



St. Louise de Marillac Primary School, Drumfinn Rd., Ballyfermot, Dublin 10

Adult Bullying, Harassment and Sexual Harassment Policy: Dignity in the Workplace

Introductory Statement

St. Louise de Marillac Primary School is a school which is committed to creating, maintaining and constantly striving to enhance a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

This policy was formulated for the wellbeing, Health & Safety of staff in our school. It was formulated through a process of collaboration between school management and staff.

Rationale

The Board of Management of St. Louise de Marillac Primary School recognises that all employees have the right to a workplace free from bullying, harassment and sexual harassment and it is fully committed to ensuring that all employees are entitled to enjoy that right. There is a responsibility on all employees, to ensure a workplace free from bullying, harassment and sexual harassment and to be aware of policies pertaining to this.

Link to Vision Statement

In order to create a safe and happy environment for the children it is necessary that staff work in an atmosphere free from bullying, harassment and sexual harassment. Each member of the staff is fully entitled to be treated with professional respect and dignity.

Adult Bullying

For the purposes of definition, school management and INTO have adopted the definition of bullying set out by the Health and Safety Authority as outlined below:

“Bullying in the workplace is repeated aggression, verbal, psychological or physical, conducted by an individual or group of individuals against another person or persons. Bullying is where aggression or cruelty, viciousness, intimidation or a need to humiliate, dominate the relationships. Isolated incidents of aggressive behaviour, while to be condemned, should not be described as bullying. In the workplace there can be conflicts and interpersonal difficulties. Many of these are legitimate industrial relations issues which should be dealt through the appropriate industrial relations channels. Only aggressive behaviour which is systematic and on-going should be regarded as bullying.”

Adult bullying can take many different forms which include:

- Intimidation or harassment
- Aggression
- Verbal abuse

- Humiliation
- Undermining
- Dominance or abuse of power
- Different or unfavourable treatment
- Exclusion or isolation

Key features of Adult Bullying are that the behaviour is generally:

- Persistent
- Unwanted
- Subtle
- Non-Physical

Harassment/ Sexual Harassment

Definition of Sexual Harassment:

The Employment Equality Act (1998) defines sexual harassment as any unwelcome act, request or conduct, which could reasonably be regarded as sexual or otherwise on the grounds of gender, to be offensive, humiliating or intimidating to the employee in question. It is unlawful to treat a person less favourably than another person on grounds of sex whether in the workplace or otherwise in the course of employment.

Examples of sexual harassment include:

- Unwanted physical or verbal advances
- Unwanted touching or physical gestures
- Comments and remarks of a sexual or discriminatory nature
- Unwelcome comments about personal appearance
- Demands for sexual favours
- Displays or circulation of written words, pictures or other materials
- Innuendo of a sexual nature or based on a person's sex

This list is not exhaustive.

Discrimination may also arise, if a person is treated differently in the course of his/her employment, by virtue of his/ her acceptance or rejection of the harassment.

Other harassment on specified discriminatory grounds

The Employment Equality Act (1998) states that other harassment whether at work or otherwise in the course of employment, may constitute discrimination, contrary to the legislation, in circumstances where:

- the harassment arises from the employee's marital status, family status, sexual orientation, religious beliefs, age, race, disability or member of the traveller community

and

- the harassment is unwelcome and could reasonably be regarded as offensive, humiliating or intimidating to the employee concerned.

Harassment may constitute any act or conduct, such as spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Discrimination may also arise, if a person is treated differently in the course of his/her employment, by virtue of his/ her acceptance or rejection of sexual harassment.

Addressing a complaint of Adult Bullying, Harassment or Sexual Harassment:

- Any employee who feels he or she has been or is being bullied, harassed or sexually harassed should ask the perpetrator to stop.
- Where this form of action is unsuccessful, the employee may report the matter to any of the following: - the Principal, the Deputy Principal, the INTO Staff Representative, or a member of the Board of Management.
- Attempts will be made to resolve the complaint informally, where appropriate.
- If it is not possible to resolve the matter informally, a formal complaints procedure shall be invoked.
- A written report to the Board of Management should be made by the complainant or an authorised person to whom the complaint is made, and signed by the complainant.
- Grievance procedures as outlined in the INTO publication *Working Together Booklet Procedures and Policies for Positive Staff Relations* will be adhered to.
- The relevant procedures are detailed in the following appendices :

Appendix 1 Procedure to address staff relations difficulties

Appendix 2 Procedure to address adult bullying/ harassment

Appendix 3 Grievance procedures

This procedure provides a mechanism for a teacher, including a principal teacher, to address grievances which he/she may have against B.O.M. or Chairperson of B.O.M. This procedure also provides a mechanism for a teacher to address grievances he/she may have with the principal teacher in respect of his/ her duties and responsibilities for the organisation, conduct and day to day activities of the school.

