
Adult Anti-Bullying Policy

SCOIL MHUIRE, CLONDRA



Rationale

Workplace bullying is 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. (As defined in the Report of the Task Force on the Prevention of Workplace Bullying – published by the Stationery Office, March 2001)

The Board of Management and staff of Scoil Mhuire, Clondra commit themselves to working together to maintain a workplace environment that encourages and supports dignity at work. Bullying in any form will not be tolerated and appropriate steps will be taken should a bullying problem occur.

Bullying manifests itself as various types of behaviour, including behaviour which may:

- Humiliate
- Intimidate
- Verbally abuse
- Physically abuse
- Victimise
- Exclude and isolate
- Intrude through pestering, spying, stalking
- Give repeated unreasonable assignments to duties which are obviously unfavourable to one individual
- Give repeated impossible deadlines or impossible tasks
- Imply threats.
- Any of the above in an online setting (cyberbullying).

When any of the above is repeated or targeted at one person or group, it may be considered 'bullying'. A once-off incident of cyberbullying will be considered bullying.

For the purposes of the procedures outlined in this document, the Board of 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.

Areas where bullying might be a problem

Bullying from:

1. Members of staff to other members of staff
2. Members of staff to pupils, parents, visitors or Board of Management
3. Parents/visitors to pupils or staff members
4. Members of Board of Management to staff or pupils.

The procedures set out in Appendix 1 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.

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, under 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 employers 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.

The procedure for making a complaint of sexual harassment/adult bullying is outlined in Appendix 2 below.

In the case of **intra-staff bullying**, Clondra National School will adopt the procedures outlined in Section C (c2) of the INTO booklet: 'Working Together: Procedures and Policies for Positive Staff Relations' which are outlined below. A copy of this document is available for free download on the INTO website. (See Appendix 1).

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 in Appendix 1 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.

In the case of **Teacher–Child bullying**, a complaint should in the first instance be raised with the teacher in question by the parent/guardian of the child if possible and then if necessary referred to the Principal. Where it has not been possible to agree a framework for resolution, the matter should be referred in writing by both parties to the Board of Management for investigation.

In the case of **Parent/other adults–Teacher** bullying, the Principal should be informed in the first instance, and if deemed necessary the Board of Management should subsequently be informed in writing.

In the case of **Parent/Visitor to the school–Child** bullying, the complaint should be referred in the first instance to the child’s class teacher and subsequently to the Principal if unresolved.

In the case of **Principal/Teacher–Parent/Child** bullying, the matter should be raised with the Principal if possible, or referred to the Chairperson of the Board of Management. The complaints procedure which addresses Principal/Teacher-Parent/Child Bullying is detailed in Appendix 2 below.

TIMETABLE FOR REVIEW

This policy will be reviewed in two years (April 2028), or as the need arises.

RATIFICATION AND COMMUNICATION

This policy was ratified on _____

Signed: _____

Ms Mary Duignan, Chairperson, Board of Management, Scoil Mhuire, Clondra.

Appendix 1

MAKING A COMPLAINT OF HARASSMENT/ADULT BULLYING

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.

Any employee who feels he or she has been or is being sexually harassed or bullied 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, INTO staff representative or teacher/member of the Board of Management of Clondra NS.

Attempts will be made to resolve the matter informally, if appropriate. If it is not possible to resolve the matter informally, a formal complaints procedure shall be applied incorporating the following steps (taken from INTO booklet: ‘Working Together: Procedures and Policies for Positive Staff Relations’):

Stage 1: Decide to Address the Matter

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt will be made to address an allegation of bullying as informally as possible by means of an agreed informal procedure. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

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 of the INTO booklet: ‘Working Together: Procedures and Policies for Positive Staff Relations’)

Stage 2: 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, eg, 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, ie formal procedures.

Stage 3 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 of the INTO booklet: 'Working Together: Procedures and Policies for Positive Staff Relations');
 - 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.

Stage 4: 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 (pg 12 INTO booklet: 'Working Together');
 - 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, i.e.:
 - 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.

Appendix 2

COMPLAINTS PROCEDURE FOR PRINCIPAL/TEACHER–PARENT/CHILD BULLYING

Important note: Revised procedures for processing complaints by Parents will be prescribed for all schools under Section 28 of the Education Act 1998. When available, the revised procedures will be sent to each school and will replace the procedures printed here. Please ensure that the correct and up to date Procedures are used. At the time of going to print these procedures are still the only agreed procedures.

Introduction

Only those complaints about teachers which are written and signed by parents/guardians of pupils may be investigated formally by the board of management, except where those complaints are deemed by the Board to be:

- i. on matters of professional competence and which are to be referred to the Department of Education;
- ii. frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school;
- iii. complaints in which either party has recourse to law or to another existing procedure.

Unwritten complaints not in the above categories may be processed informally as set out in Stage 1 of this procedure.

Stage 1

- 1.1 A parent/guardian who wishes to make a complaint should, unless there are local arrangements to the contrary, approach the class teacher with a view to resolving the complaint.
- 1.2 Where the parent/guardian is unable to resolve the complaint with the class teacher she/he should approach the principal teacher with a view to resolving it.
- 1.3 If the complaint is still unresolved the parent/guardian should raise the matter with the chairperson of the board of management with a view to resolving it.

Stage 2

- 2.1 If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further she/he should lodge the complaint in writing with the chairperson of the board of management.
- 2.2 The chairperson should bring the precise nature of the written complaint to the notice of the teacher and seek to resolve the matter between the parties within 5 days of receipt of the written complaint.

Stage 3

- 3.1 If the complaint is not resolved informally, the chairperson should, subject to the general authorisation of the Board and except in those cases where the chairperson deems the particular authorisation of the Board to be required:
 - (a) supply the teacher with a copy of the written complaint; *and*
 - (b) arrange a meeting with the teacher and, where applicable, the principal teacher with a view to resolving the complaint. Such a meeting should take place within 10 days of receipt of the written complaint.

Stage 4

- 4.1 If the complaint is still not resolved the chairperson should make a formal report to the Board within 10 days of the meeting referred to in 3.1 (b).

4.2 If the Board considers that the complaint is not substantiated the teacher and the complainant should be informed within 3 days of the Board meeting.

4.3 If the Board considers that the complaint is substantiated or that it warrants further investigation it proceeds as follows:

- (a) The teacher should be informed that the investigation is proceeding to the next stage;
- (b) The teacher should be supplied with a copy of any written evidence in support of the complaint;
- (c) The teacher should be requested to supply a written statement to the Board in response to the complaint;
- (d) The teacher should be afforded an opportunity to make a presentation of case to the Board. The teacher would be entitled to be accompanied and assisted by a friend at any such meeting;
- (e) The Board may arrange a meeting with the complainant if it considers such to be required. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting;
- (f) The meeting of the board of management referred to in (d) and (e) will take place within 10 days of the meeting referred to in 3.1 (b).

Stage 5

5.1 When the Board has completed its investigation, the chairperson should convey the decision of the Board in writing to the teacher and the complainant within 5 days of the meeting of the Board.

5.2 The decision of the Board shall be final.

5.3 This Complaints Procedure shall be reviewed after three years;

5.4 CPSMA or INTO may withdraw from this agreement having given the other party 3 months' notice of intention to do so.

In this agreement 'days' means school days.