



Harcourt Terrace Educate Together National School
Email: info@htetns.ie Address: Harcourt Terrace, Dublin 2, D02 FC64
No: (01) 5292970

Dignity at Work Policy

Our Mission Statement: Harcourt Terrace ETNS is an Educate Together School, run in accordance with the Rules for Primary Schools of the Department of Education and Science. We at Harcourt Terrace ETNS, seek to provide an environment that is child-centred, co-educational, equality-based and democratically run. Our mission is to educate our pupils to their fullest potential while enhancing their self-esteem and creativity. All pupils are treated as individuals and their uniqueness is celebrated. All members of our school community are encouraged to respect themselves and others and we aspire to provide our children with the life skills necessary to become the best they can be.

Dignity at Work: Building & Maintaining a Positive & Effective Work Environment: This 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). Over the past 2 years (2022-2024) a working group comprised of members the INTO and all the primary school management bodies revised the Working Together publication in light of the experiences of teachers and Management Bodies with the procedures, and to reflect developments in national policy and legislation in this area. This work is now complete, and we now have the publication of the new Working Together 2024– Ag Obair Le Chéile. This policy is aligned with the new Working Together procedures.

Core Principles of This Policy: Harcourt Terrace ETNS is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

Adult bullying and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. 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 Circular 40/97 on Assaults on Staff in Primary Schools will be utilised as appropriate.

Our Values in Harcourt Terrace ETNS

Care
Respect
Integrity
Trust
Responsibility

A Positive Working Environment at Harcourt Terrace ETNS



Harcourt Terrace Educate Together National School

Email: info@htetns.ie

Address: Harcourt Terrace, Dublin 2, D02 FC64

No: (01) 5292970

It is agreed that we will all work to make our school a good place to work. A good place to work has a positive work environment characterised by:

- A supportive atmosphere
- Good and open communication (e.g. through opportunities at regular staff meetings)
- Appropriate interpersonal behaviour
- Collaboration
- Open discussion and resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair systems of selection and promotion in line with agreed procedures)

Every person has a responsibility to play his/her part in contributing to a positive work environment. In this regard, a person who is a witness or bystander has a clear responsibility to raise concerns about dignity at work and threats to this, in an appropriate and timely manner.

The Safety Statement – as mandated under the Safety, Health and Welfare at Work Act 2005 – will also include a commitment to a positive work environment, in light of the Employer’s obligations as outlined at Section 8 of that Act, including the duty to manage work activities in such a way as to prevent “improper conduct or behaviour” likely to put health and safety at risk.

It is agreed that the adoption of this policy in Harcourt Terrace ETNS will be accompanied by a number of steps to examine our work environment and, as necessary, to agree changes which reflect a commitment to dignity at work. These steps will be initiated by school leadership and management, to be repeated by way of review at appropriate intervals.

The actions to be undertaken may generally be described as Identification, Assessment, Implementing Strategies and Monitoring.

The steps and procedures in this policy are outlined below in this policy as per the new Working Together 2024– Ag Obair Le Chéile



Harcourt Terrace Educate Together National School
Email: info@htetns.ie Address: Harcourt Terrace, Dublin 2, D02 FC64
No: (01) 5292970

2024



Working Together *Ag Obair le Chéile*



CPSMA



Department of Education



Contents

Introduction | P1

Introduction | P1

Best practice makes good prevention | P2

Procedure 1: Staff Relations Difficulties | P4

Procedure to address staff relations difficulties | P4

Summary | P8

Template 1A: Staff relations procedure: Stage 1 outcome | P9

Template 1B: Staff relations procedure: Stage 2 outcome | P10

Template 1C: Mediation agreement | P11

Procedure 2: Bullying and Harassment | P12

Procedure to address adult bullying/harassment | P12

Summary | P21

Template 2A: Recording outcome at Stage 2 of the Bullying and Harassment Procedure | P22

Template 2B: Mediation agreement | P23

Template 2C: Appeal of the investigation process | P24

Template 2D: Notification of appeal to investigator/s | P25

Procedure 3: Grievance | P26

Grievance procedure | P26

Summary | P31

Contacts | P32

Introduction

For most of us, the workplace/school is where we spend a considerable part of our lives. Promoting and maintaining positive and professional interpersonal relationships is central to our work and wellbeing. Primary Management and the Irish National Teachers' Organisation (INTO) recognised this fact in 2000 when they agreed a suite of procedures in the document Working Together to facilitate the resolution of internal staff disputes.

