

## **INQUIRY INTO EMERGENCY SERVICES AGENCIES**

**Organisation:** NSW SES Volunteers Association  
**Date received:** 23 July 2017

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**NSW Parliament  
Legislative Council**

**Inquiry into emergency  
service agencies**

**Public**

**Submission by**

**NSW SES Volunteers  
Association**

## Acknowledgements

Over the last five years the NSW State Emergency Service (SES) has had as many Commissioners. During this time, the NSW State Emergency Service Volunteers Association (Volunteers Association) has attempted to work with the SES on matters that involve and impact groups of volunteers members and have assisted individual volunteers members in matters that this Parliamentary Inquiry is looking into.

The Volunteers Association is making this submission under Parliamentary Privilege without prejudice.

The Volunteers Association acknowledges the supportive work and the changes that Commissioner Mark Smethurst DSC, AM is making to provide a safe, fair and supportive environment for both the volunteers and staff of the SES. The Volunteers Association looks forward to working with Commissioner Smethurst to build the best Volunteer Emergency Service in Australia.

The Volunteers Association hopes that the outcomes of the Inquiry provide Commissioner Smethurst with the necessary resources to make improvements to the SES.

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### Disclaimer

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## **Executive Summary**

Our Emergency Services are wonderful organisations that come to peoples aid in their most desperate hour to save lives and property and provide comfort. It is unfortunate that the Parliament has had to have an inquiry into bullying, harassment and discrimination in the NSW Emergency Services.

The Volunteers Association is privileged to be able to support the volunteer members of the SES who give their time freely to make their communities a safer place before, during and after disaster.

The Volunteers Association experience while interacting with and supporting our volunteer members, is that the anecdotal evidence suggests that bullying, harassment and discrimination occurs in the SES, often in many forms through many different channels.

The SES has developed a set of support structures that are designed to assist members. Our experience has been that the structures do not provide the necessary support for volunteer members.

In this public submission, the Volunteers Association has included anonymised stories on experiences along with statements made by volunteer members to provide some context to the reader on what can be experienced by volunteer members, who all too often just walk away from the organisation either saddened, emotionally hurt, damaged or frustrated as a result of their experiences and with no way to redress the issue.

The Volunteers Association has also made a separate confidential submission to protect the identity of members which also contains anonymised stories on the experiences of volunteer members.

The information expressed in this submission is not shared lightly, there are people that are at the end of every example or statement. It is with this information that we entrust the Inquiry to help fix the identified problems so that people do not have to experience the same things in the future.

The Volunteers Association has also raised a number of other issues for the Inquiry to consider including values, culture, collaboration and consultation, resourcing, access to information, independent review of decisions, insurance protection for volunteers, the use of social media, protection of volunteer members employment, the rights of volunteer members, fundraising and a culture of safety.

The Volunteers Association notes the work that Commissioner Mark Smethurst DSC, AM has undertaken to commence fixing many of the problems identified in this submission since commencing in the role. The Volunteers Association wants to work hand in hand with Commissioner Smethurst to address these issues. The Volunteers Association gives it full support to Commissioner Smethurst and hopes that the outcomes of this Inquiry provide him with the necessary resources to transform the culture, people and structure of the organisation to make it the best volunteer emergency service in Australia.

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## Introduction

The Volunteers Association is a not-for-profit registered charity that was established in 1998 to represent and support the volunteer members of the SES.

The Volunteers Association became an incorporated association in 2000 and a registered charity in 2005. In recognition of the need for the SES volunteers to have a member body and a voice to Government the Volunteers Association was included as a consultative body in 2010 into the *State Emergency Service Act 1989* (NSW) (SES Act).

The Volunteers Association is an organisation set up for the benefit of the thousands of volunteer members of the SES. From its humble beginnings the Volunteers Association has always stated that it is not a Union as it has no rights to represent volunteer members under any industrial relations legislation.

These are the men and women wearing orange that you see on the news and in the media. They are all volunteers that freely give their time training and responding to emergencies, as well as advising communities about what they can do to prepare for floods and storms.

They are highly trained professional volunteers with skills in general rescue, storm damage, flood rescue, car accident rescue, alpine rescue, vertical rescue, urban search and rescue. You will see them tarping roofs, rescuing people from floodwaters, sandbagging, removing fallen trees, rescuing people from car accidents, from heights and depths or alpine areas as well as searching for lost loved ones.

The Volunteers Association provides representation and support services for these volunteer members. It works closely with the SES to achieve common goals and represent the interests of its volunteer members, advocating for them when appropriate.

Benefits provided by the Volunteers Association include the provision of a NSW SES Volunteers Association Welfare Fund, SES Unit grants and personal scholarships, and other support funding schemes. Various fundraising activities are required to fund these support activities including raffles, donations, sponsorships, merchandise sales and advertising commissions.

## Objectives

The Volunteers Association needs not only to comply with all legislative requirements but also operates in accordance with its constitutional objectives being:

- Provide a means for the consolidation and representation of the views and concerns of SES volunteers via such mechanisms as may be appropriate.
- Provide tangible benefits to SES volunteers, plus other beneficiaries as directed by the Board, from time to time.
- Provide public education (Letting people know what we do and what they can do – how they can help!).

## Strategic Plan

Our Strategic Plan “Building a Sustainable Future” is set on a platform of four pillars:

### **Volunteer Recognition**

Building recognition and respect through:

- establish and maintaining member benefit programs to recognise volunteers for their contribution to the community; and
- leading the establishment of a National Volunteers Association.

### **Advocacy and Representation**

Volunteer members are aware that we are here to support them through:

- communicating effectively with stakeholders in ways which suit them;
- providing assistance and advice to SES volunteer members in times of need;
- reviewing training, with a view to making it user friendly, adequate, current and available; and
- contributing to the improvement of training with consideration of becoming a Registered Training Organisation.

### **Enhanced Reputation**

We obtain positive acknowledgement, understanding and respect of who we are and what we do through:

- aligning ourselves and partnering with organisations that share our vision and values; and
- build our profile with organisations seeking our input on contemporary volunteer management issues.

### **Strong Member Base**

We maximise and grow our membership base through:

- transparency of how we operate;
- encouraging comments and continuous improvement;
- publicising the benefits of Volunteers Association membership;
- actively recruiting to maximise membership;
- researching the viability of providing a volunteer recruitment service; and
- adherence to our Code of Conduct and Ethics.

The SES volunteer members will always be the prime reason for the Volunteers Association's existence. These goals have been developed based on the strong values of leadership and sustainable financial viability and growth.

### **Mission**

To provide the necessary resources, including the impetus, opportunity and tangible benefits needed to enhance the role of SES volunteer members for the betterment of the SES that will result in better prepared SES volunteer members and safer communities across NSW.

*“Supporting volunteers supporting our communities”*



## **Vision**

To enhance the role of the SES volunteer members in a way that provides for the betterment of the SES and the individual.

*“Volunteers supporting volunteers to improve our Service”*

## **Values**

Our values describe what we believe, how we act and our commitment to serve our volunteer members and the community.

**Independent** - We determine our own destiny through planning

**Team Focused** - We work as a team to lead our organisation making decisions based on merit

**Advocacy** - We are a voice for the volunteers, speaking up for and supporting their interests

**Stewardship** - We maintain and grow a sustainable organisation that diligently maintains its resources and invests in its people

**Professionalism** - We act, lead and support our people, inspiring them to achieve successful outcomes

*“We are an independent organisation made up of a diverse group of professional people that work together to care for our members and to speak up on their behalf”*

## Structure & Management

With over 5,500 members, a small team of dedicated people work to support the aims and objectives of the Volunteers Association. Lead by the President and Board of Directors, our volunteer representatives provide a communication and support channel to our members in over 250 locations throughout NSW.



