

Submission  
No 95

## INQUIRY INTO EMERGENCY SERVICES AGENCIES

**Name:** Name suppressed

**Date received:** 22 July 2017

---

Partially  
Confidential

## "Submission to the Inquiry into Emergency Services Agencies"

It is important to me that I provide a submission to this Inquiry, as my experience lodging a complaint within the NSW State Emergency Services was a very difficult process for me to endure. The process in which the complaint was handled was appalling and the disrespect that was shown to me throughout the whole process, is something that I will never ever forget.

I was a female volunteer with the NSW State Emergency Services for over 5 years. During the last year of my volunteering I volunteered in the position of a *Training Officer* and it was while volunteering in this position, I was subjected to bullying, harassment and discrimination by the *Local Controller*.

**Tuesday 11<sup>th</sup> August 2015;** I emailed the *Local* and *Deputy Controllers* to notify them that I was stepping down from my role as *Training Officer*, due to being subjected to comments and actions by another member at the Unit – I did not identify the *Local Controller* as the perpetrator in the email.

At the time, I was also working on a personal Training System, which was supported by the *Region Learning and Development Officer* – I Bcc'd him in the email so he was aware of my situation.

The *Region Learning and Development Officer* encouraged me contact Peer Support and provided me with their contact information. Upon doing so, I gained the courage to submit a formal complaint and was referred to the State Emergency Services Volunteer Association for their support throughout this process.

After around 2 weeks after stepping down, I spoke with a volunteer friend who advised me that the *Local Controller* had announced to the Unit, that I was "off the planet" and that my whereabouts were unknown. This was confirmed during a conversation with another volunteer a few days later. I found this very disturbing, as I had plans to continue with my volunteering and was concerned about my reputation within the Service.

**Monday 20<sup>th</sup> September 2015;** I received an email from the *Region Learning and Development Officer*, providing me with documents required to transfer and volunteer at Region. He also suggested that we catch up and discuss things I could do there – prior to stepping down, I made enquiries into the possibility of transferring.

**Thursday 24<sup>th</sup> September 2015;** I emailed the *Region Controller* a Statement of Complaint and a meeting was scheduled for Tuesday 6<sup>th</sup> October 2015.

**Tuesday 6<sup>th</sup> October 2015;** I attended a meeting with the *Region Controller*, where details of my allegations were reviewed and confirmed. During the meeting, I also raised concerns about the *Local Controllers* behaviour regarding his comments to the Unit about me, to which she noted them down. I attended this meeting with *Volunteer Association Support Worker(1)*.

**Wednesday 14<sup>th</sup> October 2015;** I received an email from the *Manager Professional Standards*, acknowledging receipt of my complaint. I was advised that it was being reviewed/assessed and that I would be "advised of the outcome in due course".

**Tuesday 15<sup>th</sup> December 2015;** I received an email from *Investigator(1)*, advising that the *Assistant Commissioner* had appointed him to formally investigate my complaint. He also advised that he had not yet received his official letter of appointment, which would be delayed due to the *Assistant Commissioner* being on leave and then the *Manager Professional Standards* going on leave immediately after.

**Monday 1<sup>st</sup> February 2016;** I received a call from the *Investigator(1)*. During the conversation I learnt that he had just completed his investigation training and that he was known to the *Region Controller* through training and assessment activities.

Having already been almost 6 months from the day I submitted the complaint, I was becoming concerned and frustrated about the way in which the investigation was progressing, so I emailed the *Acting Commissioner* to seek assistance.

**Tuesday 2<sup>nd</sup> February 2016;** I received a response from the *Acting Commissioner*, advising that he had "referred this matter to the *Manager Professional Standards* for further assessment and management".

**Wednesday 3<sup>rd</sup> February 2016;** I received a call from a *Professional Standards Officer(1)*, advising that he had spoken with *Investigator(1)* regarding his relationship with the *Local Controller*. I was advised that *Investigator(1)* felt there was no conflict of interest and in his opinion, would show no bias. It was also stressed to me that requesting a new investigator would impact the timeframe of the investigation.