Over the past two years (2022-2024), I have chaired a working group comprising representatives of the INTO and the Catholic Primary Schools Management Association (CPSMA) – acting on their own behalf and on behalf of other primary school Management Body groups*. The purpose of the working group was to revise the Working Together publication in light of the experiences of teachers and Management Bodies with the procedures, and to reflect developments in national policy and legislation in this area. Our work is now complete, and I am pleased to introduce this new publication *Working Together 2024–Ag Obair Le Chéile*.

In summary, *Working Together 2024 – Ag Obair Le Chéile*:

- Emphasises the importance of a positive and collaborative workplace culture based on professional respect of other's positions, roles and responsibilities.
- Promotes best practice thereby preventing the development or escalation of internal staff disputes.
- Sets out procedures for dealing with staff disputes which incorporate principles of fair procedures and which are incremental in approach recognising the importance of initial informal steps to resolve matters prior to escalation to the formal steps of any procedure.
- Strongly recommend boards of management and teachers to formally adopt and discuss on an annual basis this new publication *Working Together 2024–Ag Obair Le Chéile*, thereby ensuring an awareness that all forms of bullying or harassment will not be tolerated and that the dignity of the individual will be respected.

I want to pay tribute to the members of the joint working group for their energy, commitment and constructive approach in drafting this new document *Working Together 2024–Ag Obair Le Chéile*. I hope boards of management and teachers will find its contents useful and practical – irrespective of whether or not any procedure is invoked. Yours sincerely,

Anne McElduff

B.ED, LL.B, BL

Chairperson of the Working Group



**The voluntary management bodies involved in the preparation of this document are: the Catholic Primary Schools Management Association, the Church of Ireland Board of Education, Educate Together, An Forás Pátrúnachta, the National Association of Boards of Management in Special Education, the Muslim Primary Education Board.*

Best practice makes good prevention

Promoting a positive and collaborative workplace based on professional respect is for the most part dependent on the consistent application of best practice by all players – staff, the Principal Teacher, school leaders and the Board of Management. The following practical guidance has been agreed by INTO and the voluntary primary management bodies to promote best practice and prevent staff disputes arising:

- **Individual Responsibility:** Each member of staff has a responsibility to conduct themselves professionally, to be courteous and respectful to their colleagues and not to engage in unacceptable behaviour. Individuals should be conscious and vigilant as to their conduct and its possible impact on others. Teachers and Management should treat each other with professional courtesy and respect and are entitled to expect the same in return. Fostering positive interactions should be an on-going endeavour and it is incumbent on each teacher and member of the Board of Management to promote a culture of positive working relations.
- **Respecting Differing Roles & Responsibilities:** Teachers and Management should appreciate the different roles and responsibilities held by the various school personnel. In this regard, the decisionmaking authority and obligations on parties will differ depending on the role they hold for example, the decision-making authority and obligations on the Board of Management, Chairperson or Principal Teacher differs from that of the Assistant Principal or a classroom teacher. Within that framework, each teacher must be prepared to work in collaboration with their colleagues and within the management and leadership structures of the school.
- **Formal Adoption of the Procedures:** It is strongly recommended that Working Together 2024 – Ag Obair le Chéile document be formally adopted by boards of management, it should be communicated to teachers and discussed at a staff meeting at least once per year, thereby raising awareness of best practice and the procedures. Boards of Management and the Principal should make it clear that all forms of bullying or harassment will not be tolerated and that the dignity of the individual must be respected. In this regard, boards of management, Principal Teachers and in-school management teams should ensure that standards of behaviour are applied fairly and consistently, that unacceptable behaviour is dealt with and that those who report it are not victimised as a result. Please note, schools may wish to apply these procedures for non-teaching staff where agreeable to all parties.
- **Effective Communication:** Regular, transparent and open communication should be encouraged. As part of that process, staff may wish to raise issues, as appropriate, with each other or with the Principal/Management. Each party should be open to hearing and addressing others' viewpoints and to responding in a constructive manner to any issues raised. Communication is a two-way process, and it is important that differing views are heard, respected and responded to in an appropriate and reasonable manner. There should be regular staff meetings (i.e. at least one per term) where staff are fully aware of the agenda in advance and given an opportunity to submit items for discussion. Staff meetings should be conducted in an open, constructive and professional manner and consideration of a shared approach to chairing meetings is encouraged. There should be clarity about the issues discussed, the decisions taken, if any, and any follow-up action where such is agreed. The minutes of the meeting should record the decisions taken and any follow-up action required. At the next staff meeting, minutes should be adopted. In addition, the effective and regular dissemination of relevant information is important and can prevent staff members feeling isolated or excluded from school activities.
- **Effective Decision Making:** Decision making is vital to the success of any enterprise and effective and transparent processes for making decisions are vital to promoting good working relationships. Staff can consider, discuss and, if appropriate, review its processes of decision making. However, decision making processes will vary depending on the decision required and the circumstances and in addition, the Principal's role and responsibilities must be respected in accordance with DE Circular 16/'73 and relevant legislation. In some instances, decisions will be

relatively automatic, particularly if governed by an established rule, policy or circular. In other cases, decisions are required to be made on the basis of consensus or following a consultative process. Custom and practice can also influence decision making. In order to foster collaborative decision making, members of staff should be willing to make constructive contributions, to listen and respect each other's viewpoints, to be flexible, to compromise if necessary and to uphold the majority decision. Those chairing staff meetings and other decision-making forums should encourage open, constructive, and respectful discussions.