## The Submission

This submission is being made under Parliamentary Privilege without prejudice. That said many volunteer members have been in contact with the Volunteers Association expressing concern about retribution that could be taken against them by them expressing a point of view or concern that may be contrary to the view of the SES.

Discussions with the Parliamentary Office were unable to provide the Volunteers Association with confidence that members making submissions would be protected from retribution that may occur in the future.

This concern is consistent with a previous activity undertaken by the Volunteers Association in 2014, the *Roadshow Report* (Appendix A) and the subsequent response, being the *Roadshow Response Report* (Appendix B), and the *Auditor General's Report into Management of Volunteers in the NSW State Emergency Services* (Appendix C). These reports have identified issues within the SES, many of which have not been addressed to the satisfaction of many volunteer members.

We have not included all the examples we have as we have encouraged our volunteer members to make individual submissions to the Inquiry to share their experiences.

In the examples provided, all names and identifying particulars have been removed.

In all examples, the reader should assume all references are to policy and processes in the SES unless otherwise stated.

The Volunteers Association is able to share more detailed information if requested.

## **Response to Question a) Prevalence of bullying, harassment and discrimination**

*“the prevalence of bullying, harassment and discrimination, as well as the effectiveness of the protocols and procedures in place to manage and resolve such complaints within emergency services agencies, including:*

- i. New South Wales Rural Fire Service*
- ii. Fire and Rescue New South Wales*
- iii. New South Wales Police Force*
- iv. Ambulance Service of New South Wales*
- v. New South Wales State Emergency Service”*

To adequately address the response to this question it been split into three distinct components:

1. The prevalence of bullying, harassment and discrimination
2. The effectiveness of the protocols and procedures; and
3. The management and resolution of such complaints

## 1. The prevalence of bullying, harassment and discrimination

*“If you wish me to look into all the allegations and issues you have raised, this will take some time and I’m not going to devote my entire workload on this matter” – Response to a volunteer member making an allegation about bullying*

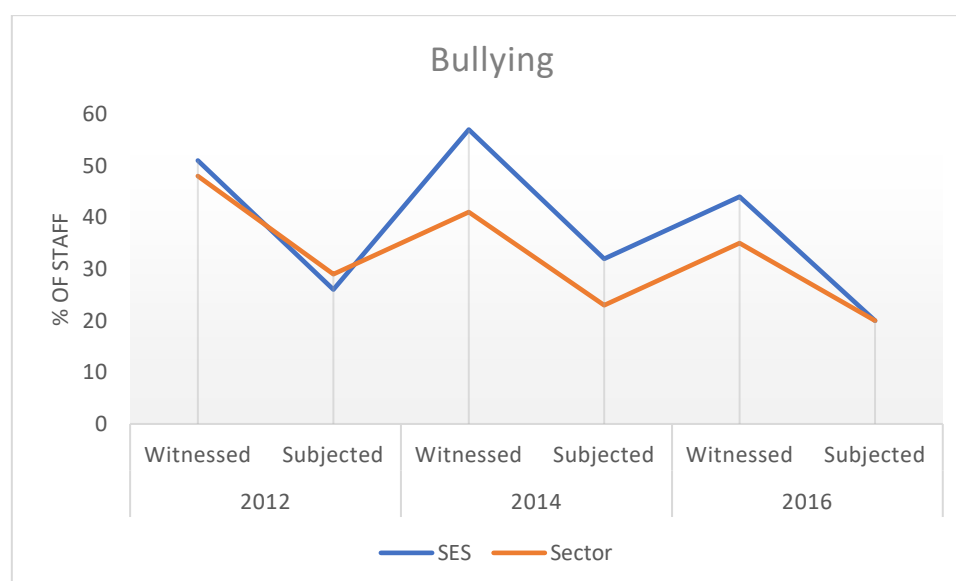
The *NSW SES Bullying and Harassment Policy* (Policy) dated 18 November 2014 (Appendix D) provides definitions for bullying, harassment, discrimination, vilification and victimisation. The Policy provides for a zero tolerance of such behaviours.

The Volunteers Association support the zero tolerance of such behaviour.

Table 5 (page 23) from the *2015/16 NSW SES Annual Report* provides statistics on bullying and harassment matters that have been reported to the Professional Standards Unit. Of the 86 complaints, 30 involved bullying and harassment. Prior to this report there are no publicly available detailed statistics on the prevalence of bullying and harassment in the SES.

Details of Allegations Received 2015/2016					
Features of Complaints	Bullying and Harassment	Criminal Convictions; Includes reported charges	Misconduct, Includes; Code of Conduct breach, Social Media Policy breach Conflict of Interest	Safety Breaches	Complaints in total
Total	30	16	43	3	86

The following analysis of the *Public Service Commission’s People Matters Surveys* from 2012, 2014 and 2016 reveals that the witnessing and subjection of staff in the SES to bullying and harassment is greater than the average across the NSW Public Service:



There are no formal records in the public domain on the prevalence, witnessing or subjection of bullying, harassment or discrimination involving volunteer members of the SES.

SES volunteer members who experience this type of behaviour may contact the Volunteers Association for advice, support or assistance. However, it is reasonable to conclude that in many cases where such behaviour is encountered, volunteer members simply leave the service without lodging a report, which contributes to a lack of records.

Against this background, the Volunteers Association has been attempting to work with the SES to undertake a member satisfaction survey over a number of years. Commissioner Smethurst has agreed to this and work is currently underway to commence this activity. If the results experienced by staff are indicative of a bullying culture within the SES, then it would be fair to assume that this culture extends to include the treatment of the volunteer members.

The Volunteers Association's role is not to investigate matters involving volunteer members, it's role is to advocate for and support volunteer members. The Volunteers Association acknowledges that such matters require a fair process for investigation, response, decision and appeals. Unfortunately, over the last few years (until December 2016) only interim policy and processes were available to assist volunteer members involved in these matters. As a result, there has been an increased potential for some volunteer members to interpret behaviours as involving bullying, harassment and discrimination.

The following anecdotal information is provided based on observations and discussions with volunteer members.

- There is a lack of confidence by volunteer members in addressing sexual harassment matters.
- Volunteer members are being refused access their own information. For example, during investigation processes, volunteer members have requested access to their file, which has been denied or the member has been advised that the file is unable to be located in full or that it is at multiple locations.
- Volunteer members being refused access to information pertaining to their defence against allegations. For example, a volunteer member was not allowed to see details of the allegation unless they attended a face-to-face interview and would not be permitted to remove the document from the interview room.
- Volunteer members have been provided with incomplete personnel files. For example, when one volunteer member requested their personnel file, the investigation reports and information such as correspondence, training and awards over the course of thirty-five years of volunteering was missing.
- During an investigation, not all witnesses are interviewed, meaning that some witnesses who may support the person about whom the allegations were made, are not able to provide evidence
- There is no action being taken by staff to assist to volunteer members who lodge a complaint at Region level.
- Volunteer members have complained about how complaints are handled by the SES, at all levels of the organisation, with no subsequent action or response to the volunteer member.