**Saturday 6<sup>th</sup> February 2016;** I emailed *Professional Standards Officer(1)* and requested for a new investigator to be appointed. I also requested information about the process in doing so and the time it would take – he did not reply.

**Tuesday 8<sup>th</sup> March 2016;** I received an email from *Professional Standards Manager* advising *Investigator(2)* is the newly appointed investigator.

**Tuesday 15<sup>th</sup> March 2016;** I received an email from *Investigator(2)* requesting my availability for an interview and advising that the investigation needed to be finalised by "22<sup>nd</sup> April 2016".

**Tuesday 29<sup>th</sup> March 2016;** I attended an Interview with *Investigator(2)*. I attended this meeting with *Volunteer Association Support Worker(2)*.

**Sunday 10<sup>th</sup> April 2016;** I received an email from *Investigator(2)* who advised that he was on Annual Leave until "late April" and would be in contact regarding the finalisation of my Statement and the progress of the investigation upon his return – I was not contacted by the date he indicated.

**Saturday 28<sup>th</sup> May 2016;** I received an email from *Investigator(2)* with a Statement attached. It was requested that I review and make changes where necessary, sign, date each page and return it to him.

**Saturday 4<sup>th</sup> June 2016;** during work hours I was required to contact the State Emergency Services on behalf of a disabled client, regarding a tree threatening power lines on their property. I was known to the team that arrived at the call-out as I'd volunteered with them in the past. The situation felt very uncomfortable, as I was questioned about why I no longer volunteered. I also received phone calls from the *Local Controller*, who left voice messages on my phone, telling me what to do.

**Thursday 16<sup>th</sup> June 2016;** I emailed *Investigator(2)* to update him on my progress with the Statement. I also questioned whether the *Local Controller* had been advised not to contact me, which I was told at the beginning of the investigation – he did not reply.

**Monday 27<sup>th</sup> June 2016;** I forwarded my Statement to *Investigator(2)* and requested what the process would be from here. I also questioned whether my previous email had been received, as I hadn't received a response – he did not reply.

**Thursday 30<sup>th</sup> June 2016;** I sent a text message to *Investigator(2)* following up on the last 2 emails I sent.

I received an email from *Investigator(2)* acknowledging receipt of my Statement and was advised that the *Investigator(2)* needed to seek advice regarding the *Local Controllers* attempts to contact me. I was also advised that he needed to seek advice from the *Professional Standards Manager* "as to the lines of enquiry he has obtained to date and that he will then be in a better position to discuss the process from here".

**Wednesday 6<sup>th</sup> July 2016;** I received an email from the *Region Learning and Development Officer* advising me that Region were becoming an active Unit. He also questioned how my Training System was coming along.

**Friday 10<sup>th</sup> July 2016;** I received an email from *Investigator(2)* requesting a second interview, which was required to "confirm further information". I was also advised that the wording at the beginning of my Statement needed to be changed in order for the State Emergency Services to provide it to "relevant parties".

I advised my availability and explained that I had been contacted by the *Region Learning and Development Officer*, who enquired about my progress and questioned whether I was ready to commence volunteering with Region.

**Tuesday 12<sup>th</sup> July 2016;** I received an email from the *Investigator(2)* questioning my availability on 26<sup>th</sup> July to conduct the second interview.

I replied, confirming the interview date. I also questioned the process from here, noting that it was the third time I've had to request this information. I also expressed concern about keeping Region informed of my progress so they could support me back into volunteering.

*Investigator(2)* replied advising that he needed to complete the second interview and follow up on "another line of enquiry" before a determination would be made as to the direction from there. I was also advised that the *Investigator(2)* had spoken with the *Region Controller* about the delay and that she was aware of the current progress.

**Tuesday 26<sup>th</sup> July 2016;** I attended a second Interview with the *Investigator(2)*. I attended this meeting with *Volunteer Association Support Worker(1)*.

During the interview I questioned the incident where the *Local Controller* had attempted to contact me. I was advised that *Investigator(2)* called the *Local Controller* and told him not to contact me – it took over 5 weeks to find out this information.