- **School Policy & Procedure:** The processes of developing and communicating school policies and procedures are critical to the promotion of positive staff relations. Policies and procedures should be developed in consultation with staff and others in the school community and should be agreed and adopted by the staff and the Board of Management. Once a policy has been agreed, it is important that it is communicated and implemented fairly, consistently and in an open and transparent manner. Each teacher has a responsibility with regard to the implementation of school policy. All staff should be aware of and have access to all current school policies. Policies and procedures should be reviewed on a regular basis including when relevant circulars are issued by the Department of Education. New members of staff should be briefed on school policies and procedures.
- **Conflict Resolution:** The approach to conflict resolution should be proactive and constructive. Workplace conflict is not unusual and is often inevitable. It should be addressed at the earliest opportunity – for example by listening, identifying the source of the conflict, seeking to deescalate, suggesting solutions, being open to compromise, acknowledging misunderstandings, apologising, moving on. If necessary the procedures outlined in *Working Together 2024 – Ag Obair le Chéile* may be invoked.

Procedure to address staff relations difficulties

Introduction

In any working environment conflict can arise. However, it is important that such conflict is addressed by the parties at the earliest possible opportunity in a proactive manner to prevent a breakdown in professional relationships. Respect and dignity must be demonstrated by all members of staff for positive staff relations to exist. Regular and open communication is encouraged and this is best practice. In this context, it should be possible for staff members to voice their opinions and discuss them while acknowledging the legitimate obligations of management to make decisions. Staff members should feel listened to and valued. Compromise is part of any working environment and there will be times where individuals do not agree. Where decision making is clear, it should be possible to discuss such issues in a respectful and professional manner. This is a central principle of positive staff relations. Every staff member is entitled to be treated with dignity and respect. Members of the in-school management team have a key role to play in developing the culture and ethos of a school and encouraging and cultivating an environment where staff members are valued, respected and treated fairly.

Early resolution

Management Bodies and INTO recommend that parties engage at an early stage in order to achieve early resolution. Accordingly, the first approach to resolving staff relations difficulties lies initially with the individuals involved. Before engagement with the formal procedure below, it is envisaged that the parties will attempt to resolve matters informally between themselves, in the first instance. Effective, open and constructive engagement and communication is key to early resolution and is emphasised throughout this process. The parties may be open to a suggestion to involve a colleague or other agreed person at the informal stage to seek a resolution. It is acknowledged that sometimes informal engagement is not successful and where that is the case, the formal staff relations procedure provides a mechanism for the resolution of such issues.

Essential features of the staff relations procedure

1. The staff relations procedure is a staged process. It is expected that each stage will be engaged with fully before moving onto the next.

2. The staff relations procedure and discussions around it are confidential to the parties involved and should not be discussed with other staff members who are not party to a procedure.
3. Where matters are not resolved between individuals involved it may be necessary to progress the matter through the procedure. The Board of Management/ Employer should not have knowledge of, or discussions on, these issues prior to Stage 4.
4. This procedure provides a mechanism for mediation to be accessed in Stage 3. In order to avail of mediation, the Board of Management/employer must seek the formal agreement of the relevant Management Body & the INTO for the sanctioning of mediation within this procedure, prior to initiating mediation. Any expenses incurred for mediation undertaken without prior approval will be the responsibility of the employer/Board of Management. **Please see note at Stage 3 Mediation for further information.**
5. Generally, if either party to the staff relations procedure is on leave, the procedure is paused for the duration of the leave. Notwithstanding this, there may be incidents/ circumstances where a party involved in a procedure, who is on leave, wishes and is medically certified to continue with the procedure. This is allowable subject to consent.
6. Parties are recommended not to initiate multiple procedures in parallel. It is recommended that prior to initiating any of the procedures outlined in this document that a party would identify their key issues and choose the procedure which will best reflect with their issue.
7. Where time frames are extended this should be noted in writing.
8. For the purpose of this procedure, days count as days the school is in operation i.e.the 182 days in the school calendar. Holiday periods and school closures are not counted as school days for the purpose of this procedure.