- Promises made by those involved in investigative matters to communicate with members involved, is repeatedly not being met.
- Volunteer members are being provided with incomplete information by the SES, about matters involving allegations made about them. This has resulted in volunteer members being unable to answer such allegations.
- There are delays on complaints made by volunteer members concerning bullying, racial vilification and discrimination.
- Staff openly speaking about confidential investigative matters at meetings, resulting in a volunteer member learning of an outcome prior to officially being informed.
- Termination letters are posted to volunteer members with no opportunity to sit and discuss the letter with the decision maker.
- There are continual delays in matters, especially as a result of “*operational response activity*.”
- Many SES policies and processes are complex, conflicting and unclear. The majority of all policy and processes is out of date. Unless fully informed, volunteer members are susceptible to allegations and investigations.
- There are examples of repeated investigations involving the same volunteer members where they have had a personality clash with staff.
- Volunteer members have not been informed when they were the subject of the allegation.
- Volunteer members have not been informed they were suspended from service.
- An SES Unit was stood down because of ‘*white anting*’ and ‘*bullying*’ and a comment was officially made in the media regarding this.
- A senior SES staff member sent out an email to volunteer members referencing ‘systemic bullying’ at an SES Unit. Over two years later it is unclear if the allegation has been upheld or dismissed.
- In the middle of a response operation, a volunteer member was taken to a McDonalds restaurant where the volunteer members performance was discussed.
- A volunteer was alleged to have engaged in activity that breached the *Code of Conduct and Ethics* at a place that did not exist. When the volunteer member attempted to clarify that matter the SES did not respond.
- A volunteer member informed their senior officer that they would be away on holidays. Action was then taken against the volunteer member for ‘*dereliction of duty*’ by the senior officer because they were away when a storm hit his town.
- An investigation was approved by an executive who is also the decision maker in the matter and a key witness. The volunteer member has made this conflict of interest known to the SES without reply.

## 2. The effectiveness of protocols and procedures

The SES Act requires the Commissioner to develop policies and process. Until December 2016, the SES has operated on draft and interim policies for the handling of allegations of misconduct involving volunteer members.

Prior to December 2016, the Volunteers Association's observation is that SES policies (protocols) and procedures were ineffective. This is based on the length of time that these were in draft and the continual raising of this issue at numerous consultative forums requesting they be fixed.

The Volunteers Association is unable to comment on the effectiveness of the new protocol, except to say that it is a vast improvement having a consistent policy and procedure in place. However, the Volunteers Association has observed that there is the difference in how these policies and processes are implemented and applied by staff, which may indicate that training is required.

An assumption cannot be made on the values, standards and beliefs that people have, or their understanding of what is acceptable and not acceptable behaviour. There may be a lack in training existing and new volunteer members on what these standards are and ongoing training is required.

A search of the *SES Key Document Index* – a repository for policy, process and doctrines, reveals hundreds of documents. It is reasonable to assume that a volunteer member could not know and understand each of these documents.

SES volunteer members operate under a separate set of procedures to staff. A volunteer member may be classified as a public official (*Protected Disclosures Act* 1994 (NSW), section 4A(2)(b)) and various functions under the SES Act to manage emergencies and disasters (SES Act, section 8), yet a volunteer does not have the same rights as a public servant. Volunteer members do not have the same protections as a public servant, nor can they have decisions made by the SES, about them, looked at by an external body. For example, the SES has processes specifically targeted at volunteers such as the *Allegations of Misconduct Procedure and Serious Offences Procedure*, yet there is no corresponding process for staff. There appears to be different standards being applied to those employed by the organisation and those that volunteer for it.

For example, Volunteer Member V01 received a warning letter threatening termination because of a comment made on social media in breach of SES policy, yet no action was taken against the staff member.

The SES Values – Trust, Accountability, Respect, Professionalism, Service and Safety (TARPS), is used as a tool set to punish, rather than develop the desired culture within the SES. The Volunteers Association is in support of this value set and thinks there is an opportunity to have a wider conversation about values and culture in the organisation.

The following anecdotal information is provided based on observations and discussions with members.



- Volunteer members are referred to policy and procedure that do not exist, are incomplete or out of date e.g. flow charts etc.
- The training and experience standards for investigators in the SES, does not seem to be of a high enough standard for the matters that are being looked into.
- The SES information repository has multiple versions of the same policy and procedure that are in circulation that contain contradictory information.
- There is an inconsistency in the application of policy and processes. For example, a member was refused copies of notes taken at an interview.
- In many cases, it is not until volunteer members approach the Volunteers Association that assistance can be provided to support members.
- Undocumented information and conversations are being used to inform decisions concerning allegations.
- Volunteer members have been advised by staff that they are unable to manage their complaint because they have '*competing priorities*.'
- Matters required to be progressed to Professional Standards Unit are no longer able to be handled at local level, which creates complexities and delays.
- Allegations have been unclear, repeated, indecipherable and/or wrong.
- Delays in investigations have created difficulties for volunteer members accessing support or insurance when injured during SES activities.
- Enquiries are often left unanswered or passed repeatedly between staff.
- Investigations are sometimes biased as a result of the SES investigator not following the correct process. For example, previous activity and history being taken into account during an investigation, rather than being considered during the decision-making phase.
- The SES does not have a process to review matters that have been closed that the volunteer members wishes to appeal.
- SES investigations do not always interview all persons willing to provide evidence. This omission may lead the investigation to a certain outcome.
- During investigations, volunteer members are required to reply within certain timeframes. Volunteer members often request information on incorrect, ambiguous and unclear information provided by the SES. These requests are often not replied to, replied to after the due date, or are frequently replied to with generalised and ambiguous answers.
- Volunteer members often receive formal letters from the SES, a lengthy period after the letter is drafted.
- Private formal documents and letters from the SES have been left in places where privacy is compromised.
- A volunteer member was told that they would receive information concerning an allegation only if they attended an interview. When they attended the interview with the SES investigator, they were still not given the information.

### 3. The Management and resolution of such complaints

It is believed that many volunteer members who are the subject of bullying, harassment or discrimination, never make a complaint and just cease volunteering with the NSW SES.

Volunteer members who make a complaint may themselves become a victim of bullying and harassment through the disciplinary process. I.e. If I have a grudge against someone it is easy to make an allegation of bullying, harassment or discrimination but hard for the complainant to prove that the matter is false, vexatious or misconceived. In some circumstances, there may be cases of ongoing victimisation.

For example, Volunteer Member V02 approached the Volunteers Association concerning a matter in which they were the victim of sexual harassment. The Volunteers Association supported the volunteer member over the two years it took for the matter to be finalised by the SES. The volunteer member was not allowed to attend training during this time, whilst the member that the complaint had been made against was able to continue attending training. A number of the allegations were upheld with the perpetrator having received a formal reprimand. The complainant was disappointed with the entire process and no longer volunteers with the SES.

In another example, Volunteer Member V03 was the subject of a disciplinary matter. The Volunteers Association supported the volunteer member throughout the process and the matter was dismissed. As part of the resolution process, the manager of the volunteer banned the volunteer member from speaking with the Volunteers Association. The volunteer member, in breach of this ban, informed the Volunteers Association. At a later point in time, the volunteer member's manager informed the volunteer member that they were unable to seek support in the form of a fundraising grant from the Volunteer Association to upgrade facilities in their local SES Unit, and that in doing so, they may be in breach of the *SES Fundraising and Donations Policy*. To the best of the Volunteers Association's knowledge, no other volunteer member from the SES has been prohibited from seeking support from the Volunteers Association by the SES. More recently, a complaint was made by a member of the public, who was a former volunteer with the SES, that they observed the volunteer member breach safety procedures whilst leading a team responding to an emergency. The allegations were not upheld.