I also questioned whether I could return to volunteering again to which I was advised that there was no reason not to.

The *Investigator(2)* emailed a copy of the Statement that was drafted during the Interview and requested that I print, sign, scan and email it back to him. I was also advised that any changes I wish to make needed to be amended at his end.

**Wednesday 3<sup>rd</sup> August 2016;** I emailed *Investigator(2)* and advised that after seeking legal advice, I was electing to have my statement remain in my wording and that I had removed additions made by the State Emergency Services – a signed copy of my Statement was attached.

**Tuesday 9<sup>th</sup> August 2016;** I received an email from the *Investigator(2)* acknowledging receipt of my Statement and seeking consent to use it to provide information to the *Local Controller* to afford him reasonable opportunity to respond to allegations, should it be necessary.

**Wednesday 10<sup>th</sup> August 2016,** I replied consenting to *Investigator(2)* request.

**Thursday 8<sup>th</sup> September 2016;** I attended a meeting with the *Region Learning and Development Officer* to discuss volunteering at Region and a Training Program that I was developing. The *Region Learning and Development Officer* expressed interest in trialing some of my work with a few of the Units in the Region, however we needed to seek approval from State.

The *Region Learning and Development Officer* and I approached the *Region Controller* to discuss the commencement of volunteering at Region and the process of contacting State about a trial. We were advised by the *Region Controller* that she would rather wait until the investigation was over.

**10<sup>th</sup> November 2016;** I contacted the Volunteer Association due to not hearing from anyone about the progress of the investigation. The *Volunteer Association Support Worker(2)* contacted the *Professional Standards Manager* to see what was happening and was advised that the investigation was held up because of me – the *Professional Standards Manager* had been advised that I hadn't signed off on my Statement. This is incorrect, the Statement was signed and forwarded to the *Investigator(2)* on 3<sup>rd</sup> August 2016, who acknowledged receipt on 9<sup>th</sup> August 2016.

**Friday 11<sup>th</sup> November 2016;** I received a call from *Professional Standards Officer(2)*, advising the progress of the complaint. The Investigation Report from *Investigator(2)* had not been received and I was advised that I would be contacted weekly from here on, after I expressed disappointment with the communication from the State Emergency Services – I was not contacted the following week.

**Monday 28<sup>th</sup> November 2016;** I received an email from *Professional Standards Officer(2)* advising that *Investigator(2)* had been on leave and that he was expected back today. I was also advised that an update request had been sent and would be contacted again in 2 weeks – I was not contacted.

**Tuesday 29<sup>th</sup> November 2016;** I emailed the *Professional Standards Officer(2)* and expressed my frustration about the investigation – she did not reply.

**Thursday 22<sup>nd</sup> December 2016;** I received an email from the *Professional Standards Officer(2)* advising that the Investigation Report from *Investigator(2)* had been received and she would like to discuss the findings.

**Friday 23<sup>rd</sup> December 2016;** I called *Professional Standards Officer(2)* where I was advised of the outcome of the findings in the report. Due to disappointment over the findings I became quite upset, so I requested confirmation via email so I could process it all properly. I was advised that a confirmation email would be sent that afternoon – I didn't receive one.

*Professional Standards Officer(2)* also advised that the report needed to be signed off by the *Assistant Commissioner*, which wouldn't take place until after Christmas. I was informed that I would be contacted late February – I wasn't.

**Thursday 30<sup>th</sup> March 2017;** I received a call from *Professional Standards Officer(2)* who provided feedback on the intended disciplinary action and advising that the Final Outcome Letter still hadn't been received from the *Assistant Commissioner*. I requested a confirmation email to confirm our discussion, to which she agreed – I did not receive one.

**Tuesday 4<sup>th</sup> April 2017;** I emailed *Professional Standards Officer(2)* regarding the confirmation email I requested during our previous discussion – she did not reply.