Exclusions

- If an issue arises where a staff member believes they are being bullied and/or harassed by another staff member, they should be referred to the Bullying and Harassment procedure on **page 12**.

Procedure 1: Staff Relations Difficulties

- A breach of policy, practice, act or omission of same is best dealt with through the Grievance procedure outlined on **page 26**.
- If an issue arises which concerns a matter covered by the relevant legislation (e.g., Employment Equality Act) that is referred to in the Workplace Relations Commission, Labour Court or any other fora, this procedure shall not be used.

Stage 1: Formal meeting between the Parties

Where an individual teacher/group of teachers/entire staff are experiencing an issue of internal working relations or a staff relations difficulty in the school this is Stage 1 of the formal procedure for pursuing this matter.

For the purpose of this procedure the teacher(s) who raise(s) 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, and this may include the Principal Teacher, i.e. for the purpose of this procedure, Party B.

Where there are more than two teachers who wish to progress issues through formal procedures they should elect/nominate a maximum of two people, from among the group of Party A, to represent them for the course of the procedure. In so far as possible, it is strongly recommended that the same two teachers would represent the staff at each of the Stages 1, 2 and 4 where they arise. It should be clearly set out at Stage 1 who the nominees are acting on behalf of. These nominees may be Party A or Party B in this procedure. At Stage 1, 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 A can make suggestions as to how such issues may be resolved or improved upon, in a realistic and reasonable manner.
- Party B should make every effort to respond in a constructive manner having regard to the issues raised by Party A.

- It is open to Party B to respond immediately or to take time to reflect on the issues made before reconvening with Party A.
- The onus is now on both parties to engage constructively with each other. 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.
- It is open to the parties to meet more than once to seek to resolve matters at this stage.
- 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.
- By agreement, the 20 school day period may be extended to facilitate further meetings and constructive engagement. The parties should take specific note of the new time frames agreed.
- The outcome of the discussions at Stage 1 should be recorded on the statement of outcome template noting whether a resolution has been achieved at Stage 1 or not (see **Template 1A**).



Please note: If the Principal is a party to the procedure at Stage 1, and where a resolution is not achieved, the Chairperson should conduct the process at Stage 2 seeking to resolve matters. The Chairperson's role at this stage is to facilitate and encourage resolution and **they are not acting as a decision maker**. The Chairperson's involvement does not exclude them from acting as a board member at Stage 4, should the matter progress.

Stage 2: Role of the Principal Teacher/Chairperson

Where it has not been possible to resolve matters directly between the parties and where the Principal Teacher is not a member of either party, the Principal should engage with both parties as follows:

- The Principal Teacher should be briefed by each party on the discussions which have occurred at Stage 1.
- 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 Teacher should act in a fair and impartial manner and may exercise judgement and make decisions which they consider 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, reevaluate their position in order to resolve matters at the earliest opportunity.
- Where the Principal Teacher deems it prudent and appropriate, they may raise the matter at a staff meeting and seek to initiate a framework through full staff dialogue, to resolve matters.
- It is open to the parties to meet more than once to seek to resolve the issues at this stage.
- 20 school days are provided to resolve matters at Stage 2. The parties should note the time frames which should only be extended by agreement.
- The Principal Teacher in consultation with Party A and Party B should complete a statement of outcome recording whether a resolution has been achieved at Stage 2 (see **Template 1B**).



Please note: In circumstances where the Principal Teacher is a party to this procedure, the word Chairperson should be substituted for Principal Teacher in the steps set out at Stage 2 above.



Please note: 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: Mediation

Prior to agreeing to and/or initiating Stage 3 Mediation, both Party A and Party B are required to familiarise themselves with the following fundamental information around the mediation process.

Mediation is a voluntary and confidential process for resolving disputes wherein the parties agree to resolve the issues of the dispute without recourse to the judgment of others with the aid of a mediator. Mediation is entered into by mutual consent and is solution focused. All matters discussed through the mediation process are confidential to the parties involved. Mediation requires that the parties involved enter into the process with an open mind and a

willingness to listen to all points of view and is designed to assist them in working towards a better understanding of their issues. Mediation will be offered to all individuals at Stage 3 where a collective complaint is being pursued notwithstanding the fact that party A/B has nominated individuals to act on their behalf for the previous stages. Mediation is led by the parties involved in it, with the approved mediator's role being to facilitate a resolution that can enable the parties to work in a professional manner together moving forward.

Mediation can include:

- Improving communication and mutual understanding.
- Improving relationships.
- Working towards finding solutions.
- Exploring positive outcomes and agreements.

If Party A and Party B are agreeable to enter mediation, then they are required, in the first instance, to contact the Chairperson of the Board of Management requesting mediation be put in place.