The Volunteers Association notes that in the matters that it assists volunteer members with, there seems to be significant time delays due to a priority being given to operational response activities, rather than closure of matters being investigated.

This in turn can create communication gaps between volunteer members that are either the subject of or involved in a matter. This may include:

- processes not being explained;
- lengthy gaps between communication; and
- support services available for volunteers not being explained.

It is also important to note that once a volunteer member resigns from the SES, they no longer have any access to support or management of a complaint under the processes and procedures. In these circumstances, former volunteers just walk away.

The Volunteers Association is concerned about an inconsistent approach to the level and degree of punishment. For example, in the case of Volunteer Member V03, what message is sent to the rest of the organisation? The complainant has left the SES, dismayed at what has occurred, whilst the volunteer member's manager only received a note on their file and continues in a leadership position.

Once a matter has been dealt with by the SES, there is no right to appeal a decision. A person in paid employment has the ability to take matters further, such as the NSW Civil and Administrations Tribunal or the NSW Industrial Relations Commission, yet a volunteer member can only take a matter to the NSW Supreme Court, which may be unable to provide any level of satisfaction.

The timeframes it takes for a matter to be resolved is inconsistent.

For example, Volunteer Member V04 was informed of an investigation concerning a matter that had occurred two months previously. Five months later, they were informed that the matter had changed to an allegation of misconduct. Another five months later, the allegation was dismissed.

The following anecdotal information is provided based on observations and discussions with members.

- Volunteer members feel they cannot get advice from an independent person outside of the chain of command.
- There seems to be excessive delays on matters as they are escalated.
- Volunteer members are interviewed during investigations without support or support persons present.
- There appears to be numerous instances where decision makers have a personal interest in a matter, with no evidence provided of any conflict of interest declarations or management of the interest.

## **Response to Question b) Support structures to assist victims**

*“the support structures in place to assist victims of workplace bullying, harassment and/ or discrimination within emergency services agencies”*

The Volunteers Association understands that the SES has the following support structures to assist victims of bullying and harassment and other matters:

### **Employee Assistance Program**

As noted in the name of the program, the Employee Assistance Program is available to employees. Despite recent undertakings by the SES to provide counselling services for volunteer members through this program, the experience reported by volunteer members is that they are either not supported or provided with this service when contact is made or the level of service is so low they have to seek help elsewhere.

### **Critical Incident Support Program**

This is an in-house program operated by the SES to support volunteer members who are experiencing difficulty as a result of their involvement in operational activities. Volunteer members that contact this service for support as a result of bullying, harassment or discrimination, report that they are referred elsewhere. More recently this service has been referring volunteer members that need assistance to the Volunteers Association. The Volunteers Association provides support to get the professional assistance that any volunteer members may require.

### **Chaplaincy Program**

This is a program that members can access directly by contacting the Chaplain attached to their Region or through the Critical Incident Support Program. The program provides spiritual and leadership support to members and their families.

### **Other Programs**

The Commonwealth Government, through the Medicare systems, provides the general public with support for mental health and wellbeing with limited visits to counselling and psychological services.

The SES *Bullying and Harassment Policy* notes that all members can seek assistance from the following external services:

- Lifeline;
- Salvo Care Line; and
- Beyond Blue.

## **Response to Question c) Effectiveness of support services to assist volunteers**

*“the support services available to emergency services workers and volunteers to assist with mental health issues resulting from workplace trauma and the effectiveness of those programs”*

*Please see quotes that are included in the confidential submission.*

*“I saw the truck coming and seriously contemplated just stepping out” - A comment by a volunteer member.*

*“I am concerned for the welfare of staff at <...> with a possibility of stress-related injuries” - A comment by a volunteer member.*

There appears to be a lack of information in correspondence or generally available to volunteer members, on the services that they can access.

### **Employee Assistance Program**

The *Employee Assistance Brochure* (Appendix E) does not state that this service provides support for workplace trauma, however the Volunteers Association assumes that this service would be delivered if required to staff members.

The SES *Bullying and Harassment Policy* notes that the Employee Assistance Program is only available to employees.

Please refer to the example of, Volunteer Member V05 in the confidential submission.

The SES acknowledges recent statements made by the NSW Commissioner open access of this program to volunteer members.

The Volunteers Association assumes that this process is effective for staff but notes that a more permanent solution is required to support volunteer members suffering mental health issues resulting from workplace trauma.

An example of volunteer members requiring such support, is Volunteer Member V06, who was stood down via text message because they were allegedly suffering from Post-Traumatic Stress Disorder and could no longer attend training. No support was offered to this volunteer member.

The following anecdotal information is provided based on observations and discussions with members.

- Volunteer members have expressed concerned about the confidentiality of this service not being guaranteed and, if it was available to members, there is no guarantee of the uptake.

## **Consideration**

**The Volunteers Association would like to work in partnership with the SES on establishment of a service to support volunteer members.**

### **Critical Incident Support Program**

This program is primarily delivered by volunteers to support volunteer members with administration and leadership provided by the Critical Incident and Counselling Services Team located at SES State Headquarters in Wollongong. The on-call Critical Incident Support Program hotline is staffed by volunteer members, who do a fantastic job helping other volunteer members in times of need. However, the nature of this program limits the support that can be provided. The Volunteers Association observed a significant decline in the ability of this program to support members during 2015 and 2016, whilst there were ongoing leadership and management changes within the Critical Incident and Counselling Services Team. The Volunteers Association is extremely supportive of this program.

The following anecdotal information is provided based on observations and discussions with members.

- Volunteer members have reported delays of up to 24 hours on matters involving depression or self-harm before contact is made.
- Information from volunteer members involved in the program is that the appropriate resources are not provided for them to be able to adequately assist volunteer members with support for matters that affect their mental health and wellbeing.
- Volunteer members have been told to contact the Critical Incident Support Team and once contact is made informed that no help is available.
- Volunteer members under investigation have alerted the SES to concerns over procedural fairness. The SES responds with explanations of administrative errors including being unsure why no assistance was provided by this program.

### **Chaplaincy Program**

The Volunteers Association is unable to provide an assessment on the effectiveness of this program however notes the importance of spiritual and leadership support to volunteer members and their families as being extremely important. The Volunteers Association is supportive of this program.

The following anecdotal information is provided based on observations and discussions with members.

- A volunteer member reported that a Chaplain said that as they were receiving support through the Volunteers Association, there was nothing further the SES could do for them.
- A Chaplain informed a volunteer member that they were unable to help them because they did not agree with their choice of life partner. No other support was offered.

### **Other Programs**

The Volunteers Association is unable to comment on the effectiveness of programs operated outside the SES.

The Volunteers Association has assisted many members with support from General Practitioners, Counsellors and Psychologists who have suffered trauma as a result of their volunteer experience. Based on feedback provided by the volunteer members to the Volunteers Association, the services that were engaged for the volunteer members enabled them to return to a stable state of mental health and wellbeing.

## Response to Question d) Appropriateness of Uniforms

*“the appropriateness of uniforms provided to personnel in emergency services agencies”*

The SES provides uniforms, as well as personal protective equipment and apparel, to its volunteer members. The SES operates a Uniform Committee and has policies and processes in place to manage the issuing of uniforms, personal protective equipment and apparel.

