a person is made aware that their actions are deemed to be ‘bullying’, then any repeat of similar actions would constitute *intentional bullying*.

Once again, for clarity, an important aspect of the school’s Anti-Bullying Policy revolves around the notion of a FORMAL NOTICE, where even if a student (or staff member) alleges that they were unaware that their actions constituted a risk to someone’s health or safety and/or they were unaware that there is a perceived power imbalance between themselves and their alleged victim, once the student (or staff member) has been informed (via a FORMAL NOTICE) that such actions meet the definition of ‘bullying in the workplace or schoolyard’ then any further such actions will be deemed ‘intentional bullying’ and the repercussions of a repeated incident for students will be automatic exclusion/expulsion and for staff, automatic disciplinary action in accordance with the relevant Employment Award (typically a Show Cause Notice for Termination of Employment).

As such, a common outcome of an investigation of alleged bullying, is that the student or staff member, may be issued a FORMAL NOTICE explaining that the actions they have been engaged in are deemed ‘unintentional bullying’ and a condition of continued enrollment/employment is that these or similar actions are never repeated.

It is not uncommon for the school to be required to issue FORMAL NOTICES to **both** parties of a conflict involving hurtful actions. (The implication being that the school was unable to collect sufficient independent evidence to confirm that either party was intentionally bullying the other.)

It should also be noted that FORMAL NOTICES are action-and-offender-specific but **not** victim-specific. Meaning, if Student A receives a FORMAL NOTICE for their hurtful actions against Student B, they are likely to be removed from the school, if they’re later found to be engaging in hurtful actions against Student B (again) or against Student C (a different victim) for the first time.

## 8. Somebody’s words or actions are responsible for making me not want to go to school... Isn’t that bullying?

e.g. There is a person (or group) in my school (or workplace) who make me feel anxious and stressed and almost sick whenever I see them. I see them laugh at me behind my back. Just the sound of their voice makes me feel stressed. Now I don’t even want to go to school/work anymore. They have some kind of power or control over me. What can I do about their bullying?

For a start, for your own mental health and wellbeing, you need to **urgently** speak to someone if you’re having any of these kinds of thoughts. These types of experiences are very common, but the good news is that there are many people and agencies who can assist you to cope and thrive at school. Strangely however, the above example **might not even be a case of bullying**. In this made-up example, it sounds just as likely that the person is experiencing some kind of anxiety (or perhaps even depression) that is triggered by fears or insecurities connected to social situations. The group of people they’re referring to might simply be triggering all that person’s anxieties and insecurities. By bringing the situation to the attention of counsellors and support people the school can help them find the help they need and also check to see if what’s happening constitutes bullying.

One of the things our counsellors will try to assist with is to make sure everyone has a *healthy support group* around them. The school can deal with any hurtful actions that others might be doing (including the – *laugh at me behind my back* – situations that the example referred to) but by far the most important thing the school can do, is to make sure every person knows that they are not alone; they have people who are supporting them.

## 9. Why do people bully?

There are many reasons that people bully. In schoolyards, the most common reasons appear to be connected to the bully's own insecurities and emotional needs (low self-esteem, etc.) They might target a student who they perceive (consciously or subconsciously) as being 'better off' than them in some way (perhaps they think the person they target is smarter, or nicer, or has a better family structure or friendship group, or is prettier or stronger or has better uniforms than them). Often bullies believe that their victim 'thinks' they're better than the bully. Sometimes the same kinds of feelings of inadequacy can motivate an insecure person to attack someone because they fear that if they don't, their victim might become dominant in their social group (a 'getting in first, before they get me', kind of mentality.)

Sometimes people bully simply because of their own prejudices, intolerances, biases and bigotries. This is sad. Such people are never likely to live happy, healthy lives in modern society, and they certainly won't be welcome to remain at this school/workplace.

As we point out within this policy document, sometimes, conflicts between people can be perceived to be bullying when they actually aren't...they're just terrible differences of opinion or terrible power struggles where each party thinks the other party has done something wrong and is trying to seek justice for the wronged person (maybe the *wronged person* is a sibling or friend or colleague). Gossip, hear-say and slander are also often contributors to such misunderstandings.

## 10. What forms do the 'hurtful actions' of bullying take?

'Hurtful actions' can take many forms...

- **Direct physical bullying** e.g. repeated hitting, tripping and pushing or taking or damaging property.
- **Direct verbal bullying** e.g. repeated name calling, insults, homophobic or racist remarks, verbal abuse.
- **Indirect bullying** - This form of hurtful action is harder to recognise and is often carried out behind the victim's back. It is designed to harm someone's social reputation and/or cause humiliation. Indirect bullying includes:
  - lying and spreading rumours or defaming someone
  - playing or making jokes to embarrass or humiliate
  - provoking a food-allergy reaction
  - mimicking
  - encouraging others to socially exclude someone
  - damaging someone's social reputation and social acceptance
  - cyber-bullying, which involves the use of email, social media, text messages or chat rooms to humiliate or distress (see below).

**Cyber-bullying or e-bullying**, is a type of hurtful action which involves the use of information and communication technologies such as email, phone and text messages, instant messaging (SMS), chat rooms and video internet sites e.g. YouTube, SnapChat, TikTok, etc. It can be particularly harmful because it can happen anywhere and at any time. Thus, young people who are the victims of cyber-bullying have no place where they feel safe. If the bullying is of a serious and threatening nature, then obviously it goes beyond the school's scope and becomes a legal matter and victims and parents should seek advice by immediately reporting the matter to the police or the eSafety Commissioner <https://www.esafety.gov.au/report>

If bullying amounts to harm of a child as referred to in the school's Child Protection Policy then the matter must be dealt with under the school's Child Protection Policy.

## 11. Some examples of what bullying is *not*.

Bullying is different from ordinary teasing, rough-and-tumble or school yard mutual conflicts. As explained throughout this policy, what makes it different is that with bullying, the incidents are ongoing, intentionally hurtful, and there is usually an imbalance of size and power between the students involved. In formulating an effective approach to dealing with bullying it is helpful to understand what bullying is **not**.