- The complaint will be investigated with minimum delay and as confidentially as possible by two individuals named by the Board of Management.
- One of those individuals shall be the same sex as the complainant if so requested. Due respect shall be had for the rights of the complainant and the alleged perpetrator.
- Both parties may be accompanied/represented at all interviews/meetings held and these shall be recorded.

- Where a complaint is found to be substantiated, the extent and nature of the sexual harassment will determine the form of disciplinary action to be taken. These actions may include a verbal warning, a written warning, suspension from duties with or without pay, or dismissal.
- Where an employee is victimised as a result of invoking or participating in any aspect of the procedure, including acting as a witness for another employee, such behaviour by transgressor will be subject to disciplinary action.
- No record of any complaint will be registered on an employee's file unless the formal procedure outlined above has been invoked.
- Confidentiality will be ensured at all times during the investigation, insofar as it is possible, for all parties involved.
- Any complaint of bullying, harassment or sexual harassment shall be fully and properly investigated and, if substantiated, will be regarded as grounds for disciplinary action, up to and including dismissal.
- It is the opinion of the Board of Management that issues of sexual harassment are best dealt with, insofar as possible, within the school.
- However, no aspect of this policy affects any employee's individual legal right to take a complaint outside the school. It is open to any member who considers he/she is being discriminated against, to refer a complaint to the Director of Equality Investigations or Labour Court.

Steps to be followed following an Assault on an Employee

The Board of Management has a clear commitment to be fully supportive of staff who have been subject to violence or an assault. When an assault occurs, the following steps as outlined in circular 40/97 should be taken:

- (i) The incident should be immediately reported to the principal teacher/other colleague. The details of the incident should be recorded in an Incident Book kept for this purpose in the workplace. Situations in which members have been intimidated or threatened with physical violence should also be recorded.
- (ii) Where necessary immediate medical assistance should be sought.
- (iii) The matter should be reported to the Gardaí, where appropriate. This report would normally be made by the teacher who was assaulted.
- (iv) The Board of Management should be notified of the incident and where necessary an emergency meeting of the Board should take place. The Board should notify its legal advisors of the assault. The Board's insurance company should also be notified.

- (v) Where the assault is by a pupil the matter should be dealt with in accordance with the school's Code of Discipline and as provided for in Rule 130(5) of the Rules for National Schools.
- (vi) Repeatedly aggressive pupils should be referred, with the consent of parents, for psychological assessment in order to assess the pupils' social and emotional needs and to determine how these can be best met.
- (vii) Where the assault is committed by a parent/guardian, the parent/guardian should be immediately instructed in writing not to make direct contact with the teacher/school pending full consideration of the matter by the Board. Subsequently the Board should correspond with the parent/ guardian stating:
 - that the Board considers the assault unacceptable
 - what action the Board intends to take
 - outlining what pre-conditions should be met before access to the school is restored.
- (viii) Applications for leave of absence, in relation to a member who has been assaulted, should be forwarded to Primary Payments Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath. Each application will be assessed on its merits.
- (ix) Where an employee's personal property is damaged in the course of an assault, compensation for its replacement value may be paid by the Board of Management under the extended school Protection Policy.

The BoM gives guidelines to staff for how meetings with parents / guardians should be conducted to ensure all parties are treated with respect. Please see appendix 4. (Appendix 4 Memo from BoM re assaults / violence towards staff)

As members of St Louise de Marillac school community, we all have a duty of care to ourselves and each other. Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another. In formulating this policy, we sought to set out principles and practices to support the exercise of that duty in our school.

The policy has been formulated in light of a number of background documents, including IPPN document '*Supporting Each Other*' the INTO document '*Working Together*' and '*DES Circular 40/97 Assaults on Staff in Primary Schools*', the Health & Safety Authority's '*Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work (2007)*', and the Equality Authority's Code of Practice, given legal effect in the Statutory Instrument entitled *Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2002 (S.I. No. 78 of 2002)*.