### **Female Uniforms**

Despite 46% membership of the SES being female, the style, cut and fit of uniforms and personal protective equipment takes either a unisex or male focus. The Volunteers Association advice from Uniform Committee members is that a significant number of female members have registered adverse comments about sizes, style, fit and fabric feel which have not been addressed.

### **Consideration**

**The SES provides appropriate uniforms and personal protective equipment for the 46% of its membership which is female.**

### **The Uniform Committee**

The SES has operated a Uniform Committee for more than ten years, on which there has been at least two volunteers and a number of paid staff. During its time membership and chairmanship has varied considerably.

### **Terms of Reference**

The Uniform Committee operates under a *Terms of Reference* which is attached at Appendix F. Changes are made to the representation and operation of the Committee without amending the *Terms of Reference*. For example, an employee representative was welcomed to the committee in late 2016, however this has not been updated in the *Terms of Reference*.

### **Representation**

The Volunteers Association is of the opinion that the *Terms of Reference* do not necessarily provide for adequate representation across the State. Consideration could be given to provide proportional representation for volunteers on a geographic and gender basis.

### **Meetings**

Feedback from the Volunteer Association representatives on the Uniform Committee note that over the last twelve months, five meetings were cancelled, two because of the Christmas and New Year Holiday period, and the remaining three were at short notice, potentially inconveniencing the volunteer members who were to participate in those meetings and delaying important business. The *Terms of Reference* specify times for the distribution of papers, documents and minutes. The Volunteers Association notes that these timeframes are not always met to enable participants to



give due consideration to matters prior to or immediately after a meeting. In addition, the Volunteers Association is informed that there is a lack of written reports with most information being provided verbally.

### **Recommendations to the Commissioner from the Committee**

The Terms of Reference require the Committee to make recommendations via a briefing paper to the Commissioner for approval. The Volunteer Association is informed that Committee members are not provided an opportunity to review or endorse these briefing papers.

### **Communication and Consultation by the Committee**

There is a perception that the Committee does not consult adequately on uniform.

For example, in 2016 the Committee was in the final stages of considering changing shirt colour from blue to white for the Official Uniform without any reason, consultation or due consideration. Information was provided to the Volunteers Association about this proposed change. A spot survey was done over a number of days that returned a statistically significant result, indicating that SES volunteer members did not want a change in shirt colours. On presentation of the results, the Uniform Committee ceased this proposal.

When trialling new uniforms or personal protective equipment, the Volunteers Association is informed that few feedback forms are returned making evaluation difficult for the Uniform Committee.

Despite a *Uniform Policy* and *Uniform Guideline* being in place to provide information to volunteer members on how to wear a Uniform and dress for specific circumstances or activities, it is not well understood.

### **Considerations**

**Improve communication with all SES members on the activities of the Committee by issuing a communiqué at the conclusion of each meeting, including progress of suggested changes or additions to approved uniforms.**

**The committee consult broadly with the membership base on matters concerning uniform, personal protective equipment and apparel.**

### **Cost/budget**

The Volunteers Association is advised by its representatives on the Uniform Committee that the Committee generally has little or no formal visibility of the uniform budget or the financial implications of the recommendations it makes either initially or as part of a maintenance or a scheduled replacement program.

A report from the SES distributed to all members concerning general budget allocations across the organisation provided \$1.9M for uniforms and personal protective equipment.

The 2015/16 NSW SES Annual Report states that there were 8,658 volunteers. The Auditor General's Report into Volunteer Management (at page 3) notes a volunteer member turnover rate of 26%.

Volunteer members have questioned if \$1.9 million is sufficient funding to provision, update, maintain and replace uniforms and personal protective equipment for the existing and new volunteers members.

### **Consideration**

**Appropriate costs are undertaken and budget allocation provided so that volunteer members are provided with appropriate uniforms and personal protective equipment on a regular maintenance cycle.**

SES volunteer members have contacted the Volunteers Association concerning adequate budget allocation. These were referred to the SES and have not been addressed to the satisfaction of the volunteer members.

The Volunteers Association is advised that the SES discontinued the purchase and issuing of waterproof jackets with cold weather jackets purchased instead. It is understood that rain pants continue to be available. It is also understood that this issue is being rectified, but not before the 2018-2019 financial year.

### **Specialist Clothing and Personal Protective Equipment and Apparel**

The Volunteers Association acknowledges the good work on personal protective equipment and apparel for many of the specialist roles in the SES including Alpine Search and Rescue, Vertical Rescue and Flood Rescue.

### **Hot and Cold Climate Personal Protective Equipment and Apparel**

For several years the SES, through the Uniform Committee to some extent but primarily through the Logistics Branch, has been conducting trials of various fabrics and styles of shirts for wear while engaged in field activities during hot weather.

After years of work and much demand from the SES membership, the Volunteers Association has been informed that 5,000 light weight shirts have been procured to assist members during hot days.

### **Consideration**

**All members are provided with a minimum number of hot weather shirts.**

The Volunteers Association is advised that the standards of head dress (caps, hats and helmets) issued by the SES may not provide adequate protection from Ultraviolet Radiation.

### **Consideration**

**The SES review compliance of head dress to provide appropriate sun protection.**

Thermal underwear is being provided to volunteer members in recognised cold-climate locations. There appears to be a gap in provision of thermal underwear to appropriately qualified volunteer members who deploy to cold weather locations during operational response activities e.g. for winter bush searches.

### **Consideration**

**A process is developed to equip volunteers appropriately.**

### **Official Uniform, Jackets and Head Dress**

In 2012, a change in colour was made to the SES Official Uniform. A commitment was made by the SES that it would undertake, at no cost to the volunteer member, a one for one swap of any old official uniform for the new official uniform that a volunteer member may have purchased. To this date there are many volunteers that have not had their uniforms replaced.

### **Consideration**

**In the future, the SES honour its commitment to volunteer members to replace uniforms.**

Due to the costs associated with issuing this uniform, the scale of issue has been changed to the justification model, i.e. if you can justify a need, then it will be issued. This is generally in terms of the rental model that has been implemented where SES Units hire a uniform for a period and return it dry cleaned. The cost benefit of this process is unknown.

## **Response to Question e) Relocation of the Rural Fire Service**

*“the relocation of the New South Wales Rural Fire Services Headquarters to Orange, Dubbo or Parkes”*

Nil response.

## Response to Question f) Any other related matter

*“any other related matter.”*

### Values and Culture

In 2014, the SES adopted the values of Trust, Accountability, Respect, Professionalism, Safety and Service, under the acronym of TARPS. The Volunteers Association has also adopted these values as a guiding set of values because of our close relationship. The SES rolled out the values to the organisation along with a program called “*Straight Talk*” in 2015. This program consisted of short webinars and, where possible, face to face workshops over a period of six months, in an effort to reduce the number of complaints being lodged by both volunteers and staff. It was provided by a third-party contractor.

There has been no ongoing training provided to volunteer members.

The values described in TARPS have changed over a period of time from being statements that describe desired behaviour to now being used as a tool that is used to discipline members, rather than using the principles described in the “*Straight Talk*” program. It is not uncommon to see or hear statements saying, “*you’ve been tarped*”.