Bullying is not:

- **Mutual conflict** where there is an argument or disagreement between students (or staff) but not an imbalance of power. Both parties are upset and usually both want a resolution. However, unresolved mutual conflict sometimes develops into a bullying situation with one person becoming targeted repeatedly for 'retaliation' in a one-sided way. Though the school needs to assist all parties resolve conflict, conflict itself, is not considered bullying.
- **Social rejection or dislike** – It is not feasible to think that every student or staff member must like every other student or staff member. Refusing to play with a particular child or, for example, not inviting them to a birthday party or not sitting with them at lunch, is not bullying, *unless* that social rejection is directed towards someone specifically to hurt them and involves deliberate and repeated attempts to cause distress, exclude or create dislike by others. This gets tricky however, because not wanting to sit or eat with someone is **not** in itself bullying (it's a free world) but taking actions to convince or intimidate others to *also* not sit or eat with that person, well that is bullying. (It's called *social exclusion*.)
- **Single-episode acts of meanness, or random acts of aggression or intimidation.** As unfortunate and undesirable as they may be, a single act of nastiness, physical aggression, verbal abuse or an occasional push or shove is not bullying, neither is nastiness or physical aggression directed towards many different students. By definition, bullying is intentionally hurtful behaviour directed at a weaker victim that happens on **more than one occasion**. However, since schools have a duty of care to provide a student with a safe and supportive school environment, single episodes of nastiness or physical aggression are in breach of the school's Student Handbook (Rules and Regulations), Staff Code of Conduct and Parent Code of Conduct, all of which detail the school's responses (demerits, suspensions, show cause notices, etc.) to single acts of aggression, intimidation, nastiness, etc.

## 12. My child is being constantly bullied and the school is doing nothing about it.

One of the purposes of this Anti-Bullying Policy is to clarify exactly what the school does for **every** accusation of bullying that it receives. Perhaps this policy document might also demonstrate some of the challenges that your school faces in dealing with anti-social and bullying behaviour on campus and why it might sometimes *seem* like we're doing nothing, but in fact, it's issues like privacy-protections and people's legal rights that prohibit us from reporting or publicising any information about the school's investigations and outcomes.

At this school, we invest a huge amount of management hours a year into investigating every complaint and incident report we receive, and we've also invested (and continue to invest) heavily in a very advanced and extensive CCTV monitoring network that is there to (among other things) help improve the safety for every child and staff member, by providing both live surveillance **and** recorded evidence if required.

Sometimes, however, anti-social interactions between students occur outside of the scrutiny of our cameras. Sometimes anti-social behaviour is hidden and not seen or heard by independent

witnesses. In which case, the school will probably struggle to find the independent evidence of repeated hurtful actions that it requires if trying to charge a person with *intentional bullying*. The likely consequence of being found to be intentionally bullying at this school is expulsion (or termination of employment in the case of a staff member). With such a serious outcome, the school needs to have independent and verifiable evidence before charging someone. However, referring back to the statement above, if a child is being 'constantly' bullied, then it should be very easy for the school to find independent evidence of it. So, what could be going wrong?

- For a start, we'd like to remind parents and students, that we can only accuse and charge someone for the **specific hurtful actions** they take, not for generally *acting like a bully*, as if *being a bully* is some kind of character trait that a person is permanently afflicted with. Someone might have developed a 'smarmy' or smug look that triggers another person's stress or anxiety; they may have developed an aggressive, loud or overconfident way of communicating that intimidates less confident people, but these things don't by definition, make that confident, smug person a bully. As a school, we fully support the notion that people (especially young people) have the capacity to change, improve and become the best that they can be. We mention this here, simply to throw some perspective into the mix and to remind families that though 'safety' is our number one priority, we are a school whose ongoing mission is to inspire our young people to strive for the values of Tenacity, Kindness, Integrity and Self-belief. This mission permeates every aspect of our operations, including the investigation of Incidents and Complaints.

So, why would anyone think that our school does nothing about bullying?...

- Sometimes, during the course of the school's investigation of an Incident Report, it is found that **the student who is making the accusation of bullying is themselves guilty of some anti-social behaviour**. (It is not uncommon for example, for a child who is probably truly being bullied, to **retaliate** either physically or with verbal threats of their own, and if this has happened multiple times and the school finds independent evidence of it all, then the school actually might have more evidence to charge the original complainant than the person they've accused.) The parents of the other student will probably be very vocal about the *victimization* that their poor child has received at the hands of the original complainant. There **are** strategies the school would pursue in situations like this...e.g., we might issue **both** students with a FORMAL NOTICE and remind them both that the school will be closely monitoring, and any future similar hurtful actions by either student would result in expulsion of the offender. (It might be recommended that they each try to spend as much time as possible, in clear view of CCTV cameras, for their own mutual protection.)

--- The take-away from this is for parents to remind their children (as the school always does) that if a person finds themselves being bullied or intimidated or harassed, to never retaliate, never get dragged into the power struggle, never make physical contact with another student and never issue threats. (Even, the response: "*Why don't you just drop dead*" that a girl mumbled to a boy who was antagonising and harassing her, was enough for the parents of that boy, on learning that he had been accused of harassment, to claim that their son was the victim and had received death threats from the girl. Fortunately, the notion of 'threats' has to pass an 'objectivity' test...*i.e. would an ordinary person be fearful of the threat...*and in this case, though his parents disagreed, the school argued that an ordinary person would not have felt threatened by the girl's retaliation.) Before moving on from this point, we should mention that sometimes being dragged into the power struggle of a social situation can quickly escalate to the point where **both** parties (maybe even people who were once good friends) can find themselves doing and saying things that they wouldn't normally do and which to an observer would constitute hurtful actions from **both** sides. We would remind both students that at this school, they each have a responsibility to *support* each other to feel safe. Both parties might believe they are the less powerful person in this interaction and therefore being bullied, but an unbiased viewer might argue that both are contributing to the problem. To avoid finding yourself in such a situation, remember: **Report, support, don't retaliate.**