The staff of St Louise de Marillac Primary School has an agreed systematic cycle of review of policies whereby new policies are reviewed after one year and subsequently every three years.

In line with the above, this policy will be reviewed in the 2022-2023 academic year and subsequently every three years, unless changes are required by legislation or other needs arise before then.

This Adult Bullying, Harassment and Sexual Harassment Policy: Dignity in the Workplace was ratified by the Board of Management of St. Louise de Marillac Primary School on 12th November 2019.

It is available for the school community on the school server.

It is also available in the policy folder in the staffroom.

Signed: *Sr. Claire McKiernan*

Chairperson of Board of Management

Date: 12/11/2019

Appendix 1

Procedure to address staff relations difficulties

Guidance taken from INTO publication *Working Together Procedures and Policies for Positive Staff Relations*

C 1 Procedure to address staff relations difficulties

Informally address matters between the parties

It is open to an individual teacher/group of teachers/entire staff to raise the matter of internal working relations in the school, particularly, where staff relations difficulties exist. For the purpose of this procedure the teacher(s) who raises the matter shall be termed *Party A*.

Party A should raise the matter with the teacher(s) it considers to be the source of the difficulty or who is contributing to the difficulty and this may include the principal teacher, i.e. for the purpose of this procedure, *Party B*.

The manner by which *Party A* decides to raise matters, will to a large extent, depend on the issues identified by the party, on previous experience and on the existing procedure in the school for raising matters. In general, the following steps should be taken:

- *Party A* should identify the areas where staff relations difficulties exist or if applicable, where relations can be improved;
- *Party A* should raise matters at the earliest opportunity directly with *Party B*;
- *Party B* should make every effort to respond in a constructive manner to the issues raised by *Party A*;
- the onus is now on both parties to engage constructively to sort out matters and it would be expected that the parties would be prepared to reach solutions and, if appropriate, move their position in order to resolve matters at the earliest opportunity;
- both parties should agree realistic time frames which should not be later than 20 school days by which time a framework for resolution of issues should be agreed;
- the outcome of the discussions should be recorded by the parties in a mutually agreeable manner (c/f section b, pgs 12-13);
- by agreement the 20 school day period may be extended and the parties should take specific note of the new time frames.

Please note that if resolution is not achieved and the principal teacher is one of the parties at stage 1, then, where a party wishes to continue, the procedure should, after completion of stage 1, move directly to stage 3 or stage 4.

Role of the principal teacher

Where it has not been possible to resolve matters informally and directly between the parties and where the principal teacher is not a party to the conflict, the principal should be consulted by both parties as follows:

- the principal teacher should be briefed by each party on the discussions which have occurred at the informal stage;
- as part of effective leadership, the principal teacher has a role in promoting positive working relations and accordingly should hear the parties and seek to mediate and resolve the staff relations difficulty;
- the principal should act in a fair and impartial manner and may exercise judgement and make decisions which he/she considers necessary to resolve matters;
- the onus is on both parties, facilitated by the principal teacher, to engage constructively to resolve matters and it is expected that the parties would be prepared to reach solutions and, if appropriate, move their position in order to resolve matters at the earliest opportunity;

- where the principal teacher deems it prudent and appropriate, he/she may raise the matter at a staff meeting and seek to initiate a framework through full staff dialogue, to resolve matters. In these circumstances, it is recommended, that where possible, a neutral member of staff or a member of staff acceptable to both parties, should be selected to chair the staff meeting;
- the outcome of the discussions should be recorded by the parties including the principal teacher in a mutually agreeable manner, (c/f section b, pgs 12–13);
- 20 school days are provided to resolve matters at stage 2 and the parties should note the time frames which should only be extended by agreement.

Please note that where resolution is not achieved at stages 1 or 2, it is open to the parties to move to stage 3 or to go directly to stage 4.

External intervention

Where resolution has not been achieved at either stage 1 or stage 2, the parties and/or the principal teacher may request the board of management to appoint a mediator, agreeable to the parties.

