

OFFICIAL

# Behavioural Standards Panel



# GUIDANCE PAPER

## BULLYING

November 2022



Government of  
South Australia



Local Government Association  
of South Australia

# Behavioural Standards Panel



## Contents

<b>What is bullying? .....</b>	<b>1</b>
<b>Bullying under the council member conduct management framework .....</b>	<b>2</b>
1. As a breach of the Behavioural Standards .....	2
2. As 'repeated misbehaviour' .....	2
3. As 'serious misbehaviour' .....	3



# Behavioural Standards Panel

## What is bullying?

**'Bullying' is a term that is often used to describe behaviour that is seen to be unreasonable or harmful.**

Some people would say that a person is 'bullying' another person when there is a single incident of poor behaviour against that person. Others – while finding that behaviour unacceptable – would not consider it to be 'bullying' unless it is repeated. It is also common for formal frameworks to consider bullying to be repeated, unreasonable behaviour that risks another person's health and safety.

'Bullying' behaviour can be—

- **physical** – examples include: hitting, pushing, shoving, intimidating or otherwise physically hurting another person, or damaging or stealing their belongings. It includes threats of violence.
- **verbal/written** – examples include: name-calling or insulting someone about an attribute, quality or personal characteristic.
- **social** (sometimes called relational or emotional bullying) – examples include: deliberately excluding someone, spreading rumours, sharing information that will have a harmful effect on the other person and/or damaging a person's social reputation or social acceptance.
- **cyberbullying** – any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio.

If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

# Behavioural Standards Panel

## Bullying under the council member conduct management framework

Recognising that there is a wide view of what constitutes 'bullying', but also negative impacts of behaviour perceived as bullying, the council member conduct management framework provides three avenues for addressing this behaviour.

These are—

### 1. As a breach of the Behavioural Standards

The *Behavioural Standards for Council Members* (Behavioural Standards) has a specific definition of 'bullying'—

An elected member will be considered to **bully** other Council members or Council employees if:  
the Council member either, as an individual Council member or as a member of a group:

- a) repeatedly behaves unreasonably towards another Council member, or employee; and
- b) the behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.

If it is alleged that a council member's behaviour falls within this definition, then it should be dealt with in accordance with a council's behavioural management policy.

### 2. As 'repeated misbehaviour'

It is also possible that a council member's repeated breaches of the Behavioural Standards could be considered to be bullying, even where the breach is not specifically of the 'bullying' definition. For example, it may be repeated breaches of the requirement to be respectful or non-discriminatory in the Behavioural Standards.

This type of behaviour may be referred to the Behavioural Standards Panel (the Panel) as a complaint alleging **repeated misbehaviour**.

For further information, refer to the separate guidance paper on *Types of behavioural matters that may be referred to the Behavioural Standards Panel* and the Panel's practice directions.

# Behavioural Standards Panel

## 3. As 'serious misbehaviour'

As noted above, 'bullying' is often defined as behaviour that creates a risk to the health and safety of another person.

Under the council member conduct management framework, if the alleged 'bullying' behaviour by a council member adversely affects the health and safety of another member or a council employee, this may be referred to the Panel as a complaint alleging ***serious misbehaviour***.

For further information, refer to the separate guidance paper on *Types of behavioural matters that may be referred to the Behavioural Standards Panel* and the Panel's practice directions.