- Sometimes, during its investigations of an accusation of bullying, the school finds evidence of what might be referred to as a *lesser crime* (i.e. single events of harassment, discrimination, threatening behaviour, offensive language, a one-off physical altercation, etc.) but not sufficient evidence to charge the accused student with *intentional bullying*. In such cases, the offending student would face the consequences of that lesser crime, e.g. be issued with a **Triple Demerit** and depending on the circumstances, perhaps the student might also be issued a **Serious Breach Notice** and placed on **Probation** and/or an **Internal Suspension**. All we would be able to tell the parent of the student who made the complaint, however, is that *‘the matter has been dealt with in accordance with school policy’*. Protective parents understandably want to hear that the bully has received a significant punishment proportionate to the pain that their poor child felt from what they believe to be ‘bullying’. When the only feedback the school is able to make is: *‘the matter has been dealt with...’* the parent and the student who made the complaint are unlikely to feel suitably defended. Especially, if soon after, the child believes they’re again being harassed or intimidated and now doesn’t want to go to school...the parent would be forgiven for thinking that the school has done *nothing* to stop the ongoing bullying.

From the school’s perspective, however, our management staff may have spent 20 or more hours searching for evidence and investigating everything we could in relation to the incident. If there is a subsequent or follow-up incident, then the school actually needs **another** ‘Incident Report’ providing the **new** details of the new incident, so the school can investigate this new information. If the original offending student had been placed on Probation (something the parent of the complainant would not be aware of), then all the school needs is independent evidence of a second offense by this same student, and we would be able to mount a good case of *intentional bullying* against the offending student. It doesn’t help then, if the parents of the victim ‘give up’ and think: *“What’s the point? The school won’t do anything.”* Remember, the school will **always** do something, but we need a new Incident Report/Complaint with the *details* of the new incident to be able to effectively investigate it. (Of course, it doesn’t help, if the information about the new incident is in relation to a *different* student doing the offending. From the school’s perspective, we’re right back to the beginning again, but from the parent’s perspective, it might appear as if it’s an ongoing ‘the school won’t do anything’ situation. The school obviously can’t associate what one student did when it’s investigating another student...they’re completely different investigations...but for the parent of the common victim, it is not reassuring.)

- Sometimes, a student and/or their parents make a complaint that they’re being bullied but are **unable to provide the school with any of the exact where/when/what details that we need for a successful investigation**. The school has over 120 CCTV cameras, each recording 24 hours a day, 7 days a week. That means *every term*, the school records up to *a quarter of a million hours of footage*. (That’s the equivalent of over 10,000 days of footage recorded every term, and understandably, it’s impossible to randomly find anything buried within 10,000 days of footage.) Potential witnesses are unlikely to remember sufficient details or recall exact words or actions from months ago. So, to report to the school that an incident happened *sometime last term*, is not likely to result in the school being able to find the independent evidence that it needs to charge a student with intentional bullying.

As inadequate as this must sound, all we would be able to suggest to the parent and student in this case would be to provide us with updated information about any **new** incidents as soon as (or if) they occur.

- Ten to fifteen percent of all children in Australian schools have a diagnosed or imputed disability. Sometimes, both the person who is feeling bullied and the person who is alleged to be doing the bullying, both experience their own social-emotional challenges. Any person with a disability has a right to expect their school to make reasonable adjustments to support them and like all students and staff, they also have a right to expect a safe learning/working environment. Schools can find themselves in seemingly impossible situations if both parties to an allegation of bullying have a diagnosed disability. Privacy rights exist for both parties (so we can’t discuss either student or disclose any details with the other parents). Anti-

discrimination protections exist for both parties. Child Protection rights exist for all children. The psychosocial well-being and physical health of both parties as well as anyone else associated with the matter (like witnesses, etc.) all need to be considered.

Often, all the school can do in such situations is try, to the best of its ability, to ensure that everyone is safe. Unfortunately, this is likely to involve issuing FORMAL NOTICES to either or both parties, unless we are able to affect some physical intervention that can safely keep both parties away from each other.

- Sometimes, a complaint about bullying involves an accusation that a young person did something that is quite offensive or perhaps even potentially illegal. In such cases, the school is required to obtain parental permission to speak to children who may be potential witnesses. Parents have no obligation to provide the school with their parental consent and even if they do, they may insist on being present at the time of the questioning. If a parent/carer does not provide written consent, then the school will be unable to speak directly to the witness and at best, all we could ask for is the child to provide a written statement. Since, when requesting a written statement, the school would be unable to provide any specific details about the matter being investigated (child privacy rights, etc.) it is unlikely that the school will obtain useful evidence from any written statements it receives.

Again, from the parents of the complainant's perspective, it might look like the school didn't even speak to all the witnesses their child proposed. In reality, however, schools are not the police. We have only very limited authority to investigate matters that occur on campus and if there is any chance that a child might incriminate themselves under questioning, parental permission is required.

- Sometimes, the alleged hurtful actions occur off-campus. Schools have no legal authority whatsoever to investigate or deal with things that happen outside of their school grounds. Sometimes parents inform the school of negative behaviours (like bullying, cyber-bullying, even criminal things like vandalism, etc.) that our students have allegedly been involved in at nights, on weekends or on school holidays. Though we will be happy to record this information for future reference, we are legally unable to do anything more about it. (We would encourage the person who provided the evidence to contact the police or eSafety Commissioner, etc., directly.) An exception to this would be in the case of 'reputational damage'.

*Reputational Damage* occurs, if an independent community witness (like a commercial business or a newspaper or the police or someone in an official capacity) were to positively identify a TKIS student wearing a TKIS uniform being involved in some activity in public which brings the school's reputation into disrepute, then the school would act on that independent evidence and a Board Demerit and Show Cause Notice would be issued. In the unlikely event (i.e. glad to say, it has never happened in the history of the school) that a TKIS student is actually convicted of an offense, then the student would be automatically excluded/removed from the school under our Terms and Conditions of course, but regardless of whether the student is charged or not, there are three criteria that need to be met before the school can claim **Reputational Damage**:

1. the negative activity that occurred *off school grounds*, must have occurred in 'public' and not privately (which is likely to preclude anything occurring in a private social-media setting).
2. there must be clear evidence that the student's actions damaged the reputation of the school (i.e. they were clearly observed wearing our school uniform or identified publicly as TKIS students for example) and
3. that without having to investigate or collect any further evidence (remember, the school is not able to investigate matters that occur outside of school grounds) there is *irrefutable* evidence of who exactly the student is, and that the information has been provided by an *independent* source (i.e. not a parent, student or person associated with anyone involved.)