Prior to entering a mediation process, each of the members of staff concerned, will be required to supply the following background information for the attention of the mediator only:

- a written account of the issues involved;
- a written account of the initiatives taken to date to resolve matters, detailing any progress made, together with a general outline of the sequence of dates. Where the principal teacher has been involved at stage 2, he/she should also supply an account;
- a list of the outstanding issues and the resolutions sought by the parties; and
- a written and signed undertaking, to the effect, that he/she:
 - will constructively participate in the mediation process;
 - will be flexible in order to achieve resolution; and
 - will abide by and act on the recommendations of the mediator.

The mediator shall:

- review all of the documentation;
- arrange to meet with the parties;
- decide on whether it is possible to achieve a framework for resolution in light of the attitudes of the parties; and

• where the mediator decides to proceed, he/she shall, following the mediation process, draft a conclusion. The conclusion of the mediator shall solely state whether mediation has either achieved or failed to achieve a framework for resolution. The conclusion of the mediator shall be available to the parties and to the board of management.

In addition, if a framework for resolution is agreed between the parties, then a copy of same may be appended to the conclusion.

As a rule, the mediator shall complete his/her work within 20 school days.

A joint INTO/management panel of mediators is established for the purpose of facilitating independent mediation.

Please note that any expenses involved at this stage will be shared by the parties, i.e. INTO and the relevant management body, provided that prior sanction for same has been obtained from those parties.

Formally address matters with the board of management

Where it has not been possible to agree a framework for resolution at previous stages, the matter should be referred, by the parties, to the board of management for investigation.

The referral should be in writing. In addition, the conclusion of the mediator may indicate that the matter should be referred to the board of management and in this regard, the mediator's conclusion may itself constitute a referral. Once a board of management has received a written referral to investigate a staff relations difficulty, it should, generally, proceed as follows:

- the board may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages;
- the board or the chairperson of the board may meet the teachers individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process (c/f section b, pg 12);
- the board may request the principal teacher to furnish a written submission;
- the board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence;
- following oral presentations the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
- the board of management may convene a number of meetings in order to achieve resolution;
- the board of management shall act in a fair and impartial manner in order to achieve resolution;
- the board is entitled to reach conclusions and to request the parties to agree a framework for resolution in which the parties will fully and constructively participate;
- where the parties fail to voluntarily agree a framework for resolution, following a request by the board of management, the board itself is entitled to decide on an appropriate framework for resolution and may, if considered necessary, direct the parties to participate in same;
- the board of management should complete its investigation within 20 school days of receipt of the written referral;
- the steps taken at stage 4 should be recorded, reviewed and monitored and the record should be available to the parties.

Adult Bullying, Harassment and Sexual Harassment Appendices

Appendix 2

Procedure to address adult bullying/ harassment

Guidance taken from INTO publication *Working Together Procedures and Policies for Positive Staff Relations*

C2 Procedure to address adult bullying / harassment

The procedure set out below may be initiated in relation to any of the following circumstances, which may occur in the workplace or otherwise in the course of employment:

- adult bullying;
- sexual harassment; or
- harassment on other specified discriminatory grounds which could, in the circumstances, be regarded as offensive, humiliating or intimidating.

INTO and management recommend that each board of management/school adopt a policy and procedure on bullying, sexual harassment or other harassment on specified discriminatory grounds, which would include a clear statement that any such behaviour is not acceptable within the school. In this regard, it should be noted that a complaint of sexual harassment or bullying may result in disciplinary action.

Where a complaint of sexual harassment or bullying is not upheld, no action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and the disciplinary procedure invoked.

The procedure outlined below is specifically designed to address adult bullying, sexual harassment or harassment on other specified discriminatory grounds, in an industrial relations framework.

It is also open to any member who considers that he/she is being discriminated against, to contact his/her CEC District Representative or INTO Head Office with a view to referring a complaint to the Director of Equality Investigations or Labour Court, as the case may be.

Adult bullying

The INTO policy document “Staff Relations: a report on adult bullying in schools” relies on the definition that bullying is “repeated aggressive behaviour of a verbal, physical or psychological Nature.” The document presents a range of other definitions in use by various unions and organisations and also describes the forms and effects of bullying and profiles both the typical victim and bully.

Adult bullying can take many different forms which usually include:

- intimidation or harassment;
- aggression;
- verbal abuse;
- humiliation;
- undermining;
- dominance or abuse of power;
- different or unfavourable treatment;
- exclusion or isolation.

Key features of adult bullying are that the behaviour is generally:

- persistent and/or systematic;
- unwanted;
- subtle; and
- non-physical.

