



St Vincent's Special National School



Dignity at Work: Building & Maintaining a Positive & Effective Work Environment

Introductory Statement

This policy has been devised in conjunction with the Board of Management and staff at St. Vincent's School. It outlines St. Vincent's School's commitment and intended actions to promote dignity and respect in the work place.

Rationale and background

- The policy is formulated in light of a number of background documents, including 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).
- St Vincent's school is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality. This approach is a positive emphasis on the importance of each individual and the contribution s/he makes to the success of the workplace. It guarantees the optimal working conditions that allow individuals to freely maximise their role in the workforce.
- Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another. This policy seeks to set out principles and practices to support the exercise of that duty in our school. Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated against an employee of this school by any other person.

Vision:

Staff are encouraged to reach their full potential mentally, physically, spiritually, emotionally and socially, in an atmosphere and environment in which they feel safe, valued and secure. The staff of our school, conscious of their role in creating a positive working environment, will encourage the involvement of the wider school community in the achievement of these ends through a whole-school approach whereby every individual is involved in the development of a school environment where each person is respected and valued.

The Board of Management of St Vincent's School has adopted the following procedures to address staff relations difficulties and adult bullying/sexual harassment or harassment on other specified discriminatory that may arise within the school. This policy includes all adults regardless if they work under the remit of the Department of Education e.g. health staff

Procedure to address staff relations difficulties

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 staff member who raises the matter shall be termed party a. Party a should raise the matter with the other staff member(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. In general, the following steps should be taken to address the issue

- 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
- 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 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 should be briefed by each party on the discussions which have occurred at the informal stage
- The principal 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, 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 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 in a mutually agreeable manner
- 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 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 progress made, together with a general outline of the sequence of dates.
- 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
- Will abide by and act on the recommendations of the mediator
- Where the principal teacher has been involved at stage 2, he/she should also supply an account

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
- 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.

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 the 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 staff individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process
- The Board may request the Principal 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

Procedure to address 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;
- Harassment on other specified discriminatory grounds which could, in the circumstances, be regarded as offensive, humiliating or intimidating

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.

Adult bullying

There is currently no uniform definition of workplace bullying available. 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”. 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
- Non-physical

However, for the purposes of the procedure outlined the Board of Management has 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 the Board of 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 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

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
- Any request for sexual favours
- Any other conduct such as, spoken words, gestures or the production, display or circulation of written words, pictures or other materials

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
- 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.

Stage 1 decide to address the matter

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.

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.

Stage 2 informally address the problem

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 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

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

Stage 3 Principal teacher or chairperson of the Board of Management

Stage 3 provides a mechanism for the Principal to intervene and resolve the matter. However, if the Principal 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 3, another member of the Board, may be designated to intervene.

- Party a should advise party b that he/she is proceeding with stage 3.
- Party a should state his/her complaint in writing and request the Principal or Chairperson to investigate the matter.



The Principal or Chairperson 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
- Exercise judgement and make decisions which he/she considers necessary to resolve matters.
- The outcome of the discussions should be noted by the parties.
- The matter should be dealt with confidentially.
- Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the Principal (or Chairperson 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

It is open to any of the parties or the Principal (or Chairperson 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.

The Board of Management:

- Should consider the issues and investigate the matter:
- May enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages
- May meet staff individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process
- May request the Principal to furnish a written submission
- 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
- May convene a number of meetings in order to achieve resolution
- 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.
- 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.
- 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

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
- 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.

Ratification & Communication:

These guidelines were ratified by the Board of Management in XXXX and communicated to the school community thereafter.

Review Timetable:

These guidelines will be reviewed in 2 years' time and amended as necessary by means of a whole school collaborative process.