- Sometimes, incidents occur **on a school bus**. Buses are deemed 'off campus' and are the legal responsibility of the independent bus companies who operate them (Beaudesert Bus Services or Sun Hill Bus Services, etc.) Despite what it might look like from all the advertising signage on the outside of a bus, the school has no affiliation with bus companies and no jurisdiction whatsoever on **public transport**. If an accusation of bullying or other anti-social behaviour on a school bus is received, the school is unable to undertake an investigation (see point above) other than to see if we can find independent witnesses to provide statements. Since students who travel on buses often do so with their friends or siblings, it is a challenge to find independent witnesses. The bus company operate CCTV cameras on most of their buses, so the school will always forward a request on to the bus company to investigate, but it is usually more effective for the parent/carer to make the report/complaint in writing *directly* to the bus company as they (the bus company) are then required under Transport Authority guidelines, to investigate the matter and respond to the complaints of passengers. If, in the bus company's opinion, they find evidence that is *damaging to the reputation of the school* (e.g. they find evidence of a TKIS student's wrongdoing) they will always pass this information on to the school, which we can incorporate as *independent evidence* in our own investigation and consider whether a charge of **reputational damage** (see above) is appropriate.

Acting in public in a manner that brings disrepute to the school is a Board Demeritable offence at TKIS and if proven, would be grounds to issue the offending student with a Serious Breach Notice and be issued a Show Cause Notice. The bus company itself might also suspend or cancel the student's permission to travel.

**In conclusion:** Though there are many hurdles and challenges to overcome, the school will always investigate Student Incident Reports and Complaints of bullying and anti-social behaviour to the best of its ability. The school will always prosecute to its full capacity (i.e. expel) any student found to have intentionally bullied.

### 13. My child believes they're being bullied but doesn't want to speak up about it or draw attention to it.

Unfortunately, this is a too-common problem. A young person might be struggling now with what they're dealing with at school, the bus or online, but they don't want to even imagine what might happen if they dare complain about it. The potential escalation of what the bullies would do, all the scary 'unknowns', can quickly become overwhelming to a young person. There only has to have been one incident in their lives of them complaining about something which made it worse, that makes 'informing someone about it', not an option, from the victim's perspective.

Yet, what happens from this *response by silence*? The bullying continues, and now emboldened, they continue bullying, believing they can do so, without consequences.

As hard as it might be to break this cycle, the school, parents/carers and the students' friends, need to support such victims and encourage them to report. We would recommend that anyone facing this kind of dilemma (i.e. being bullied, harassed, victimized, threatened, etc. but too intimidated to report it) should make sure they spend as much time as possible beneath CCTV cameras, and the next incidence of bullying that they experience, to report the matter, either to the school (Student Incident Report) or to their parent/carers who can speak to the school on their child's behalf.

If the school can find irrefutable CCTV evidence, then it won't even need to refer to the student as a witness or an accuser. Instead, the school can simply inform the offending student(s) that evidence was observed by staff in the course of their daily monitoring duties. This way, the bullies can at the very least be issued FORMAL NOTICES (even if the victim doesn't wish to formally report) and the bullying will hopefully stop. Remember our Anti-bullying mantra: Report, Support, but don't Retaliate.

## 14. So, what recommendations does the school have for parents who believe their child is being bullied?

Our recommendations are quite simple:

- **Make a written report (i.e. not verbal) immediately to the school.** You can find Student Incident Report Forms or Complaint Forms (for adults) at Admin or as part of the Appendix of this Policy. Though it can sometimes be useful for a student to make a report directly to a staff member, staff receive many verbal reports throughout the day, but then, more often than not, see those same students playing happily together five minutes later. As such, teachers tend to wait to see if the complaint *pans out*. It is irrelevant how many times a student complains about a peer to a teacher, if every time the teacher checks in, they see both students playing happily, the teacher will dismiss the complaint...hence the common accusation: *I've complained to the teacher about the bullying many times but they just ignore me*. No, you complained that you weren't getting along with another student many times and then the teacher saw that you *were* getting along...so the teacher ignored you. A submitted *written* report, however, will *never* be ignored.
- **Get help completing the written report.** Parents and carers, teachers and counsellors will all be happy to assist a student complete a Student Incident Report and HR will always be happy to assist a staff member complete a Complaint Form.
- **In the report, you need to (as accurately as possible)...**
  - Describe **what** the hurtful action is that occurred against you.
  - Explain **when** this hurtful action occurred. (Including if it happened multiple times, when each incident occurred.)
  - **Where** this hurtful action occurred. (Again, if it happened multiple times, where each incident occurred.)
  - **Who** made this hurtful action against you?
  - Who **witnessed** this incident/these incidents?

## 15. FACT CHECKER

If you **feel** like you're being bullied, then you **are** being bullied: **WRONG**.

The old saying: *"If you feel like you're being bullied, then you **are** being bullied,"* is not based on any evidence or fact or Workplace legislation. As examples cited throughout this policy will suggest, if you feel like you're being bullied, then you should definitely be talking to someone about it [consider filling out a Student Incident Report or a Complaint Form or speaking with a student counsellor or HR officer] but it might **not** be a case of bullying.

You might instead be having an emotionally painful *conflict* with that person. You might even be experiencing *triggered anxiety and stress* in relation to that person. So much so that you might not even want to go to school or work. It might feel like the other person has the power because you feel so powerless or because the other person is better at masking the appearance of their own fears, anxieties or concerns.

As terrible as such feelings are, they might not constitute bullying (see definition above) and they may require a very specific set of treatments, strategies and support to rectify.