However, for the purposes of the procedures outlined in this document, management and INTO have adopted the definition of bullying set out by the Health and Safety Authority which is:

“Bullying in the workplace is repeated aggression, verbal, psychological or physical, conducted by an individual or group against another person or persons. Bullying is where aggression or cruelty, viciousness, intimidation or a need to humiliate, dominate the relationships. Isolated incidents of aggressive behaviour, while to be condemned, should not be described as bullying. In the workplace environment there can be conflicts and interpersonal difficulties. Many of these are legitimate industrial relations difficulties which should be dealt with through the appropriate industrial relations channels. Only aggressive behaviour which is systematic and ongoing should be regarded as bullying.”

Accordingly, it is the view of INTO and management, that the exercise of legitimate management functions, in a reasonable and fair manner, does not constitute bullying.

Sexual harassment or other harassment on specified discriminatory grounds

The Employment Equality Act (1998) explicitly provides that sexual harassment and other harassment on legally defined discriminatory grounds, is unlawful and constitutes discrimination, contrary to the Employment Act, 1998.

Employers may also be liable under the 1998 legislation, in respect of harassment occurring in the course of employment, whether or not, it occurs with the employer’s knowledge or approval. However, the legislation also provides that it shall be a defence for an employer to show that reasonably practicable steps were taken to prevent the harassment.

It is important to distinguish harassment, including sexual harassment, from normal social interaction at work involving mutually acceptable behaviour.

Sexual harassment

It is unlawful to treat a person less favourably than another person on grounds of sex in matters relating to employment, whether in the workplace or otherwise in the course of employment. Sexual harassment creates an unpleasant and intimidating work environment, threatens job security and undermines equality in the workplace. It is a form of discrimination and every effort should be made to eliminate it.

The Employment Equality Act (1998) defines sexual harassment as any unwelcome act, request or conduct, which could reasonably be regarded as sexually or otherwise on the grounds of gender, to be offensive, humiliating or intimidating to the employee in question, such as:

- any act of physical intimacy; or
- any request for sexual favours; or
- any other conduct such as, spoken words, gestures or the production, display or circulation of written words, pictures or other materials.

Discrimination may also arise, if a person is treated differently in the course of his/her employment, by virtue of his/her acceptance or rejection of the sexual harassment.

In September 1994, the Department of Justice, Equality and Law Reform published a Code of Practice on measures to protect the dignity of women and men at work. The Code of Practice was issued in accordance with the European Commission’s Code of Practice, which defined sexual harassment as: “unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work.”

Other harassment on specified discriminatory grounds

The Employment Equality Act (1998) states that other harassment whether in the workplace or otherwise in the course of employment, may constitute discrimination, contrary to the legislation, in circumstances where:

- the harassment arises from an employee's marital status, family status, sexual orientation, religious beliefs, age, disability, race or membership of the traveller community; and
- the harassment is unwelcome and could reasonably be regarded as offensive, humiliating or intimidating to the employee concerned.

Harassment may constitute any act or conduct, such as, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Discrimination may also arise, if a person is treated differently in the course of his/her employment, by virtue of his/her acceptance or rejection of the harassment.

Bullying / harassment procedure

Preamble

The procedure outlined below is designed to address adult bullying, sexual harassment or other harassment arising in the workplace or otherwise in the course of employment, in a fair and effective manner. In implementing the procedure, it is recommended that emphasis should be placed on assuring the party who considers that he/she is being bullied /harassed that his/her complaint is acknowledged, that the matter will be investigated effectively and sensitively and in accordance with due process.

Equally, where it is found that bullying or harassment has occurred, the emphasis, firstly, is to ensure that the offending behaviour immediately cease and secondly, to help the offending party acknowledge that his/her behaviour is unacceptable and that steps must be taken to address the matter constructively thereby avoiding any recurrence.

It is important to ensure that resolution is achieved at the earliest opportunity. Further, it may be appropriate for the victim or the offender to attend counselling or obtain such other help as may be required.

Decide to address the matter

1. The party (party A) who considers that he/she is being bullied, sexually harassed or harassed on other specified discriminatory grounds, should decide to address the matter. However, in light of the potential effects of bullying or harassment on an individual, including loss of confidence, extreme upset, anxiety or fear, party a may initially decide to seek INTO or other assistance, including Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures, in the circumstances.

