



Dignity in the Workplace Policy

Introduction

The Board of Management of Canal Way Educate Together has adopted this policy, following consultation with all staff members.

The policy is formulated in light of the Labour Relations Commission's Codes of Practice S.I. No.17/2002 for addressing bullying in the workplace and S.I. 208/2012 for addressing harassment/sexual harassment in the workplace respectively, together with the Health & Safety Authority Code of Practice (2021) on the prevention and resolution of bullying at work.

Core Principles of Policy

This school is committed to a positive work environment where work is done in an atmosphere of respect, collaboration and equality. Canal Ways ETNS has a Zero Tolerance policy to violence or any form of inappropriate behaviour in the school community. All staff benefit from the support and security of working in a school where there are positive staff working relations. Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated by another person against an employee, board member and/ or a visitor to the school. Together we are committed to building and maintaining a work environment where respectful, open and equal relationships are the norm.

Adult bullying and harassment will not be tolerated by our school. All employees have the right to be treated with dignity and respect. Management is committed to intervening in an appropriate manner - utilising one of the accepted Management/INTO procedures - to investigate and deal with allegations of bullying or harassment. The provisions of DES Circulars 61/2017 and 62/2017 with respect to the assault of teachers and SNA will apply, as appropriate.

Objectives

The objectives of this policy are:

- to raise awareness among staff about the importance of fostering positive working relations with one's colleagues,

- to recommend guidelines for good practice for every member of our whole school community,
- to set out various procedures to address staff relations difficulties, adult bullying or harassment and grievances within our community.

Good Practice

The following key practices promote positive working relations.

Internal communication: Regular, transparent, open and direct communication is encouraged. As part of that process, staff raise issues, as appropriate, with each other or with the principal teacher/management. Staff are encouraged and facilitated to share information and best practice.

Communication in the community: Members of our whole school community are expected to communicate with our staff in line with our communication policy, and always with respect and dignity.

Processes of decision making: Some decisions are governed by clearly established rules and regulations, while in other cases, decisions may be made on the basis of existing custom and practice where this is in the best interest of all stakeholders. Often the staff is called upon to make decisions on the basis of consultation and consensus within the school community. The processes of decision making should give due regard to the role of the principal teacher and the board of management in accordance with DES Circular 16/73 and relevant legislation.

Mutual respect: Every member of staff performs a different role in the school. Each is fully entitled to be treated with respect and with dignity by colleagues and every member of our whole school community. Where an individual chooses to raise an issue with a colleague, or a member of our community wishes to raise an issue with a staff member, mutual respect dictates that this would be done on a 1:1 basis initially. Criticisms or complaints aired publicly or to third parties circumvent fair process and are contrary to our dignity at work policy.

A sense of fairness: Individual staff members should be aware of the importance of demonstrating a sense of fair play, tolerance and goodwill. Exercising sound judgement based on relevant information, common sense and reasonableness are also significant factors in promoting positive staff relations. For example, deciding to compromise on a matter rather than holding steadfast, can often be the most appropriate approach.

Unacceptable behaviour: Staff and adults in our whole school community are expected to be kind, supportive, courteous, polite, patient, positive, proactive and pastoral in their dealings with each other. There are certain behaviours which are not acceptable. Such behaviours include publicly criticising, blaming or threatening others, rudeness, aggressiveness, shouting, being dismissive, ignoring or isolating others, undermining or making derogatory, defaming or insulting comments or personal remarks, insensitivity to personal circumstances, disrespecting boundaries, workplace bullying, sexual harassment, using offensive language, threatening or intimidating behaviour, victimisation and harassment.

Conflict resolution: Conflict generally arises, where two or more people disagree over issues of organisational substance and/or experience some antagonism towards each other. Staff deploy conflict resolution skills, informally, effectively and constructively. This is done by:

- listening;
- identifying the source of conflict;
- addressing the issue early and in a constructive manner;
- putting forward options for resolution which may include reaching compromises;
- acknowledging if errors have been made and likewise accepting that errors may have been made by another party or that misunderstandings may have occurred;
- accepting solutions whether as a compromise or otherwise;
- closing the matter and moving on.

Canal Ways ETNS has a policy of Zero tolerance of inappropriate behaviour and observes the principles of promoting a positive working environment.