If you **feel** like you're being bullied, then you should stand up for yourself: **WRONG**

This is the 21<sup>st</sup> Century. '*Standing up for yourself*' these days, is likely to lead to you getting into a lot of trouble, particularly if your perception of bullying can't be proven. Though it's important to develop assertiveness, resilience and the ability to push through challenges, it is also important to learn to communicate, empathise, trust the people and systems around you and make sure you *reach out for help*, but never try to take the law into your own hands. You could find yourself becoming the person who is accused of '*issuing threats, or discrimination or harassment*' by the very person who is causing you pain. Remember: Report, Support, but don't Retaliate.

If you **feel** like you're being bullied, then you need to report it: **CORRECT**

This is the most important thing for you to do. The school will do everything in its power to protect you if you are being intentionally bullied. We will also do what we can to support you if you're not being bullied, but instead are being harassed or discriminated against, or threatened. Likewise, we will do what we can to assist you and seek resolution if you're experiencing any kind of conflict with another person. We can't do any of that, unless you report it and we know about it.

Consider filling out and submitting a **Student Incident Report** (for students) or a **Complaint Form** (for staff and adults). (See Appendix).

## 16. POLICY

The school's *policy* has two components...

- *the proactive component* of our policy establishing processes to educate and inform students, staff and parent/carers about bullying to reduce its likelihood and
- *the reactive component* of the policy, involves procedures to follow in the event that a person is being bullied after the *proactive component* has been engaged.

### 16a. The proactive component:

All students upon entry to the school and all on-going students will be educated about the school's zero tolerance, no-physical-contact, value of kindness expectations. This will typically take the form of:

1. Year 1 and Year 7 students will be taken through a formal induction workshop including activities and discussions on the issues of bullying.
2. Education for all other year levels will occur through discussions at role call and at assemblies throughout the year as well as information provided in the school's Student Handbook.
3. Relevant topics are covered within the school's Student Handbook (Rules and Regulations)

4. A bullying audit will be conducted in Grades 7 to 9 at least once every two years.

In addition:

5. Parents will be included in the education process, e.g. Newsletters; on-going communications about demerits and behavioural concerns as well as regular letters to parents from the Principal and Coordinators. Relevant topics are covered within the school's Parent Code of Conduct.
6. Parents are informed via the school's Parent Portal about demerits that have been issued to their children for unsafe, unacceptable, unsportsperson-like or non-compliant behaviour. It is hoped that parent/carers will support the school's efforts to educate and inform all our students about the dangers of developing anti-social habits which could escalate into forms of bullying.
7. All staff will be continually educated with regard to bullying at our school and more importantly, what their responsibilities are; and relevant topics are covered within the school's Staff Code of Conduct as well as the Student Handbook and Parent Code of Conduct.

The *proactive component* of our policy attempts to start from a 'no-blame' perspective in dealing with bullying; however, **safety** is the school's number one priority, so stricter and more immediate consequences may be engaged within the *response component* of the policy, if required.

There are a wide range of practices employed by the school to reduce the likelihood of bullying and to reduce the likelihood that 'mutual conflict' doesn't escalate to become bullying or endanger students and staff. These include the method of 'shared-concern', buddy systems, no physical contact, restorative justice, peer counselling and mentoring, and managing behaviour consequences (Bill Rogers).

Successful *proactive* programs seem to have the following characteristics in common:

- a whole school approach
- the school begins by identifying the broader extent of the problem, e.g. by using a whole school survey, perhaps developed by students
- the school seeks to involve all members of the school community in developing its anti-bullying policies
- the school institutes a program of promotion/public relations/awareness so that bullying is not something that is 'hidden' - e.g a poster competition, presentations at school assembly, role-plays, drama presentations, using the formal curriculum to lift awareness (e.g. choice of novels), introduction of assertiveness training
- peer support/buddy schemes are in place
- students, staff and parents are involved in an effective educational program to train and support them in identifying and preventing bullying
- a clear written policy is available to the whole school community and outlines how the school will deal with incidents of bullying [this policy]
- the policy refers to the school's separate complaints procedures and policies
- the policy includes support and education for both victim and perpetrator
- the policy is applied consistently

- the school has developed a crisis intervention procedure which can be called on in the case of emergencies
- staff awareness is raised so that there is a high level of vigilance, but not over-reaction
- supervision is high in known problem areas of the school
- CCTV cameras are placed and continuously record likely potential risk areas of the school
- students are encouraged to participate in scheduled activities during school breaks
- the school's anti-bullying policy is evaluated regularly, and records are kept of reported incidents of bullying and how each incident was handled. Which strategies worked and which didn't are documented and used to improve the program.

### **Whole School proactive approach for dealing with bullying**

The school has a 'no-blame' approach to accusations of bullying. That is, its initial aim is to stop any bullying, rather than punish the perpetrator, although that does not preclude punishment if intentional bullying persists (see Reactive Component of this policy).

For any incidents of bullying, a member of staff will deal with the problem on the spot, in order to defuse the immediate conflict. Once the immediate issues have been dealt with, the following steps should be taken:

#### **1. Identification.**

A student, parent or staff member reports bullying incidents/concerns to a staff member who notifies a member of staff identified as **an Investigator** (School Coordinator, Principal, Dean of Students, HR Officer, etc.) to implement the anti-bullying program. Incident Report forms (student) and Complaints Form (parents and staff) are available for this purpose.

#### **2. Initial interview.**

The Investigator interviews the victim and bully separately and records the details of the incident in writing on a standard proforma. [There are several steps within this process – please refer to **6. What is the exact process the school uses for investigating incidents and complaints? within this policy.**] Where relevant, the Investigator will liaise with parents/carers and make both parties aware of the bullying strategy and policy and discuss the issues surrounding the particular incident. The Investigator works with both parties to devise strategies for future conflict resolution. The Investigator might attempt to reach a position where both parties are satisfied with the outcome; i.e. the victim feels secure and the offender (or both parties, if the matter is considered a *mutual conflict*), are prepared to modify their behaviour in future. The victim understands that any further bullying must be reported immediately, and the offender would be made aware of the inappropriateness of their actions.