In order to progress mediation, the following steps need to occur:

- The Chairperson is required to contact their Management Body/Patron with this request.
- The Management Body and/or Patron is then required to contact INTO Head Office to agree to mediation as mediation is a cost occurring process where the costs are split between the Management Body and INTO.
- INTO and the Management Body agree a mediator, who is selected from a joint INTO/management body panel retained for this purpose.

Stages of the mediation process

Once a mediator has been put in place and prior to commencing a mediation meeting, Party A and Party B must also give an indication of their agreement to constructively participate in the mediation process.

Party A and Party B will be required to supply the following background information for the attention of the mediator only:

- A brief written account of the issues involved.
- A brief written account of the initiatives taken to date to resolve matters at the informal stage, Stage 1 and/or Stage 2 as applicable, detailing any progress made,

Procedure 1: Staff Relations Difficulties

- together with a general outline of the sequence of dates.
- A list of the outstanding issues and the resolutions sought by the parties.

A mediator will endeavour to:

- Review all of the documentation shared with them.
- Arrange to meet with the parties and others who may be of assistance in arriving at a resolution.
- Work with the parties to enable professional relations to be established and maintained between the parties.
- Facilitate an agreed resolution.

At the conclusion of the mediation process, the mediator will provide all parties to the mediation with a short report stating the outcome of the mediation process and any agreements reached or otherwise (see **Template**



Please note: Mediation expenses shall be shared on the basis of 50% each, by the INTO and the relevant Management Body provided prior approval of both parties has been obtained. The mediator's expenses shall not be paid by the INTO and/or relevant Management Authority/body where prior sanction has not been obtained from them for the initiation of mediation. The relevant Management Body may choose to recoup 50% of their expenses from the relevant Board of Management after the final bill has been settled with INTO. This is a matter for the relevant Management Body/Patron to agree on as per their own governance structures.

1C). This statement of outcome will also be issued to the INTO/Management Body/Patron as the mediator has been appointed by the INTO and relevant Management Body/Patron and so they are required to advise the relevant parties that the process has concluded and whether resolution was achieved or not. As a rule, the mediator shall seek to complete their work within 20 school days.

Stage 4: Board of Management

Where it has not been possible to achieve resolution at the earlier stages, it shall be open to either party to request

the Board of Management to investigate. The request should be in writing to the Chairperson of the Board.

Once a Board of Management has received a written request to open a resolution process for a staff relations difficulty, it should, proceed as follows:

- The Chairperson of the Board of Management shall convene a meeting of the Board to discuss the request received.
- The Board may enquire into the background of the difficulties including obtaining details on the outcomes of the previous stages.
- The Board may request written submissions from the parties. Where written submissions are received there will be an exchange of documentation with both parties. Both parties will be entitled to make their observations on the submissions orally at the meeting with the Board.
- The Board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence. The Chairperson shall require all parties at the meeting to conduct the proceedings in a civil and respectful manner.
- 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 resolution in which the parties will fully and constructively participate.
- Where the parties fail to voluntarily agree a resolution, following a request by the Board of Management, the Board itself is entitled to decide on an appropriate resolution and may, if considered necessary, direct the parties to participate in same.
- As a rule, the Board of Management should complete its deliberations within 20 school days of receipt of the written request.
- The Board should record any decisions made and the record should be available to the parties.
- It is open to the Board of Management to nominate the Chairperson and/or a nominee of the Board of Management, other than a member of staff to review

Procedure 1: Staff Relations Difficulties

and engage with the parties within a three-month period to monitor the resolution. This time period may be extended by a further three months with the consent of both parties.

Summary



Template 1B

Staff relations procedure: Stage 2 outcome

Principal/Chairperson:

Party A:

Party B:

Date of meeting/s with parties:

The outcome of the meeting/s was:

Resolution not achieved

Resolution was achieved and the agreed outcome is listed below

The outcome shall be signed by:

Name (Party A):

Signature:

Date:

Name (Party B):

Signature:

Date:

Principal/Chairperson:

Signature:

Template 1C

Mediation agreement

Parties:

Mediator (named):

Party A (named):

Party B (named):

Summary of events:

The mediator met/engaged with the parties on the dates listed below:

Outcome of mediation:

The outcome of the process entered into above was:

Agreement was not achieved

Agreement was achieved and the agreed outcomes are listed below

The Agreement shall be signed by:

Name (Party A):

Signature:

Name (Party B):

Signature:

Date:

Procedure to address adult bullying/harassment

INTO and Management Bodies have been engaged in discussions in relation to revising the above procedures. On foot of those discussions, Management Bodies recommend that each Board of Management adopt these procedures. INTO and Management Bodies wish to make all boards of management/employers aware that Under the *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021*, underpinned by statutory instrument 674/2020, each employer is obliged to have a procedure in place to prevent and address complaints of bullying in the workplace.

