



MANAGING NON-COMPLIANCE WITH THE REQUIREMENTS OF GIRL GUIDES VICTORIA

I. POLICY

Girl Guides Australia requires that all adult Members and other Volunteers involved in any aspect of Guiding in Australia will at all times abide by its Rules. These requirements may be found in Girl Guides Australia's "*Guide Lines*".

Girl Guides Victoria requires that all adult Members and other Volunteers abide by Girl Guides Victoria Policies and Procedures.

Any failure by any adult Member or other Volunteer to comply with the Rules will be dealt with in accordance with the following Procedure. Where the failure to comply with the Rules involves concern for the safety of children, this policy and procedure shall be applied in conjunction with the Girl Guides Victoria **Child Safe Framework**.

The conduct of paid employees of Girl Guides Victoria is covered by the terms of their employment.

II. PROCEDURE

In this Procedure:

"Final Reviewer" means the State Commissioner or her nominated delegate;

"Individual" means an adult Member of Girl Guides Victoria or other Volunteer involved in any aspect of Guiding;

"Rules" means the Girl Guides Australia Code of Conduct, *Guide Lines*, and all other rules or policies of Girl Guides Australia and Girl Guides Victoria;

"Serious Misconduct" means behaviour that justifies immediate removal from a position. This includes but is not limited to:

- knowingly and wilfully breaching requirements of the Rules;
- fraud, dishonesty, intoxication, or assault; and
- refusal to carry out lawful or reasonable instructions, particularly where youth members may be put at risk as a result.

"Supervisor" means a person to whom the individual reports or who is in some other way responsible for managing the individual's performance;

“**Support person**” means a person whom the individual requests to accompany them to any meeting to observe, take notes and be of support but they are not entitled to speak during a meeting.

1. This Policy covers two types of breach: breach of the Rules resulting in misconduct or serious misconduct. In the case of misconduct an investigation will be held as soon as is reasonable. In the case of serious misconduct a formal response and investigation will be initiated as soon as is practically possible.
2. An investigation for misconduct will be initiated where informal attempts to prevent or initially remedy a breach or potential breach of the Rules have failed.
3. Where the Supervisor has reasonable grounds to consider that serious misconduct has occurred, a formal response and investigation will be initiated as soon as is practically possible.
4. Where there is any indication the the Rules breach involve a child safety concern, Girl Guides Victoria will comply with the requirements of the **Victorian Reportable Conduct Scheme**,
5. If the Rules breach involves serious misconduct, the Final Reviewer may immediately:
 - a) dismiss the Individual as a member of Girl Guides Victoria; and
 - b) where applicable, notify the Police.
6. Where a Police investigation is initiated, Girl Guides Victoria will seek advice from Police prior to conducting/continuing internal investigations, so as not to compromise the integrity of external investigations.
7. Both the Individual and the Supervisor must be invited to have a support person present at all stages through this resolution process. If a party declines to have a support person at a meeting this must be recorded in the notes for that meeting.
8. A meeting should be arranged to formally discuss the matter. The purpose of the formal meeting is for the Supervisor and the Individual to mutually agree on the specific things that the Individual must do to resolve the Rules breach, including a reasonable time limit for completion.

9. At the formal meeting the Supervisor should:
 - a) advise the Individual that the meeting is part of a formal performance review procedure;
 - b) be specific about which Rules have been breached;
 - c) explain in detail how the Individual is believed to have breached the Rules;
 - d) ask the Individual to give their account of the events and provide any other detail the Individual considers to be relevant to the circumstances; and
 - e) advise the Individual of the consequences of not complying with the Rules.

10. Actions to correct the breach may include:
 - a) arranging formal training or personalised coaching for the Individual;
 - b) appointing a mentor to support the Individual through the process of resolving the Rules breach;
 - c) regular progress reporting to the Supervisor; and
 - d) any other action the Supervisor considers appropriate having regard to the seriousness of the infringement, including, in the event of Serious Misconduct, recommending instant removal from the relevant position by the State Commissioner under clause 12 of this procedure.

11. The Supervisor or their support person should take notes during the meeting including agreed actions and time limits. A written record of the meeting will be produced within 7 days. Copies will be circulated to the Individual and the Supervisor. The individual will return a signed copy to the Supervisor who will keep the records for future reference.

12. If the Individual either refuses to work with the Supervisor to develop an agreed action plan, or does not perform all of the actions within the agreed timeframe, the Supervisor may refer the matter to the Final Reviewer.

13. The Final Reviewer must read the notes from all formal meetings, and speak separately to both the Supervisor and the Individual, to form an unbiased understanding of the situation.

14. The Final Reviewer must prepare a final action plan, which takes into account the seriousness of the Rules breach and how well the Individual complied with the agreed actions from the formal meeting. The final action plan should set out specific actions and time frames, and what further action

will be taken if the Individual does not do everything that is reasonably required.

15. The Individual must:
 - a) meet with the Final Reviewer to be informed of the final action plan;
 - b) sign and keep a copy of the final action plan; and
 - c) comply with all requirements of the final action plan in the stated time limits.
16. The Final Reviewer must:
 - a) send a copy of the signed final action plan to the Supervisor;
 - b) add a copy of the signed final action plan to the Individual's records at Guide Centre; and
 - c) make whatever enquiries are necessary to check on the Individual's compliance with the final action plan.
17. The Individual will be removed from the position they hold which is the subject of the Rules breach if she or he:
 - a) does not comply with all requirements of the final action plan within the time limit;
 - b) refuses to meet with the Final Reviewer;
 - c) refuses to comply with or sign the final action plan; or
 - d) is found to have committed an act of Serious Misconduct.
18. Removal from a specific position does not prevent the Individual from retaining their membership of Girl Guides Victoria (if applicable) or any other position she or he holds, as long as no other Rules are breached. The Constitution of Girl Guides Victoria enables the State Commissioner to suspend the appointment of any adult Member (Clause 26).
19. Clause 17 of the Girl Guides Victoria By Laws set out an Individual's rights of appeal to any decision made under these procedures.
20. Upon:
 - a) cancellation of an Individual's membership; or
 - b) removal of the Individual from their office or other position of authority;the Individual must promptly return to Girl Guides Victoria all Girl Guides Victoria property which they hold, including but not limited to bank books,



GIRL GUIDES VICTORIA POLICY

GO 43

cheque books, financial records, keys, equipment, memorabilia and any other property of Girl Guides Victoria in their control or possession.

Related Policies and Procedures:

Girl Guides Victoria Child Safe Framework