**Thursday 11<sup>th</sup> May 2017;** I received an email from *Professional Standards Officer(2)* advising that the Final Outcome Letter was ready to post out and that the intended disciplinary action is now formal advice of the final outcome to sustain the findings. A copy of the letter was attached to the email – it took over 5 months for the *Assistant Commissioner* to review the Investigation Report and sign the Final Outcome Letter.

**Wednesday 10<sup>th</sup> May 2017 – Final Outcome Letter;** Allegations sustained in the investigation include “you approached [REDACTED] working at her desk at [REDACTED] Unit, pulled up a chair beside her and when she turned around to face him, you placed both your hands around her right leg holding her above the knee” and “[REDACTED] telephoned you to advise you she would not make it to training due to being ill and that when she told you she had a chest infection you said to her, “I'll come over to your home and rub Vicks all over your chest”.

The Final Outcome Letter also stated, "That your alleged conduct, as detailed within allegations 1 – 4 inclusive, constitutes harassment as defined at section 2.3 of the NSW SES Bullying and Harassment Policy and therefore constituted misconduct".

I have been verbally and physically harassed by a *Local Controller* and after being reviewed by the *Assistant Commissioner*, he was found to have sustained the allegations and after being found 'guilty', he only received a "formal warning" – I was out of the State Emergency Services for almost 24 months and he was allowed to continue, even with the severity of the complaint.

The *Assistant Commissioner* also outlined that there were delays in finalising the investigation, "which included a changed of investigator following concerns raised by you regarding possible conflict of interest". I find it absurd that I was partly blamed for delays in the investigation. The reason for the request for the different investigator is because I became aware of a relationship between the investigator and respondent that hadn't been disclosed to me – the State Emergency Services are accountable for the selection of an investigator during an investigation and the delays were due to the negligence of the person allocating an inappropriate investigator, not me.

After receiving the Final Outcome Letter I spoke with the Volunteering Association about my disappointment in the findings. The Volunteer Association suggested talking with the newly appointed *Commissioner* about my concerns, which I agreed needed to be pursued to prevent my experience happening to others in the future and in hope that the outcome would be overturned.

**Tuesday 6<sup>th</sup> June 2017;** I met with the *Commissioner* to discuss my experience and issues around the complaints management process within the State Emergency Services. While the *Commissioner* expressed that "the behaviour of [REDACTED] is not in keeping with the NSW SES Values and Code of Conduct and will not be tolerated", for reasons unknown he could not change the outcome. After reviewing my matter, the *Commissioner* also advised that the complaints management process had been reviewed and that he was confident that the delays I experienced would not occur again in the future.

**Support Services;** The investigation took almost 24 months to process and during this time the State Emergency Services did not once, express concern about my well-being. If it hadn't been for the support of the *Region Learning and Development Officer* and *Volunteer Association*, I may have withdrawn my complaint during the early stages of the investigation.

I am aware that there are support services in place for members to access should they be needed, but in the midst of the investigation where I struggled emotionally, I did not consider accessing them due to the lack of confidence I had in the Service at the time.

The only time support services were mentioned to me was when I received the Final Outcome Letter, where it was documented "I am aware that this process was no doubt difficult for you. Safety is our number one priority at NSW SES, so I take this opportunity to remind you of the support services available to you as a NSW SES member".

**Recommendations;** It is evident that the NSW State Emergency Services complaint handling process requires immediate attention. Through my experience during this process I would like to recommend the following:

1. The investigation process should have a set timeframe and be monitored. On several occasions I was informed that staff were on leave, this should not impact the investigation process.
2. The complainant and respondent should be temporarily stood down during the investigation process. This will ensure that the continuance of any inappropriate behaviour ceases until the matter has been dealt with accordingly.
3. An external investigator should be appointed to investigate matters of extreme misconduct, or that involve members in managerial positions, to ensure they are dealt with fairly and without bias.
4. Outcomes should be determined using a systematic approach. In the case of this investigation the outcome was determined by the *Assistant Commissioner* alone, which allows for inconsistency and bias – certain misconduct requires set outcomes.
5. The staff who handle complaints should receive appropriate training in order to deal with complaints. They should be sensitive to the affects and impact of an investigation and receive effective supervision.