Introduction

This procedure was reviewed in consultation with the *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021*, in addition to the *Code of Practice on Sexual Harassment and Harassment at Work, 2022* and accordingly is intended to reflect the principles and general procedures contained therein.

Bullying and Harassment can have a very negative and lasting impact on a work environment resulting in low morale, staff relations issues, lost time and productivity, and considerable hurt and upset for the parties involved. All policies and procedures should include a clear statement that any such behaviour is not acceptable within the school.

INTO and Management agree bullying and harassment is not acceptable in any workplace or school. Any undermining of an individual's dignity or harassment, including sexual harassment, in the workplace should not be tolerated.

Employers are also reminded of their obligations under the *Safety, Health and Welfare Act 2005*, to consult with employees on health and safety matters and to prepare a safety statement for each workplace. The provision of a safety statement is a legal requirement and should be available in writing for reference.

There is an expectation on any party who is a witness to behaviour which falls under bullying and harassment or the undermining of dignity in the workplace, to bring same to the attention of the employer in a timely manner and/or make it clear to the offending party that such behaviour is unacceptable and will not be tolerated. All staff members have an obligation to contribute to, and support, a safe and respectful working environment.

It should be noted that a finding of sexual harassment, harassment or bullying may result in disciplinary action being taken. 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 may be deemed misconduct, and the relevant disciplinary procedure could be invoked.

Emphasis on prevention

Based on the above, employers are encouraged to take proactive steps to promote a positive workplace culture. Prevention is the best way to avoid the risk of bullying occurring in the school environment. Best practice in this area includes effectively developing and promoting anti-bullying policies, training staff appropriately on these policies and ensuring all complaints are dealt with respectfully, sensitively, and in complete confidence, in a transparent and timely manner for the parties involved. A measure of success will be where the below procedures do not have to be used, as strong preventative measures are in place in the working environment.

School management should promote awareness of the policy and procedures relating to bullying and harassment and same should be circulated to all members of staff on at least one occasion per calendar year and/or placed as an item on a staff meeting agenda for noting. A record this has been done should be kept by the Principal Teacher.

Communication and discussion of the policy can be an effective preventive measure.

Record keeping

In circumstances where these procedures are formally invoked, it is imperative that records are kept by all parties in relation to any formal interventions, investigations or decisions and such records are retained in line with GDPR and Data Protection requirements.

Support

It is recognised by all parties that it is upsetting to be involved in or a party to a bullying or harassment procedure. In this regard, INTO and Management would

like to remind all parties to this procedure that the Employee Assistance Scheme (EAS) is a confidential and free advice and support service to support employees through challenging times.

Any advice/support obtained through this service is not shared with any third party including the employer or their union. More information on the EAS can be found at: www.gov.ie/en/service/23acf5-employee-assistance-service/

It is also advisable for teachers to contact INTO for support and advice. Chairpersons and representatives can contact their Management Authority.

Definitions used in this procedure

The terms bullying and harassment can often be used interchangeably by a party, however, it is important to note that these are two legally distinct concepts, therefore, a behaviour can be categorised as either bullying or harassment, **not both**.

Adult bullying

The Health and Safety Authority (HSA) and the *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021* defines bullying in the workplace as:

“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.” It goes on to state that, “An isolated incident of the behaviour may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying.”

The definition of bullying refers to “repeated inappropriate behaviour” and specifically excludes a single event.

Note there is no similar requirement in the definition of harassment or sexual harassment in the Employment Equality Acts (EEA).

Adult bullying can take many different forms which usually include:

- Intimidation or harassment.
- Aggression.

- Verbal abuse/insults.
- Humiliation.
- Undermining
- Dominance or abuse of power.
- Different or less favourable treatment.
- Belittling a person’s opinion.
- Disseminating malicious rumours, gossip or innuendo.
- Intrusion – pestering, spying or stalking.
- Excessive and unreasonable monitoring.
- Withholding information necessary for proper performance of a person’s job.
- Repeatedly manipulating a person’s job content and targets.
- Blaming a person for things beyond their control.
- Exclusion or isolation with negative consequences.
- Use of aggressive or obscene language.
- Other menacing behaviour.

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

- Persistent and/or systematic.
- Unwanted.
- Subtle.
- Non-physical.

When considering the definition of bullying, it is also important to note, bullying is **not**:

- Strongly expressing differences of opinion.
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome.
- Ordinary performance management.
- Reasonable corrective action taken by Principal/ employer which may include monitoring of the work of the Teacher.
- Workplace conflict where people disagree with or disregard the others’ point of view.
- Appropriate workplace engagement.
- An isolated incident which may be an affront to dignity in the workplace but as it is a once-off incident, it is not considered to be bullying.