WorkPlace Bullying and Harassment

The Board of Management defines adult bullying as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying. A key characteristic of bullying is that it usually takes place over a period of time, it is regular and persistent inappropriate behavior, which is specifically targeted at one employee or a group of employees.

The following is a non-exhaustive list of examples of types of behavior that may constitute **bullying**:

- Verbal abuse/insults, undermining remarks
- Exclusion with negative consequences
- Intimidation
- Aggression
- Humiliation, ridicule, belittling efforts
- Excessive monitoring of work
- Withholding work-related information
- Cyber bullying - online forums, social media etc

Harassment is any form of unwanted conduct related to any of the following grounds:

- Gender
- Civil status
- Family status
- Sexual orientation
- Religious belief

- Age
- Disability
- Race, colour, nationality or ethnic or national origin
- Membership of the Traveller community

The above conduct has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Unlike bullying, a single incident may constitute harassment.

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which has the purpose or effect of violating a person's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Bullying and harassment complaints may arise among staff, and it is equally recognised that it may arise due to the behaviour of members of our community towards staff. In all cases, the commitment to a positive workplace, where dignity at work is respected, prevails.

Key principles

The following framework aims to resolve matters at the earliest opportunity and preferably, within the school structures.

- identify the difficulty;
- observe due process;
- keep records;
- set realistic goals and parameters; and
- choose the appropriate procedure.

Identify the difficulty: Identify the behaviour - bullying, intimidation, victimisation, verbal abuse, sexual harassment, unwillingness to co-operate with school policy or operate as team players, behaviours which leave an individual feeling less resilient in facing the challenges of the workplace etc.

Observe due process: Member(s) of staff, are entitled to be fully appraised of the issues concerned and given an adequate opportunity to respond, before any conclusions are drawn. In addition, parties should make clear to each other if they are following a particular procedure and if so, identify the appropriate stage.

Keep records: Records are useful, particularly, in terms of identifying whether there is a pattern of difficulty or offending behaviour. The principles of due process and fairness should apply to the keeping of records, especially in circumstances, where the records are being relied upon by a third party or a board of management in making a judgement.

Set realistic goals and parameters within the context of realistic parameters. Unrealistic and unachievable expectations can have the contrary effect of entirely frustrating the process.

Appropriate Procedures

1. Procedures to address Staff Relations Difficulties. Appendix 1.
2. Procedure to Address Adult Bullying and Harassment. Appendix 2.
3. Grievance Procedures. Appendix 3.
4. Procedures to address bullying and harassment by a non staff member. To be discussed at Board of Management.

Ratification and Communication

This policy will be in operation in the school year _____, having been ratified by Staff and BoM. Every teacher will be provided with a copy of this policy for their files.

Date of next policy review: _____

Signed on Behalf of the Board of Management:

Chairperson: _____ Date _____

Principal: _____ Date: _____

Appendix 1

Procedure to address staff relations difficulties

([INTO Working Together Document 2019/07](#))

Stage 1: 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, ie, 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, previous experience and 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.

Stage 2 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.

Stage 3 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 they :
 - 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 will be established for the purpose of facilitating independent mediation.

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

Stage 4 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.

Appendix 2

Procedure for Responding to a Workplace Bullying Complaint at the Workplace

[\(Health and Safety Authority Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work 2021\)](#)

Informal process

Initial informal process

Recommended steps in an informal process are:

- In the first instance, the unacceptable behaviour/acts should be raised by the target employee (the person who feels bullied) with the person involved but only if they feel comfortable in doing so. This should be done quickly and calmly, focusing on the facts regarding acts done and their consequences.
- If it is more suitable, the individual who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing, again focusing on the offending acts and their effects on them.
- Where an employee perceives that the concerns relate to an immediate manager, the employee may wish to discuss the matter informally with their manager's manager or a person at the next level of management.
- The employee may wish to avail of the support of a Contact Person, where applicable, for guidance and to get a copy of the Anti-Bullying Policy document.
- The focus of the above is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the person concerned to the effects of the behaviour alleged and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the original intention of the behaviour and/or an agreement to modify the behaviour.

On the other hand, it may be that the behaviour is valid and reasonable and the reaction of the offended party is at odds with the generally accepted understanding of the behaviour. In the context of being aware of an allegation by an employee, and whether the matter has been resolved, there may be value in the employer nominating a person to review good practice generally in the workplace around dealing with such matters. For example, an awareness campaign highlighting examples of appropriate behaviour as well as improper behaviour and some explanation of effects to be brought to everyone's attention.