The strategy at this stage is not to apportion blame, or to punish; but to support the victim and make the perpetrator aware of the school policy and of the consequences if behaviour does not change. [Consequences may include multiple demerits, probation, Formal Notice, show cause notice, expulsion/exclusion.]

## 16b. The reactive component:

### 3. *Follow-up Interview*

If the incident is repeated or the problem continues - both parties record the incident/problem in writing on a standard proforma (Student Incident Report or Complaints form). Young people may require assistance in recording their feedback. The Initial Contact staff member (or Investigator) either interviews both parties together (or in isolation if a child or the parents of an alleged victim or a staff member request it) and discuss the problem; makes the alleged offender aware of the feelings of the other person and the effects their actions may be having; and makes instant suggestions of temporary strategies for the immediate safety of all parties. The Investigator may seek help from a qualified counsellor but is likely to escalate the matter at this point.

If in the opinion of the Investigator the matter legally constitutes bullying in the workplace/school grounds, they should escalate the matter immediately to the Principal, Coordinator, HR Officer, etc. for guidance.

The Investigator (or Coordinator or Principal) will send a communication (usually email) to both sets of parents (or staff members if the matter refers to an incident of workplace bullying) explaining the situation, outlining the strategies that have been employed to date and reinforcing the consequences that may flow from any repeat of the bullying.

At this point, unless the matter has been resolved to the satisfaction of all parties, the school is likely to issue a **Formal Notice** to the offending party(ies) if there is any question that the bullying was unintentional or **Show Cause Notice** if the school believes it has sufficient evidence to prove that intentional bullying has occurred. The school will also need to make a decision about how best to support the safety of the student or adult who is being bullied and whether support mechanisms for student or staff member are required. (In the case of bullying to a child, the school needs to ensure that there is a parent/carer who is willing and able to support the child, otherwise Children's Services must be contacted by the Principal or the person who has first-hand knowledge of the situation. (See Child Protection Guide <https://secure.communities.qld.gov.au/cpguide/engine.aspx> ).

If a solution to a particular problem is not found, the school may consider the use of an outside person, such as a trained mediator, to assist in reaching a workable resolution.

### 4. *Reinforce (above), employing sanctions*

If counselling by the Contact Person/Investigator, or others, does not stop the bullying, sanctions will need to be imposed. These could include, but are not confined to:

- A single Official Warning to cease offending
- Detentions and Demerits (triple demerits would be automatic for an incident of bullying)
- Exclusion from certain areas of the school premises and certain activities
- Seek help from qualified counsellor
- Formal Notice with Internal Suspension
- Formal Notice with Fixed term Suspension

- Show Cause Notice with or without Probation
- Permanent exclusion

The school keeps central records of all reported incidents of bullying. These are analysed on a regular basis to ascertain major areas where bullying occurs, sex and age of victims and bullies, and strategies that have proven successful. A review of the school's policy is undertaken every 12 months, taking into account this annual data.

An important consideration for schools, teachers, parents and students is that overcoming bullying is neither simple nor quick. Schools need to constantly reinforce the fact that bullying is not acceptable and to remind students how to counteract bullying (by reporting it), as well as offering programs to lift self-esteem and resilience; students need to be made aware of their responsibilities not to bully and not to condone bullying by being silent bystanders; and parents need to be confident to approach the school with their concerns, and encouraged to work with schools in a non-blame situation so that their children are protected.

## 17. SCHOOL AND STAFF RESPONSIBILITIES

The school will:

- Involve students, staff and parents in the development and review of its Anti-Bullying Policy, including its policy on cyber-bullying.
- Identify one or more members of staff as a Bullying Contact Person.
- Ensure all staff members are familiar with the school's anti-bullying policy and provide appropriate professional development on a regular basis, including at the time of induction of new staff members.
- Ensure that all accessible areas of the school are patrolled thoroughly.

Staff members will:

- Watch for early signs of distress in students. This could be evident in any aspect of school life.
- Ensure they are familiar with the school's anti-bullying policy.
- Where bullying is observed, intervene immediately to stop the bullying.
- Offer the victim immediate support and help and outline what will now happen.
- Educate all students with regard to their responsibilities as bystanders to a bullying incident.
- Ensure they do not model bullying behaviour in interactions they have with students, parents or other staff members.

## 18. STUDENT RESPONSIBILITIES

Students should:

- Report all incidents of bullying to a trusted senior student, teacher or year level coordinator or other staff member **or**, anonymously.

- Actively support students they know are being bullied.
- Refuse to become involved in bullying, including as a bystander.

## 19. PARENT RESPONSIBILITIES

Parents should:

- Watch for signs of distress in their child, such as, unwillingness to attend school, a pattern of headaches or stomach aches, equipment that has gone missing, request for extra pocket money, damaged clothing or bruising. Early contact is essential at this point.
- Take an active interest in their child's social life.
- Report to the school's Bullying Contact Person or any other member of school staff if they know, or think, their child is being bullied.
- Keep a written record if the bullying persists: Who, What, Where and When?
- Advise their child to tell a trusted teacher.
- Tell their child that there is nothing wrong with them.
- NOT encourage their child to hit back or respond verbally.
- Ensure they do not model bullying behaviour in interactions they have with the school staff and administration.

## 20. CYBER-BULLYING

### Cyber-bullying

The Internet, mobile phones and other communication technologies have resulted in a new form of bullying, commonly called cyber-bullying. This involves the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group to hurt others. Cyber-bullying may include the sending of nasty emails or text messages by one person to another. It may also include defamatory personal Web sites where one person establishes a website which includes unkind comments and photographs about another person.

Cyber-bullying is different from other forms of bullying because:

- it is often difficult for adults, who are not as technologically savvy as their children, to detect;
- it is often outside the reach of schools as it happens on home computers or via mobile phones; and
- hurtful messages can be communicated to a very wide audience, around the world, with remarkable speed.

It is also a particularly cowardly form of bullying because the cyber-bully can effectively hide behind the anonymity of the Internet and is able to reach the victim at home. Thus, the home is no longer a refuge for students bullied at school.