The above list is not exhaustive.

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.

Harassment

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

Employers may also be liable under the EEA, in respect of harassment occurring in the course of employment, whether or not, it occurs with the employer's knowledge or approval. However, the legislation also provides that it shall be a defense 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 EEA defines sexual harassment as 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 creating an intimidating, degrading humiliating or offensive environment for the person. It is unlawful to treat a person less favourably than another person on the 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.

Sexual Harassment may include:

- Physical conduct of a sexual nature.
- Verbal conduct of a sexual nature.
- Non-verbal contact of a sexual nature which may include the sharing or threatening to share, sexually offensive images and/or the engagement of social media in a manner that is sexually offensive.

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.

The *Code of Practice on Sexual Harassment and*

Harassment at Work, 2022, states that the intention of the perpetrator of the sexual harassment is irrelevant and as such INTO/Management recognise that parties subject to this procedure may or may not have intended for the effect of their behaviour to be the experienced effect of the alleged victim – but nonetheless may ultimately constitute sexual harassment.

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.

Procedure to address bullying/harassment

The following are the stages of the procedure which should be adopted by an individual teacher for addressing complaints of adult bullying/harassment. In considering whether or not to initiate this procedure, teachers should get advice.

In this regard, advice is available from the following, as appropriate:

INTO Head Office

INTO Local CEC Representative

In addition, teachers may seek support from the Employee Assistance Service.

Chairpersons and members of boards of management can seek advice from the relevant Management Body for their school, in relation to implementing the procedure. The

parties to this procedure who are available to support in the above are listed below:

Catholic Primary Schools Management Association (CPSMA), Church of Ireland Education Board, Educate Together, An Forás Pátrúnachta, Muslim Primary Education Board, and National Association of Boards of Management in Special Education (NABMSE).

Fundamental tenets of this procedure are that:

- a. A complainant or complainants will be treated with fairness, sensitivity, and respect.
- b. A person or persons alleged to have bullied or harassed will be treated with fairness, sensitivity and respect.
- c. Confidentiality is assured for all parties concerned.
- d. All parties involved will not be victimised as a result of their participation in the process.
- e. All parties involved will be afforded fairness and natural justice.
- f. There is an onus on Party A to provide specific details in order for Party B to be afforded the opportunity to respond.

Timely addressing of an allegation of Bullying or Harassment

Generally, if either party to the allegation is on leave the procedure is paused for the duration of the leave.

Notwithstanding this, there may be incidents/circumstances where a party involved in this procedure who is on leave and is medically certified to, wishes to continue. This is allowable subject to consent, e.g. sick leave/career break.

It is incumbent on Party A to raise their complaint in a timely manner and as a rule, within 6 months of the issue(s) which give rise to the complaint. In exceptional circumstances, the six-month time limit may be extended e.g. in circumstances where Party A is on approved leave, school closures etc.

The time limit above does not exclude the employer's obligation to address inappropriate behaviour and take preventative action where issues of concern are brought to their attention.

Stage 1: Meeting of the parties

- Party A should seek an appropriate opportunity to meet Party B in order to inform them they are invoking Stage 1 of this procedure.
- Where necessary, this meeting may be facilitated by a third party, generally a teaching colleague, other than any member of the Board of Management.
- At this meeting, Party A should outline their complaint in relation to adult bullying and harassment, should object to the alleged bullying/harassment and request that it stop.
- It is important that Party A bear in mind that Party B may not be aware that their behaviour is a cause of complaint.
- Party B may respond to Party A at the initial meeting or if requested, the meeting may be adjourned and resumed subsequently.
- Whether or not Party B disputes all or some of the issues raised by Party A, or seeks to raise additional issues, nonetheless Party B should endeavour to respond in as constructive a manner as possible.
- The onus is now on both parties to engage constructively and in a professional manner in order to address the issues raised.
- A variety of possible actions to resolve the matter may be initiated. These may include the following (though not exclusively or in any order of preference):
 - a. An acknowledgement by each party of the other's perspective.
 - b. An agreement to take on board the concerns of the other party.
 - c. An agreement by each party to be vigilant in respect of interactions with each other in order to avoid difficulties arising in the future.
 - d. Planning to minimise possible situations where conflict could arise.
 - e. A commitment to modify or cease the particular behaviour.
 - f. An apology or other appropriate expression of regret, particularly where one of the parties may not have been aware of the impact of their behaviour.
 - g. An agreement by both parties to review the situation following a designated period.
 - h. Any other actions, as may be appropriate.