A brief written record of the matter should be kept, in line with relevant data protection legislation, and agreed outcomes and dates noted by the relevant person responsible for managing the complaint.

In smaller organisations, the employer, or person heading that organisation, should not try to informally resolve a complaint personally but should instead refer the matter for resolution/management to a senior manager, or such other persons as may be agreed. This is to prevent any duplication of roles of the employer, should the issue be later on referred to them for a judgement/appeal.

In such organisations also, where internal structures are limited, if the complaint made is against a senior person within the enterprise, it may be necessary to use the expertise of an independent professional body to access mediation or conciliation or some other form of resolution. Such bodies may include the Mediation Services of the WRC. Even in larger organisations, external assistance may be required in order to initiate an effective early solution.

Secondary informal process

If the above is unsuccessful or if the complainant or the employer deem it inappropriate for the seriousness of the issues, this more protracted, yet still informal system can be put in place.

- The employer may nominate a separate person who has had appropriate training and experience and who is familiar with the procedures involved to deal with the complaint on behalf of the organisation. This person should not be the Contact Person. They may be a supervisor/manager or someone in authority within the organisation. For each complaint that arises, such a person should be assigned to deal with that particular case. This is a very important role and pivotal in altering bullying cultures and handling complaints effectively at the informal stage. Effective guidance and training should be in place for those who are engaged at this level with the process.
- The complaint may be verbal or written. If verbal, a written note of what is being complained about should be taken by the nominated person and a copy given to the complainant.
- This nominated person (who may be a manager), managing the complaint should then establish the facts, the context and then the next course of action in dealing with the matter under the informal procedure.
- If the complaint concerns alleged bullying as defined and includes concrete examples of inappropriate behaviour, the person complained against should be presented with the complaint and their response established.

- Thereafter a method should be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying being a factor.
- If the behaviour complained about does not concern alleged bullying as defined, an alternative approach should be put in place and a rationale recorded. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the person complained about as they have no recourse to repudiating an accusation that doesn't give any specifics.
- Line managers should be kept informed, as appropriate, about the process in train.
- Steps to stop the bullying behaviour, where it has been partly or fully identified, and monitoring of the situation along specified lines should be implemented with both parties. This may involve a direct or indirect approach and possible resolution through a programme to change behaviour. It may also involve mediation by an agreed mediator who is practised in dealing with alleged bullying at work.
- Enough time needs to be allowed for the mediation or on-going monitoring process to be successful and behaviour change to be realistically achieved over the longer term. It may be necessary to consider if other working arrangements are required or feasible during this short-term phase. A proposal should be made, considered, and an action and time frame established, signed and dated, preferably by both parties.
- The nominated person who was responsible for managing the complaint should keep a nominal record of all stages; the complaint, the first meeting, action agreed and signed records of the final meeting. The purpose of the records, which do not include the detail of discussions, is to provide evidence of the complaint having been met with an organisational response and attempt at resolution. Records should be kept in accordance with relevant Data Protection Legislation (section 2(1) governing Retention), within an agreed human resources system and be available only to that legislation.
- Information disclosed in the course of mediation must remain within the mediation process and must not be given by the mediator to anyone or to an investigator if there is a subsequent investigation at formal stage.
- Confidentiality is crucial for this stage to be effective and breaches of confidentiality, where exposed, should be met with sanctions highlighted in advance.

Closure of informal stage

The following are some of the steps that should ideally be used to close off informal proceedings, ensuring that both parties have their rights met:

n Obtain closure after a resolution is found through informal procedures. Both parties should be given support or periodical reviews, insofar as is reasonable, which, if necessary, could include counselling or other appropriate interventions or support services.

n Where a complaint has been assessed as vexatious, the matter should be progressed through other relevant procedure.

n In many situations, with the co-operation of all parties, the matter can rest here.