As for other forms of bullying, there is no one approach that will always work for cyber-bullying. Schools need to educate students and families about cyber-bullying and about a range of Internet safety approaches to provide the best overall protection against cyber-bullying. Schools might supply parents with the following advice:

- For younger children parents might consider the use of filters, labels and safe zones so they can restrict the sites their child can access or the materials they can receive (see the CyberSmart site at <http://www.cybersmart.gov.au/> for advice about filters and other ways to restrict access to dangerous materials).
- For younger and junior secondary school students parents should consider keeping the computer in a public area of the house, such as the family room, so they can see what sites are being accessed and the type of messages their child is receiving.
- For all young people, parents should be advised to talk to their children about the ways they can protect themselves when using information technologies. For example:
  - to be careful who they give their telephone number to or their online handle;
  - never give out or share personal information numbers (PINS);
  - don't believe everything you read online – just because someone tells you they are fifteen, it doesn't mean they are telling the truth;
  - never send a message to others when you are angry. Remind them that what they write becomes available in cyberspace and cannot be taken back;
  - never open a message from someone they don't know;
  - be polite in all online or text message dealings; and
  - **never** arrange to meet someone they have met online unless they take their parents or (for older children) a trusted friend with them.

If a child reports he/she is being bullied on-line parents should advise them:

- not to respond to cyber-bullying messages as this is only likely to encourage the bully. Bullies **want** them to respond;
- to report the bullying to parents and to their teachers;
- not to erase or delete messages from cyber-bullies even if they really don't want anyone else to see what is written – these messages may reveal clues about who has written them;
- never be ashamed to tell someone if they receive a frightening message. **It's not their fault** that there are some very strange people in the world; and
- to report that they have received a bullying message to their ISP (Internet Service Provider). If the message is forwarded to the provider, it may be able to trace the sender.

### **The role of the school**

Because cyber-bullying often occurs outside of school it is difficult for schools to control. In most cases, however, cyber-bullying should be treated similarly to other forms of bullying. The most important thing schools can do is to educate students about cyber-bullying and the dangers online **and** talk about inappropriate online behaviour in the context of the school's values policy.

The Australian Government NetAlert site gives the following advice to young people about

dangers online:

- Always be alert when on the internet. While there are some excellent sites to visit there are also some bad ones like pornography, animal cruelty and hate sites.
- If something appears on your screen that disturbs you, tell your friends, a teacher or parent, or contact NetAlert on 1300 669 024 or by email to [netaalert@acma.gov.au](mailto:netaalert@acma.gov.au) for advice on what to do.
- Remember, you will not get into any trouble by letting people know what you have stumbled across.
- If you hear or see your friends getting into places that look unsuitable, remind them of the potential dangers and advise them on how to get out of the site.
- Keep all personal information to yourself (including photos, your name, the name of your school, the name of your family members and your phone number). Strangers might use your personal information in a way that you never intended them to.
- Chat rooms are great ways to talk to people but be aware that some people in them are not who they say they are. If someone or something disturbs you in a chat room, leave and find another one where there are people you like. Talk to your parents, carers or teachers about advice on how to deal with stranger danger.
- Not everything you read on the internet is true. Be smart and make decisions for yourself on what you think is right and wrong.
- Be careful downloading free games or files. People can trick you into clicking on a link that sends you to an unsafe zone or makes your computer download a virus.
- Only give your mobile phone number to your family and friends and if you start getting upsetting or annoying text messages, tell a teacher or parent.
- Always seek help from adults or friends. Parents might not know as much about the internet as you, but they know about life and together you can work out any problem that you might encounter when online.

A new resource published by the Queensland Police Services (QPS) on cybersafety and technology, *Who's Chatting to Your Kids*, was released at the beginning of September 2009. The resource contains an easy-to-read information booklet and 45 minute DVD designed to support parents and guardians to establish with their children appropriate conditions of internet use within the home and elsewhere. The information booklet (and family internet safety agreement) is available to be downloaded from the police website at:

<http://www.police.qld.gov.au/programs/personalSafety/childProtection/default.htm>.

More information about cyber bullying and other forms of bullying is available on the Queensland Schools Alliance against Violence (QSAAV) website at:

<http://education.qld.gov.au/studentServices/behaviour/gsaav/>

Schools should also access the Australian Communications and Media Authority (ACMA) website at: <http://www.cybersmart.gov.au/> for further information about how to develop a cyber safe school culture and cyber safe policies.

## Values

Despite the best efforts of parents and schools, young people are likely to overcome attempts to

restrict or censor their use of the internet. Teaching students about ethical and legal use of technology is, therefore, essential. Please refer to the Computer Use Policy for more information about the legal requirements in regard to internet use.

## POLICY RELEASE DETAILS

### *Date of Policy*

January 2011

Last Review March 2024

## RELATED POLICIES AND DOCUMENTS

Child Protection Policy  
Allergies Policy  
Anti-Harassment Policy  
Student Code of Conduct  
Parent/Carer Code of Conduct  
Staff Code of Conduct  
WH&S Policy  
Terms & Conditions of Enrolment

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## **22.APPENDIX: Examples of Forms used within this Policy and Procedure.**

# FORMAL NOTICE | STUDENT



Issued to (the Notice Recipient):

Grade:

Date of Issue:

Ref No:

The school has found sufficient evidence to believe that the student to whom this Formal Notice is issued (the Notice Recipient) may have **unintentionally bullied** another person in that they have...

Carried out hurtful actions that are deemed to represent a risk to the health or safety of another person.

The hurtful actions include:

- |                                              |                                                |                                                            |
|----------------------------------------------|------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Physical aggression | <input type="checkbox"/> Threats of violence   | <input type="checkbox"/> Harassment                        |
| <input type="checkbox"/> Intimidation        | <input type="checkbox"/> Discrimination        | <input type="checkbox"/> Emotional Aggression or Isolation |
| <input type="checkbox"/> Cyber-bullying      | <input type="checkbox"/> Slander or Defamation | <input type="checkbox"/> Other: <input type="text"/>       |

Carried out the above hurtful actions repeatedly (i.e. on several occasions), namely:

[And that] there was a perceived power imbalance when undertaking these hurtful actions, namely:

- The Notice Recipient was bigger or older than their target
- The Notice Recipient was leading a group who outnumbered the target(s)
- The Notice Recipient held a perceived power imbalance over their target
- Other:

It is conceded however, that the Notice Recipient **may not** have been aware of the risk to health and safety that their actions represented or the seriousness of the negative impact those hurtful actions (described herein) were likely to have on their target or that there might not have been an intent to hurt the target(s) by these actions.