### Culture

The last cultural survey that was undertaken by the SES was in 2009. In the intervening years the SES has had many leaders and been through multiple reviews, inquiries and audits, all of which has seen a high turnover in staff. The Volunteers Association, based on information from the *People Matters Survey*, is concerned that staff have not been appropriately inducted into the organisation and lack the awareness of working in a volunteer based organisation. Despite multiple requests over the last two years by the Volunteers Association to survey its members, the SES has either ignored or delayed this activity. The Volunteers Association is now of the opinion that this activity would now be of limited value due to the “*over-surveying*” of SES members, it is unlikely that a statistically significant number of members would respond to such a survey request.

### Consideration

**The SES conducts a cultural audit and uses the results to inform a plan to adopt an appropriate culture within the organisation.**

### Access to Volunteer Members

The Volunteers Association exists to support the volunteer members of the SES, to speak up on matters that impact them and to recognise the service they provide to their communities. Over the years the SES and the Volunteers Association have worked closely together when it came to application for membership to both organisations. This involved allowing new SES volunteer members to join the Volunteers Association at the time of application to the SES and for consent to be granted by the applicant to share data between the two organisations. For no apparent reason, the SES has removed this process from its application forms. The SES has also removed all reference to the Volunteers Association from its training and

induction material for new volunteer members despite the President of the Volunteers Association and two others recommended by the Minister on the recommendation of the Volunteers Association, being recognised in the SES Act as members of the SES Volunteer Joint Consultative Council.

### **Considerations**

**That joint application processes be reinstated immediately.**

**That information on the Volunteers Association be included in all Volunteer Induction Programs.**

**That the Volunteers Association is allowed access to speak to and communicate with its volunteer members.**

### **Access to Staff**

Despite repeated request by the Volunteers Association in 2016 to brief staff as part of induction processes, no access has been granted.

### **Consideration**

**That information on the Volunteers Association be included in all Staff Induction Programs.**

## Collaboration and Consultation

The current model used for consultation within the SES is established through the SES Act and creates the *Volunteer Joint Consultative Council*. The Council is led by the Commissioner with three staff participating, along with the President of the Volunteers Association along and two other volunteers. The purpose of the *Volunteer Joint Consultative Council* is to advise the Commissioner on matters relevant to the volunteer members of the SES.

In addition, *Volunteer Region Consultative Committees* were established at the local level as a mechanism for local level consultation to occur.

A process using the *Volunteer Impact Statement* was also established to enable the SES to formally consult with the Volunteers Association.

Theoretically this model should work, however there appears to be a general feeling of apathy towards the *Volunteer Region Consultative Committees* and it is understood by the Volunteers Association that meetings are no longer occurring.

The *Volunteers Charter*, the *2014 Auditor General's Reports into Volunteer Retention*, the *Roadshow Report* and the *2016-2021 NSW Government Volunteer Strategy* place an obligation onto the SES to consult with its volunteer members.

In 2016, the Volunteers Association and the SES worked together to create a *Collaboration and Consultation Policy and Process* (Appendix G), which was agreed upon by the leadership of both organisations and tabled at multiple *Volunteer Joint Consultative Council* meetings.

For the purposes of this discussion, consultation must:

- be undertaken at a time when a proposal is still at a formative stage;
- provide sufficient reasons/information to enable intelligent consideration and formulation of a response;
- provide adequate time for consideration and response; and
- the results of the consultation must be conscientiously taken into consideration when finalising any proposals.

When undertaking consultation, the SES needs to be prepared to hear opposing points of view. Furthermore, the SES needs to accept these arguments and transparently determine their merit and either wholly, partially or not include them into the development of the product of the consultation.

Consultation enables the collective wisdom of the organisation to be harnessed. It enables the collection and consolidation of differing points of view that can be used to inform decisions and create ideas that are jointly owned.

Members want to provide input into decisions that affect them. The SES has an obligation to use the most appropriate consultation and engagement tools, including providing adequate time, to collect this input and take it into consideration when making decisions that would impact the membership of the organisation now or into the future.

Consultation is not:

- asking for feedback or raising an issue only on social media;
- seeking a view on a matter from a single individual or small group; or
- outsourcing to an organisation.

Careful consideration needs to be given to determining and delivering an appropriate level of engagement, deciding which stakeholders should be involved, the issue to be considered and the objectives of engagement.

The following describes the engagement model:

- **Information** - a one-way relationship in which the SES delivers information to its volunteer members.
- **Consultation**- a two-way relationship in which members provide feedback on issues defined by the SES.
- **Active participation** - a collaboration in which members actively shape policy options, but where the SES retains the responsibility for final decisions.

Information, consultation and active participation can be considered along an engagement continuum, with increasing levels of engagement and influence towards the '*active participation*' end of the spectrum.



The levels of engagement to be used in a particular circumstance needs to be considered to achieve a particular outcome.

There is much literature that demonstrates the value of inclusiveness of opinions in the formulation of policies and decisions.

Organisations that are inclusive are generally more co-operative and harmonious, have higher levels of productivity, have lower levels of work health and safety issues and have lower levels of human resource issues (e.g. grievances).

Consultation and engagement tools enable a shift from information sharing to more actively involving members in the planning and decision-making processes of an organisation.

There are a range of consultation and engagement tools, which if used in combination with an effective information program will achieve inclusiveness in decision making.

### **Establishment of Departmental Committees as the consultative model**

The core concept of Committees is that they are to be consultative in nature and operate in the spirit of participation and co-operation to achieve outcomes.

This proposal is to establish a number of Departmental Consultative Committees that align to each Directorate of the SES and reports to *Strategic Leadership Team* via the *Volunteer Joint Consultative Council*.



The Terms of Reference of the *Strategic Leadership Team* would be modified to appoint the President of the Volunteers Association as a full member with voting rights.

Each Committee would be chaired by the respective Director and a Functional Reporting Director of the Volunteers Association would be the Vice Chair. It is considered appropriate for a Director to chair each committee as they have the authority to make decisions on matters concerning the Directorate for which they are accountable.

The Committees would align to each of the Directorates':

- People and Culture;
- Strategy and Innovation;
- Information and Communications Technology;
- Finance and Assets;
- Emergency Risk Management;
- Operations East; and
- Operations West.

Each Committee would be made up of eight members jointly appointed by the SES and the Volunteers Association for a period of two years. Appointment would be by way of expression of interest.

Terms of reference would be established for each Departmental Consultative Committee.

The *Volunteer Joint Consultative Council* could refer a matter to a Committee or a Committee could seek guidance from the *Volunteer Joint Consultative Council*.

Meetings would be conducted on a needs bases, however, a minimum of three meetings would be held each year with a report tabled at *Strategic Leadership Team* and *Volunteer Joint Consultative Council* on matters of interest.

The departmental committees could establish sub committees with terms of reference to consult on particular matters or issues.

Consultation and engagement tools used by the committee or subcommittee would be selected depending on the nature of the consultation being undertaken.

SES Directors and Volunteers Association Directors would report to their respective governing bodies on activities of the committee thus improving communication.

### **Consideration**

**The SES begins implementation of the *Collaboration and Consultation Policy and Procedures*.**

**That the SES implements the *Departmental Consultative Committee* model as a consultation framework.**

## Resourcing

Each year the SES develops a budget on how it will allocate its financial resources. It is not uncommon as the end of the financial year approaches, for large underspends to be identified within the service that creates much concern from the volunteer members who may have previously had budget reductions only to learn that there is a surplus of funds available with limited time to access and spend the budget.

Better forward planning in resource allocation directing finances where they are needed rather than wanted may assist in addressing issues.