Formal process

It is good practice that all informal resolution avenues as set out above should be contemplated and where appropriate, exhausted before a formal process is invoked. Proceeding to a formal process should not be viewed as automatic and it is important that it is recognised that it is the reasonable evidence-based decision of management. Escalating a complaint to a formal process should only be done following a review of all aspects of the circumstances surrounding matters

complained about. Being able to evidence a reasonable decision-making process is important and may be required to defend the employer's duty at a later stage, so a record of that should be kept by the appropriate person acting for the employer. This process includes a formal complaint and a formal investigation. The purpose of an investigation is to set up a fact-finding approach and determine the facts and credibility or otherwise of a complaint of alleged bullying. It is a significant step and all parties should be aware of possible consequences. In particular, an investigation will make it more difficult to restore normal workplace relations and may not have the desired outcome for the parties concerned. The outcome of an investigation may eventually, separately lead to a disciplinary process being instigated in respect of the person complained about, but the investigation itself will be a fact-finding one with the focus on what, or did not occur. Where an investigation is to be carried out, the procedures outlined below should be followed.

Formal complaint

The complainant should make a formal complaint in writing that should be signed and dated. Where this is not possible, a written record should be taken of the complaint by the assigned person and signed by the complainant and dated. The complaint should be confined to precise details of alleged incidents of bullying, including their dates, and names of witnesses, where possible. The complainant and the respondent should be advised of the aims and objectives of the formal process, the procedures and approximate ideal timeframe involved, and the possible outcomes. Both parties should be assured of support as required throughout the process. An initial meeting should be organised by the employer at which each person is met with separately, starting with the person making the allegation. The other party, when met with, should be given a copy of the complaint in full, and both should be given any relevant documents including the company's Anti Bullying Policy.

Investigation

The investigation should be governed by terms of reference which should include the following:

- The investigation will be conducted in accordance with the employment's Anti Bullying Policy which should reflect this Code of Practice.
- An indicative timescale for its completion – this timeframe should be proposed, and its rationale explained.
- The scope of the investigation, sets out the procedure to be adopted for findings of fact related to the complaint and a statement that the investigator will consider, based on the facts before them whether the behaviour(s) complained about, on the balance of probabilities, have occurred.
- The confidentiality of the process should be emphasised to all concerned.

All parties to the process have a responsibility to participate without undue delay in any investigation initiated in response to an allegation of bullying. The scope of the investigation should indicate that the investigator will decide, based on the facts before them, whether the behaviour complained about may, on the balance of probabilities, have occurred. The investigator should not uphold or dismiss the allegations and/or suggest or impose sanctions.

Statements from all parties, including witnesses, should be recorded in writing as the use of written statements tends to make matters clearer from the outset and maintains clarity throughout the investigation. Copies of the record of their statements should be given to those who make statements to the investigator. Copies should also be provided to the complainant and the person

complained about and should result in findings of fact only. If possible, all parties should continue to work normally during the investigation. The objective of an investigation is to ascertain whether, on the balance of probabilities, the behaviours complained about occurred, it having already been established that the behaviours come within the description of workplace bullying. Details of the complaint, responses of the person complained of, witness statements and other relevant evidence are relied on for this purpose.

The investigation should be conducted by either a designated member(s) of management (as outlined earlier in this Code) or, if necessary, (for example in the case of any possible conflict of interest) an independent third party. In either case, the person nominated should have appropriate training and experience and be familiar with the procedures involved. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the person complained of.

The investigator should meet with the complainant, the person complained about, and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts. A work colleague or employee/trade union representative (provided the person has representation in line with the principles of natural justice and fair procedure) may accompany the complainant and the person complained of, if so desired. The investigation will consider all material and evidence before it and a decision will be made on balance of probability, as to whether the complaint is valid. If the investigator concludes that the accused employee has a case to answer, on the balance of probability, then the investigator may recommend whether or not the employer should invoke the Disciplinary Procedure.

Appeals

Within the workplace formal system, an appeals process for both parties should be in place. The reason for the appeal should be outlined in writing to management if such an option is being taken. The time period for an appeal should be specified in the policy. The appeal should be heard by another party, of at least the same level of seniority as, but preferably more senior than, the original investigator. This party should have had no involvement in the investigation. The appeal should focus on the conduct of the investigation in terms of fair process and adherence to procedure. It should be noted that an appeal is not a re-hearing of the original issues. The outcome of the appeal shall be final insofar as the employer duties under health and safety legislation is required. Very small and micro-organisations will need to consider at the outset of the formal process how they would manage a request for appeal and how this may require outside independent support.