2. Party A should keep a record of the pattern of behaviour or instances where he/she considers that bullying/harassment has occurred. The record should contain details such as dates, times, persons present, details of what was said or what occurred.

(Further details on the keeping of records are outlined in section b, pgs 12-13)

Informally address the problem

1. The party who considers that he/she is being bullied, sexually harassed or harassed on other discriminatory grounds (party A), should request a meeting with the other party (B), in order to discuss matters. The following should apply:

- where necessary, the meeting may be facilitated by a third party, generally a teaching colleague;
- party A should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop;
- it is important that party A bear in mind, that the other member of staff may not be aware that his/her behaviour is causing difficulty;
- both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment;
- party B may respond to party A at that meeting or if requested, should be given an opportunity to consider his/her response, in which case the meeting may be adjourned. Party B should respond in a constructive manner;
- the resolution, as appropriate, may include any of the following, e.g., a commitment to cease the particular behaviour, modify the behaviour, plan to eliminate situations where the parties would be in conflict or monitoring. Alternatively, it may emerge as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provision for compromise or appropriate explanation or acknowledgement.

2. If there is no satisfactory indication of resolution between the parties, party A should refer the complaint to stage 3, i.e. formal procedures.

Principal teacher or chairperson of the board of management

1. Stage 3 provides a mechanism for the principal teacher to intervene and resolve the matter. However, if the principal teacher is one of the parties, the chairperson of the board of management, should then be involved, in an individual capacity, in order to achieve resolution. In circumstances where the chairperson may also be involved at stage 2, another member of the board, may be designated to intervene.

2. Party A should advise party B that he/she is proceeding with stage 3.

3. Party A should state his/her complaint in writing and request the principal teacher (or chairperson of the board of management, as the case may be) to investigate the matter.

4. The principal teacher (or chairperson of the board of management, as the case may be) should:

- obtain background details including details of what occurred at the previous stage;
- consider the pattern of behaviour and the timescale;
- hear the parties and seek to resolve the matter;
- act in a fair and impartial manner and deal with the matter sensitively having regard to the nature of the problem and the principles of due process (c/f pg 12);
- exercise judgement and make decisions which he/she considers necessary to resolve matters.

5. The outcome of the discussions should be noted by the parties.

6. The matter should be dealt with confidentially.

7. Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (or chairperson of the board of management as the case may be) should refer the matter to the board of management in accordance with stage 4 below.

Board of management

1. It is open to any of the parties or the principal teacher (or chairperson of the board of management, as the case may be) to refer the matter to the board of management for investigation. The referral should be in writing and dated and should include a copy of the written complaint.

2. The board of management should consider the issues and investigate the matter:

- the board may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages;
- the board or the chairperson of the board may meet teachers individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process (c/f pg 12);
- the board may request the principal teacher to furnish a written submission;
- the board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence;
- following oral presentations the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
- the board of management may convene a number of meetings in order to achieve resolution;
- the board of management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem.

3. Having considered all matters, the board of management should reach a view on the matter not later than 20 school days after receipt of the written request/referral.

4. Where the board of management finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken.

5. Where the board of management finds that bullying/harassment has occurred, the board should deal with the matter appropriately and effectively. This may include:

- the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated;
- a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties;
- an instruction to the offending party that he/she apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease;
- seeking a commitment to attend counselling or the welfare service;
- more serious disciplinary sanctions as may be commensurate and appropriate, such as:

-oral warning

-written reprimand

-written warning

-final written warning

-suspension

-dismissal.

6. As part of any resolution, the board of management should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The board of management should keep matters under review.

Adult Bullying, Harassment and Sexual Harassment Appendices

Appendix 3 Grievance procedure (revised)

Guidance taken from INTO publication *Working Together Procedures and Policies for Positive Staff Relations*

This procedure provides a mechanism for a teacher, including a principal teacher, to address grievances which he/she may have against B.O.M., or Chairperson of B.O.M. This procedure also provides a mechanism for a teacher to address grievances he/she may have with the principal teacher in respect of his/ her duties and responsibilities for the organisation, conduct and day to day activities of the school.

C3 Grievance procedure

The following procedure for handling grievances in schools has been agreed between the INTO and the principal management bodies.