## Professional Standards Unit

The *2015/16 NSW SES Annual Report* advises that the *Professional Standards Unit* received 86 complaints and only 30 were investigated (page 23). The Volunteers Association is concerned that the *Professional Standards Unit* is under resourced to achieve a prompt turnaround of matters that require investigation.

## Facilities

Section 17 of the SES Act states:

- (5) *The council of a local government area must, within 3 months of the appointment of a local controller for the area, provide (free of charge) suitable training facilities and storage and office accommodation to enable the local controller to exercise his or her functions.*
- (6) *Any such facilities and accommodation are to be of a standard approved by the Commissioner.*

The Volunteers Association is of the opinion that the standard provided by local government is, in some circumstances, inadequate and that there is an inconsistent standard being applied across the State.

The vast majority of SES Units operate out of substandard, old premises that are not designed for a modern-day emergency management organisation to enable its volunteer members to prepare for and respond to emergencies.

The accommodation provided to SES Units is a direct reflection on the perceived support the volunteer members are provided by their local communities.

The *Roadshow Report* highlighted the importance of appropriate facilities in being an important component to both attract and retain volunteers.

The *Auditor General's Report into Volunteer Management* also highlighted the need to attract and retain volunteers.

When a member of the public makes an enquiry to join the SES their opinion of the organisation is formed from when they first approach and enter a SES facility.

Tired, run down and disorganised facilities, as a result of inadequate local government resources being provided, may result in a negative impact on a potential volunteer that results in them not joining the SES.

It is not uncommon for SES Units to request funding from the Volunteers Association to repair, fix or update training rooms, kitchens or toilet facilities.

### **Considerations**

**The legislation is amended to provide the SES Commissioner with more powers to demand the standard of accommodation provided by Local Government.**

**The NSW Government considers providing the SES additional funding (after development of an appropriate business case through the normal budget cycle) to work with Local Government to provide a building works program over a period of time (twenty years) to develop facilities that are of an appropriate standard.**

## **Access to Government Information**

The SES controls access to its information. At times, volunteer members may wish to access information about themselves, due to an incident they have been involved with or if they are involved in an investigation or allegation in breach of a SES Policy. The Volunteers Association has found that the SES appears to use administrative process to avoid providing information to volunteer members that they request about themselves.

For example, Volunteer Member V07, a long-standing volunteer member in the organisation was alleged to have breached multiple SES Policies. The volunteer member admitted to the breaches and was given fourteen days to prepare a submission of mitigating circumstances that could be considered. The volunteer member requested access to their personal file under the *Government Information (Public Access) Act 2009* (NSW) (GIPA). The volunteer member was informed that it would take twenty days to prepare the GIPA response. The volunteer member requested an extension to the fourteen-day deadline which was declined by the SES. The volunteer member was unable to prepare a full submission and subsequently had their membership withdrawn.

Another example is Volunteer Member V08, a long-standing volunteer member, made a GIPA request concerning information on their personal file about a matter that was being investigated. The SES informed the volunteer member that they would have to pay to access their own information. The volunteer member was unable to afford this exorbitant cost and the investigation was found not in their favour.

Another example is Volunteer Member V09, who made a GIPA request only to receive a reply that the SES cannot access the information due to the amount of time needed.

Anything that happens in the SES is of interest to the volunteers as they are the people that make the organisation what it is, and without them the organisation does not exist.

Following the Independent Commission Against Corruption inquiry, the Public Service Commissioner subsequently undertook an inquiry into the SES. Despite repeated requests for the findings of this report, even versions with names redacted, the SES and the Public Service Commissioner is unwilling to inform the Volunteers Association of the contents of the report. The Volunteers Association should be informed whether anything contained in the report concerns the volunteer members.

## **Independent External body to Review Administrative Decisions involving Volunteers**

Sections 17(2), 17A(1) and 18AA of the SES Act provides powers to the Commissioner to appoint, suspend, withdraw and revoke a person's membership.

After an appeals process to the Commissioner, there is no external mechanism to have this administrative decision reviewed.

It is possible for a person aggrieved by such an administrative decision to apply to the NSW Supreme Court for judicial review, which is limited to the legality of the decision rather than the administrative decision itself. In reality, applying to the NSW Supreme Court is not accessible to the vast majority of volunteers that may be aggrieved due to the costs involved.

[\*Castle v Director General State Emergency Service\*](#) [2008] NSWCA 231 demonstrates the lengths that volunteers will go to have procedural fairness recognised. In this case the court recognised that procedural fairness was not applied.

The NSW Civil and Administrative Tribunal is a review body that is able to substitute what it considers to be the correct preferable decision (rather than having regard to the law alone).

Two examples of volunteers (Volunteer Member V10 and V11) who would have benefited from the opportunity to apply to the NSW Civil and Administrative Tribunal are included in the confidential submission.

### **Consideration**

**Administrative decisions made by the SES Commissioner should be reviewable by an independent body such as the NSW Civil and Administrative Tribunal, which would be the appropriate body capable of reviewing decisions that would be accessible to SES volunteer members that may be aggrieved by an administrative decision made by the SES Commissioner.**

## **Protection for Volunteers Injured or Killed while travelling to, from or while on Duty**

The *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* (NSW) provides a degree of protection for SES volunteer members that are injured, suffer an illness, medical expenses, suffer economic loss or damage to property, or lose their life whilst travelling to and from an "Authorised Activity," including training.

The major issue is, members that do sustain an injury that takes longer than twenty-six weeks to rectify, move to a significantly reduce payment. In these circumstances, after twenty six weeks, a volunteer member's workers compensation payment reverts to the lessor of ninety percent of their current weekly wage or the statutory rate of \$480.50 (see <https://www.workersinsurance.icare.nsw.gov.au/workers-insurance-claims/payments-and-expenses/weekly-payments/payments-when-not-able-to-work#gref>).

When you consider that the Commonwealth Government Newstart Allowance is \$535.60 fortnightly for most single people, it would be extremely difficult for a person to adjust to living on the even further reduced statutory rate of income, particularly when they are recovering from an injury.

The imposition of this level of financial hardship on a volunteer member who has been injured while serving their community is unjust.

When financial stress is imposed upon someone who is trying to recover from a significant injury, there is a high possibility that it will result in further emotional and mental anguish. This could result in the loss of support from family and loved ones at a time when this support is most needed.

The Volunteers Association has observed members suffer additional hardships as a result of this financial imposition such as emotional and mental stress, loss of savings, loss of home, loss of family, separation and divorce.

Our *Independent Welfare Committee* has provided advice that it is not uncommon for members that are injured on duty to seek assistance once they go beyond the twenty-six-week period and payments are reduced.

### **Consideration**

**That additional protections are provided to SES volunteer members for payments to continue beyond twenty-six weeks until they have fully recovered from their injuries.**

## **Social Media**

There is anecdotal evidence that the behaviour of staff and volunteer members on social media is in breach of SES policies, yet it selectively chooses who to pursue when a policy is breached.

A review of the members-only closed Facebook group will reveal multiple comments with behaviour that could be called "*mobbing*."

There appears to be a reliance on social media to set policy. A comment made by a senior staff member of the SES was that to get anything done, it needed to be added to the members-only Facebook page to get any attention to the matter, rather than pursuing it through official channels.

## **Protection of volunteer's employment**

Although the government makes orders protecting the employment rights of volunteers during major emergencies, this legislation has not been tested and volunteers are becoming more and more unwilling to ask for time off work for fear of losing their jobs.