For this reason, the school is giving the Notice Recipient the benefit of the doubt and not proposing exclusion/expulsion from the school at this time.

However, this FORMAL NOTICE serves to remind the Notice Recipient that now that they have been informed and notified that the types of actions described herein, meet the criteria of 'hurtful actions', as defined within the school's Anti-Bullying Policy, any repetition of these (or similar) actions against **any** other person, will result in the school having no alternative but to expel/exclude the Notice Recipient.

Signed Principal:

This Notice needs to be signed by parent/carers and returned to the school within seven (7) days of Date of Issue.

Signed Parent/Carer of Notice Recipient:

Signed Notice Recipient:   
(If student over 12 years old.)

# SERIOUS BREACH NOTICE | BULLYING | SHOW CAUSE NOTICE



Issued to (the Notice Recipient):

Grade:

Date of Issue:

Ref No:

The school has found sufficient evidence to believe that the student to whom this Serious Breach/Show Cause Notice is issued (the Notice Recipient) has **intentionally bullied** another person in that they have...

Knowingly carried out hurtful actions that are deemed to represent a risk to the safety or health of another person, namely:

- |                                              |                                                |                                                            |
|----------------------------------------------|------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Physical aggression | <input type="checkbox"/> Threats of violence   | <input type="checkbox"/> Harassment                        |
| <input type="checkbox"/> Intimidation        | <input type="checkbox"/> Discrimination        | <input type="checkbox"/> Emotional Aggression or Isolation |
| <input type="checkbox"/> Cyber-bullying      | <input type="checkbox"/> Slander or Defamation | <input type="checkbox"/> Other: <input type="text"/>       |

Knowingly carried out the above hurtful actions repeatedly (i.e. on several occasions), namely:

[And that] there was a perceived power imbalance when undertaking these hurtful actions, namely:

- The Notice Recipient was bigger or older than their target |
- The Notice Recipient was leading a group who outnumbered the target(s)|
- The Notice Recipient had been previously informed about a perceived power imbalance that they held over their target
- Other:

For this reason, the school is hereby charging the Notice Recipient with a Serious Breach of the school's Terms and Conditions (Code of Conduct and Anti-Bullying Policy) and in accordance with those policies, is issuing this Show Cause Notice, to allow the Notice Recipient and their parent/carer(s) the opportunity to *show cause* why the Notice Recipient's enrolment at the school should not be immediately terminated.

For Child Protection as well as Privacy and Confidentiality reasons, the specific details of the evidence that the school has collected during its investigations and on which it has based its decisions, are not able to be openly divulged or discussed. In the interests of natural justice and procedural fairness however, the school can advise that the following *types* of evidence have been stored and will be maintained for a minimum of three (3) months from the date of this Notice and would be made available to the Notice Recipient (or their parent or guardian) if the school was required to do so, by court order or similar.

Types of evidence obtained and retained and used in making the school's decision:

- Written statements from independent witness(es)  Written statement from the Notice Recipient.
- Verbal statements taken from witness(es) under staff and CCTV supervision.
- Written statements from alleged victim(s)  Written complaints from third parties.
- Verbal statement from the Notice Recipient taken under staff and CCTV supervision.
- Written statements from witnesses defending the Notice Recipient.
- Written statements from third parties defending the Notice Recipient.
- Actual CCTV footage of incidents that occurred at school.
- Redacted CCTV footage or still images from CCTV footage provided by a public transport provider.
- Screen shots or redacted footage obtained from social media or similar online sources.
- Evidence that the school had previously warned the Recipient about actions described herein.
- A history of Demerits issued to the Notice Recipient for previous hurtful actions.
- Evidence of communications to parent/carers of the Recipient about previous hurtful actions.
- Other (which):



Issued to (the Notice Recipient):

Grade:

Date of Issue:

Ref No:

Suffice it to say, the school does not take lightly these charges or the impact on the life of a student whose school enrolment is terminated. However, the school would not take this action unless it had irrefutable evidence to support its decision and unless the safety and wellbeing of the school community were not its fundamental priority. TKIS has a 'zero tolerance' to bullying.

The Notice Recipient (and/or their representative, parent or guardian) are **invited to respond in writing to the school board**, within seven (7) days of the date of this Breach Notice, to argue why the school should consider retaining the Recipient, a young person who has now been found guilty of bullying and being a risk to the health and safety of others.

If the Notice Recipient or their representative (parent/carer, etc.) wish to Appeal the school's decision, they should do so in accordance with the school's Complaints and Appeals policy and direct their response to the Principal or The School Board.

Signed Principal:

# STUDENT INCIDENT REPORT



1. Name of student making the report:

Grade:

2. **What** happened?:

3. **Who** did this thing you saw?:

4. **Where** did it happen?:

5. **When** did it happen?:

6. Has it happened before?:  No  Yes. If Yes, how many times before:

7. Who else would have seen this happen?:

8. Do you believe the person who did this (see Point 3) was bullying you?

- No. If No: Please move to Point 10.  
 Yes. If yes, please complete section 9. of this report:

9. What hurtful things did the person you named in Point 3, do to you (tick any that apply)

- Physical aggression  Threats of violence  Harassment  Intimidation  
 Discrimination  Emotional Aggression or Isolation  Cyber-bullying |  
 Slander or Defamation  Other details:

Do you think that the person you identified in Step 3 is more powerful than you in the school:

- No If no, please go on the point 10.  
 Yes, if so, why...  
 They are bigger or older than me  They seem to be leading a group who outnumber me  
 I am afraid of what the person can say or do about me to my friends or peer group.  
 Other

10. What would you like to see the school do to assist you in this matter?

Signed by Student:

Date this report is made:

Signed by parent/carer (optional):