Management of malicious complaints

A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying them. This could also apply to where one person maliciously complains of someone allegedly bullying a third party, without fully exploring the veracity of the claim. A malicious complaint has the power to disrupt another person's life to a significant extent and the potential damage should not be underestimated. Being accused of bullying can have a serious impact on any person and reduce his or her reputation in the eyes of others, even if later shown to not have been proven. Those making complaints, and those involved in early assessment of the circumstances of a complaint, should always be mindful of the context and

situational aspects of the event and accept the different perspectives and points of view different people bring to the same event. Making a malicious complaint, if proven, can have serious implications for the employment of the person making such a complaint and this includes disciplinary action, where established.

Conclusion of formal process and follow up

It must be accepted that investigations can result in very divisive relationships for individuals, teams and departments. Some type of reconciliation or rehabilitative meetings, or team working session may be considered as appropriate to restore healthier working communication for the future. In many situations, with the co-operation of all parties, the matter can rest here. The employer should decide, in light of the investigator's report and the findings of fact therein, what action is to be taken arising from that report. The employer shall then, in writing, inform both the complainant and the person complained against, of the next steps. At the end of the formal process, documentation should be kept by the employer, in line with the relevant Data Protection

Legislation.

5.1 If internal procedures do not resolve a bullying complaint

If full utilisation of the range of available internal procedures has not resolved a bullying complaint, the matter may be referred to a WRC Adjudicator under Section 13 of the Industrial Relations Act, 1969. (See Section 6.2)

The Adjudicator will not rehear the substance of the case. A number of outcomes are possible; the Adjudicator may conclude that the investigation was conducted properly and fairly and hence its conclusions should stand. The Adjudicator may, on the other hand, conclude that the investigation process was flawed in some respect and could recommend, for example, that the investigation be reheard.

Where a person makes a complaint to the HSA regarding a complaint made by them, or a complaint made against them, the HSA will instigate its own procedures in line with its statutory remit, as outlined in the next section of this Code.

5.2 Communications of outcomes

Effective communications of any outcome is critical. In this regard, employers should ensure that outcomes are communicated sensitively and fairly. All parties directly involved in the complaint (the complainant(s) and respondent are entitled to know whether the complaint is upheld in whole or in part, or if it is not upheld and the reason(s) why). For the avoidance of doubt, specific details of disciplinary action to be taken against any party are confidential and other parties are not entitled as a matter of course to receive this information as part of the outcome. Health and Safety duties on employers require that, having identified a hazard, they must put control measures in place. These involve prevention actions, managed elimination of the behaviour, protective measures and remedial actions, where appropriate. They should also keep records of all such actions taken.

Appendix 3

Procedure for Grievance

([INTO Working Together Document 2019/07](#))

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:

- the board of management in respect of the exercise of any of its responsibilities for the governance of the school; or
- the chairperson of the board in an individual capacity; or
- 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 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.

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

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

Stage 3 The Board of Management

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

- 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. The normal rules of due process shall apply to the exchange of documentation, and accordingly, the chairperson shall copy the submission to the person against whom the grievance is being taken.
- 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 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 school days.
- 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;
- 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; Where appropriate, the parties shall be entitled to bring witnesses. The same principles of due process apply to hearing witnesses.
- 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, except as provided under paragraph below. 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 in accordance with the provisions of paragraph below. The chairperson shall convey the outcome in writing to the parties within school days of the hearing specified at stage / paragraph above.

The teacher shall have the right to invoke the stage of the procedure: .

- if the board fails to give a hearing to the aggrieved teacher; .
- if the chairperson fails to convey the outcome of the hearing within the specified period; or
- if the teacher is unwilling to accept the outcome of stage .

Stage 4 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;
 - c. 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.
- 9.

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

Procedures to address bullying and harassment by a non staff member.

- A clear message should be sent to potential perpetrators and victims: behaviour of bullying and harassment , in whatever form, will not be accepted or tolerated.
- The obligations and tasks in terms of hierarchic responsibilities should be made clear.
- The facts should be investigated quickly and impartially.
- Complaints may not lead to reprisals. The anonymity of both victims and perpetrators should be maintained.
- One or more trustworthy people (persons of trust) should be appointed to provide “front line” contact in dealing with, and providing support for, the victims.
- Private security guards should be informed and trained regarding the risks and preventive measures to be adopted (reporting procedures, persons of trust, ...).