The Volunteers Association would like the government to provide an assurance to volunteer members that if a volunteer member was to lose their job in breach of a protection order, the government would support the volunteer member through the legal proceedings.

## **Consideration**

**The government provides legal counsel to support any volunteer that loses their job as a result of a contravention of an employment protection order so the matter can be dealt with by the courts**



## **Protection of Volunteers Rights**

People in employment have their rights as employees protected under many avenues such as legislation, workplace agreements and awards.

Employees of the SES are public servants employed by the Public Service Commissioner. This employment arrangement may provide additional protections, such as mobility, performance review, training, workforce planning and appeals mechanisms for certain types of employment related decisions.

This section of the SES Act specifically excludes SES volunteers from any benefits or protections available under the *Public Sector Employment Act 2013*.

In addition, public servants also have the option to join bodies that can represent and advocate on their behalf that are recognised such as Unions and Associations.

Employees also have the right to have decisions concerning their employment reviewed by external bodies.

A long-standing volunteer, V12, whom came upon difficult times and whose mental health and wellbeing was diminished admitted to misappropriating NSW SES resources and subsequently had their membership from the service withdrawn. A staff member who also admitted to misappropriating SES Resources, to the same level as V12, was reprimanded and allowed to repay the resources and continued in their job.

The second *NSW Volunteering Strategy 2016-2020* (Volunteering Strategy) provides a set of guiding principles on how to engage with and support volunteer members.

No such protections, advocacy mechanisms, representative channels or review bodies formally exist for volunteer members.

There has been no commitment by the SES to adopt the guiding principles contained in the Volunteering Strategy.

### **Considerations**

**The rights of SES volunteer members are enshrined in legislation.**

**The Volunteers Association is formally recognised as the representative body for SES volunteer members.**

## **Fundraising and Sponsorship**

The Volunteers Association questions why public statements made by the SES that they do not fundraise, when the SES has a website that is setup for fundraising.

The *2015/16 NSW SES Annual Report* (page sixty) indicates that fundraising and donation revenue increased from \$751,000 to \$1,913,000 (including a \$970,000 bequest).

The Volunteers Association, a not for profit, registered charity, established to look after volunteers and speak up on their behalf is currently competing with the SES for charity fundraising. This is evident on the SES website in which an online donations page was recently established. As the SES is a government funded emergency response service that receives over \$100 million in funding through taxes and levies, there should be no need for it to compete with a legitimate charity.

The Volunteers Association is also concerned about the corporate sponsorship relationships that the SES has with different entities. The Volunteers Association has been informally asked not to approach organisations for sponsorship that may be in direct competition with those that provide sponsorship to the SES.

The governance arrangements around corporate sponsorship is unclear. All the volunteers see is logos and stickers being placed on shirts, boats and trucks. How much funding is received, how is it spent, and was an open tender process for these arrangements.

SES volunteer members question why the fundraising activities of Rural Fire Service Brigades are treated differently to those of volunteer SES Units.

### **Consideration**

**The SES is adequately funded so it does not have to rely on charity fundraising.**

## **Work Health & Safety – Safety Culture**

The Volunteers Association has significant concerns in a decline in safety culture within the SES as evident by a recent volunteer member feedback survey which noted a perception of poor safety culture, a decline in consultation, a lack of top down safety leadership, costs being prioritised over safety and a fear of reporting near misses that could be then be used to conduct formal disciplinary proceedings against a volunteer member.

There is a perception that information is not shared. A Volunteers Association representative on the *Work Health and Safety Committee* has witnessed documentation removed from a meeting to avoid it being shared.

There is anecdotal evidence that the SES Work Health & Safety reporting systems are being used by volunteer members to have investigations and disciplinary matters heard against them in a manner to settle old scores or get one upmanship.

For example, Volunteer Member V13, a long-standing member of the SES, holding volunteer leadership positions with over 25 years' experience, was responding to a roof job and used a technique to safely secure those working at heights that had been superseded without their knowledge some years beforehand. The volunteer member had not been trained in any new techniques. Another volunteer took a picture of the activity and subsequently lodged an issue in the SES Work Health and Safety reporting system. The volunteer member was subsequently investigated and disciplined for using an outdated technique and had a formal reprimand placed on their file. No remedial training has been offered to the volunteer member.

The Volunteers Association is of the opinion that remedial training would have been an appropriate finding.

### **Consideration**

**The SES implements a safety culture that encourages volunteer members to report safety incidents without fear of punishment or reprisal.**

## List of considerations

1. The Volunteers Association would like to work in partnership with the SES on establishment of a service to support volunteer members.
2. The SES provides appropriate uniforms and personal protective equipment for the 46% of its membership which is female.
3. Improve communication with all SES members on the activities of the Committee by issuing a communiqué at the conclusion of each meeting, including progress of suggested changes or additions to approved uniforms.
4. The committee consult broadly with the membership base on matters concerning uniform, personal protective equipment and apparel.
5. Appropriate costs are undertaken and budget allocation provided so that volunteer members are provided with appropriate uniforms and personal protective equipment on a regular maintenance cycle.
6. All members are provided with a minimum number of hot weather shirts.
7. The SES review compliance of head dress to provide appropriate sun protection.
8. A process is developed to equip volunteers appropriately.
9. In the future, the SES honour its commitment to volunteer members to replace uniforms.
10. The SES conducts a cultural audit and uses the results to inform a plan to adopt an appropriate culture within the organisation.
11. That joint application processes be reinstated immediately.
12. That information on the Volunteers Association be included in all Volunteer Induction Programs.
13. That the Volunteers Association is allowed access to speak to and communicate with its volunteer members.
14. That information on the Volunteers Association be included in all Staff Induction Programs.
15. The SES begins implementation of the *Collaboration and Consultation Policy and Procedures*.
16. That the SES implements the *Departmental Consultative Committee* model as a consultation framework.
17. The legislation is amended to provide the SES Commissioner with more powers to demand the standard of accommodation provided by Local Government.
18. The NSW Government considers providing the SES additional funding (after development of an appropriate business case through the normal budget cycle) to work with Local Government to provide a building works program over a period of time (twenty years) to develop facilities that are of an appropriate standard.
19. Administrative decisions made by the SES Commissioner should be reviewable by an independent body such as the NSW Civil and Administrative Tribunal, which would be the appropriate body capable of reviewing decisions that would be accessible to SES volunteer members that may be aggrieved by an administrative decision made by the SES Commissioner.

- 20. That additional protections are provided to SES volunteer members for payments to continue beyond twenty six weeks until they have fully recovered from their injuries.**
- 21. The government provides legal counsel to support any volunteer that losses their job as a result of a contravention of an employment protection order so the matter can be dealt with by the courts**
- 22. The rights of SES volunteer members are enshrined in legislation.**
- 23. The Volunteers Association is formally recognised as the representative body for SES volunteer members.**
- 24. The SES is adequately funded so it does not have to rely on charity fundraising.**
- 25. The SES implements a safety culture that encourages volunteer members to report safety incidents without fear of punishment or reprisal.**

## **Appendix A The Roadshow Report**

Document attached

## **Appendix B The Roadshow Response Report**

Document attached

## **Appendix C The Auditor General's Report into Volunteer Management in the NSW SES**

Document attached



## **Appendix D NSW SES Bullying and Harassment Policy**

Document attached

## **Appendix E Employee Assistance Brochure**

Document attached

## **Appendix F Uniform Committee Terms of Reference**

Document attached

## **Appendix G Collaboration and Consultation Policy and Process**

Document attached