The purpose of this procedure is to provide a mechanism for the resolution of a grievance which a teacher in a national school, including a principal teacher, has against:

1. the board of management in respect of the exercise of any of its responsibilities for the governance of the school; or
2. the chairperson of the board in an individual capacity; or
3. the principal teacher in respect of his/her duties and responsibilities for the organisation, conduct and day to day activities of the school.

The grievance procedure shall generally relate to breaches of school rules, policies, procedures or practices. The grievance procedure shall not deal with curricular matters.

If a grievance, which concerns a matter covered by the Employment Equality Act (1998) or other relevant legislation, is referred to the Director of Equality Investigations or the Labour Court, this procedure shall not be used. Such a referral would serve to terminate the grievance procedure.

The principal

1. The aggrieved teacher shall give notice in writing to the principal that the grievance procedure is being invoked.
2. The teacher shall discuss the grievance with the principal teacher with a view to resolving it.
3. If the grievance is not resolved within ten school days, the teacher shall be entitled to invoke stage 2, within a further ten school days.

The chairperson

1. The aggrieved teacher shall give notice in writing to the principal and chairperson of the board of management that stage 2 of the grievance procedure is being invoked.
2. The teacher shall discuss the grievance with the chairperson of the board with a view to resolving it.
3. The chairperson shall immediately take such steps as she/he considers appropriate to have the grievance resolved informally.
4. If the grievance is not resolved within ten school days the teacher shall be entitled to invoke stage 3, within a further ten school days.

The board of management

1. The aggrieved teacher shall give notice in writing to the chairperson of the board of management that stage 3 of the grievance procedure is being invoked.

2. The teacher shall make a written submission which shall include the details of the grievance(s) and the redress being sought. The submission shall be presented to the chairperson for consideration by the board of management.
3. The normal rules of due process shall apply to the exchange of documentation, (c/f section b, pgs 12 - 13) and accordingly, the chairperson shall copy the submission to the person against whom the grievance is being taken.
4. Where the grievance involves the principal teacher, she/he shall be requested by the chairperson to prepare a written response to the submission. The written response shall address all of the points made in the aggrieved teachers' submission and shall be furnished to the aggrieved teacher(s) within 10 school days of the date of the written submission. Similarly, where the grievance is against the chairperson of the board of management or the board itself, the aggrieved teacher shall be entitled to a written response from the chairperson or the board, as the case may be. Such response shall also be furnished within 10 school days.
5. The chairperson shall invite the aggrieved teacher to be in attendance at a hearing of the board, which shall be held within ten school days of the date of the written response. The hearing shall afford each party to the grievance an opportunity to hear at first hand, what the other party has to say and also to question and/or respond to the other party;
6. In circumstances, where the grievance is against the principal teacher, he/she shall attend at the board hearing in an individual capacity and not as a member of the board of management. Similarly, where the grievance is against the chairperson of the board of management (in an individual capacity) he/she shall also attend at the board hearing in an individual capacity and an acting chairperson shall be appointed. Further, the principal teacher or the chairperson, as the case may be, shall withdraw from the board's deliberations and decision making on the matter;
7. Where appropriate, the parties shall be entitled to bring witnesses. The same principles of due process apply to hearing witnesses.
8. The board shall try to resolve the grievance by conciliation and if the grievance is resolved the matter is concluded. If the board is unable to resolve the grievance by conciliation it shall make a decision on the matter as provided under paragraph 9 below.
9. In cases where the grievance is against the board itself, the board shall hear the grievance as outlined above, shall try to resolve the matter by conciliation, but failing resolution, the matter may proceed to stage 4 in accordance with the provisions of paragraph 11 below.
10. The chairperson shall convey the outcome in writing to the parties within 5 school days of the hearing specified at stage 3 / paragraph 5 above.
11. The teacher shall have the right to invoke stage 4 of the procedure:
 - A. if the board fails to give a hearing to the aggrieved teacher;
 - B. if the chairperson fails to convey the outcome of the hearing within the specified period;or
 - C. if the teacher is unwilling to accept the outcome of stage 3.

An independent tribunal

1. The teacher who wishes to proceed with an appeal to stage 4 shall give notice of same, by letter, to the chairperson of the board of management, within ten school days of receiving the written outcome of stage 3 (or at the end of the period specified in stage 3 / no. 5, if the board fails to arrange a hearing). The date of that letter shall be referred to as the "date of appeal" and the teacher may include, in the letter, any additional arguments he/she wishes to put forward;
2. On receipt of the letter of appeal, the chairperson of the board of management shall notify the patron (or a designated representative of the patron) and the General Secretary of the INTO (or a designated representative of the INTO) and invite these parties:
 - A. to select an agreed independent person to act as chairperson of a tribunal;
 - B. each to appoint a person who is not associated with the school to serve on the tribunal;

C. to arrange a meeting of the tribunal within 15 school days of the date of appeal.

3. The chairperson of the board of management shall also furnish each member of the tribunal, prior to its first meeting:

A. with a report on the proceedings at each of the previous stages;

B. and with:

a copy of the aggrieved teacher's letter of appeal;

a copy of the aggrieved teacher's submission;

a copy of any written response;

any other relevant documentation.

4. The tribunal shall arrange a hearing(s) for the parties and shall ensure that the normal rules of due process and fair procedures apply (c/f section b, pgs 12 - 13), which include:

- that the parties shall be given reasonable notice of the hearing by the tribunal.

When notifying parties of the date of the hearing(s), the tribunal should indicate to the parties concerned that in the event of failure to appear, without reasonable cause, the tribunal may proceed to decide the case if considered appropriate;

- that each party shall be afforded an opportunity to access and respond to relevant documentation, including the letter of appeal;

- that the parties shall have an opportunity to hear at first hand, what each has to say and also to question or respond to the other party through the chairperson of the tribunal;

- that witnesses may attend as appropriate;

- that the tribunal itself, shall be entitled to question each party or seek further information;

- that where appropriate, the tribunal shall afford each party an opportunity to provide further information, on the clear understanding, that the other party shall have an opportunity to access and respond to same; and

- that if necessary, the tribunal shall agree to adjournments.

5. The tribunal shall be considered a domestic forum and accordingly, neither management nor the INTO intends that there would be legal representation at any hearings.

6. The tribunal shall be empowered to conciliate with a view to reaching a friendly settlement.

7. Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.

8. The tribunal's decision shall be conveyed in writing by the chairperson of the tribunal to all the parties and shall be final and binding.

Please note that any expenses involved in stage 4 will be shared by the parties who nominate the tribunal provided that prior sanction for same has been obtained from INTO and the relevant management body.

Notes

1. Until such time as the dispute is resolved or determined the aggrieved teacher shall continue to carry out the legitimate instructions of the principal teacher or the board of management as the case may be.

2. The grievance procedure shall also apply where two or more teachers share a grievance.

3. Where a principal teacher, or a principal teacher and one or more other teachers, share a grievance, stages 2, 3 and 4 of the procedure shall apply.

4. Where the grievance is against an individual chairperson or the board of management itself, stages 2, 3 and 4 of the procedure shall apply.

5. Where there is a single manager as opposed to a board of management, stages 1, 2 and 4 only shall apply. In these circumstances the aggrieved teacher shall supply a written submission at stage 4, and the normal

procedures of due process will apply to the exchange of documentation and the right of response. (cf pgs 12 - 13)

6. An aggrieved teacher(s) may be represented at stages 3 and 4 by the INTO staff representative or by a branch or district committee member or by a teacher colleague.

7. Attention is also drawn to paragraph 15 of the Constitution of Boards and Rules of Procedure, particularly with regard to disclosure of interest.

8. Where the aggrieved teacher is a member of a religious order, the INTO will consult her/his representative association before nominating a member of the independent tribunal envisaged in stage 4.

9. A school day is a day on which the school is in operation.

10. Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.

Appendix 4 St. Louise de Marillac Assaults and Violence in Schools Policy



Memo from B.O.M. of St. Louise de Marillac Primary School re meetings /conversations with parents / guardians

The Board of Management requests that all meetings and conversations that are facilitated by school staff would be held in an orderly and co-operative spirit, so that issues can be resolved and positive outcomes for all parties involved may be reached. It is expected that the language and behaviour of all parties would be respectful and appropriate. Offensive, insulting, threatening, abusive or personal remarks are considered unacceptable and should not be used. Aggressive or violent behaviour is never acceptable. All parties are asked to work through issues raised in a reasonable manner with due regard for the policies, practices and procedures that are already in place in the school.

Should school staff deem it necessary at any point during the meeting, the meeting may be adjourned, postponed or brought to a close.

All incidents of violent or abusive assaults will be reported to the Board of Management and a response will be issued to the offending party.