- Both parties should agree realistic timeframes which should not be later than 15 school days by which time a framework for resolution of issues should be agreed.
- By agreement between the parties themselves, the 15 day period may be extended.
- The resolution put forward or facilitated by the Principal Teacher/Chairperson may include any of the following:
 - a. An acknowledgement by each party of the other's perspective.
 - b. An agreement to take on board the concerns of the other party.
 - c. An agreement by each party to be vigilant in respect of interaction with each other in order to avoid difficulties arising in the future.
 - d. Planning to minimise possible situations where there could be conflict.
 - e. A commitment to modify or cease the particular behaviour.
 - f. An apology or other appropriate expression of regret, particularly where one of the parties may not have been aware of the impact of his/her behaviour.
 - g. Agreement by both parties to review the situation following a designated period.
 - h. An offer of mediation from the employer subject to the consent of the parties.
 - i. Any other actions as may be appropriate.

Stage 2: Meeting with Principal Teacher/Chairperson who endeavours to facilitate resolution

i **Please note:** If there is no satisfactory indication of resolution at Stage 1, it is open to Party A to refer the complaint to Stage 2. This stage involves intervention by the Principal Teacher, or Chairperson as appropriate.

Where the Principal Teacher is already involved in the matter as Party A or Party B, the Chairperson, in an individual capacity, will take the place of the Principal for the purposes of this Stage. This provision does not preclude the involvement of the Chairperson at a later stage of this procedure.

As part of effective leadership, the Principal Teacher/Chairperson has a role in promoting positive working relations. The Principal Teacher/Chairperson as the case may be, should act in a fair and impartial manner and may exercise judgment in an attempt to facilitate a resolution.

- If Party A wishes to proceed to Stage 2 they should make the Principal Teacher/Chairperson aware discussions have taken place at Stage 1 and state they are invoking Stage 2 of this procedure.
- The Principal Teacher/Chairperson should advise Party A that they will initiate discussions with both parties, either individually or together and seek to resolve the complaint.
- The onus is on both parties, facilitated by the Principal Teacher/Chairperson, to engage constructively in order to achieve resolution.
- The Principal Teacher/Chairperson may convene one or more meetings with the parties individually, or together as appropriate, to endeavor to conciliate between the parties.
- It is not envisaged that either Party A or Party B would be accompanied by a friend/teaching colleague at this stage.

The outcome of Stage 2 should be recorded by the Principal Teacher/Chairperson on **Template 2A**.

- 15 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.

i **Please note:** where resolution is not achieved at Stages 1 or 2, it is open to Party A to move to Stage 3 or go directly to Stage 4. In the vast majority of cases matters can be concluded here with the cooperation of all parties.

Stage 3: Mediation

Prior to agreeing to and/or initiating Stage 3 Mediation, both Party A and Party B are required to familiarise themselves with the following fundamental information around the mediation process.

Mediation is a voluntary and confidential process for resolving disputes wherein the parties agree to resolve the issues of the dispute without recourse to the judgment of others with the aid of a mediator. Mediation is entered into by mutual consent and is solution focused. All matters

discussed through the mediation process are confidential to the parties involved. Mediation requires that the parties involved enter into the process with an open mind and a willingness to listen to all points of view and is designed to assist them in working towards a better understanding of their issues. Mediation is led by the parties involved in it, with the approved mediator's role being to facilitate a resolution that can enable the parties to work in a professional manner together moving forward. Mediation can include:

- Improving communication and mutual understanding.
- Improving relationships.
- Working towards finding solutions.
- Exploring positive outcomes and agreements.

If Party A and Party B are agreeable to enter into mediation, then they are required, in the first instance, to contact the Chairperson of the Board of Management requesting mediation be put in place.

In order to progress mediation, the following steps need occur:

- The Chairperson is required to contact their Management Body/Patron with this request.
- The Management Body and/or Patron is then required to contact INTO Head Office to agree to mediation as mediation is a cost occurring process where the costs are split between the Management Body and INTO.
- INTO and the Management Body agree a mediator, who is selected from a joint INTO/Management Body panel retained for this purpose.

Stages of the mediation process

Once a mediator has been put in place and prior to commencing a mediation meeting, Party A and Party B must also give an indication of their agreement to constructively participate in the mediation process.

Party A and Party B will be required to supply the following background information for the attention of the mediator only:

- A brief written account of the issues involved.
- A brief written account of the initiatives taken to date to resolve matters at the informal stage, Stage 1 and/or Stage 2 as applicable, detailing any 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.
- A copy of the Principal Teacher's outcome.

From Stage 2. A mediator will endeavour to:

- Review all of the documentation shared with them.
- Arrange to meet with the parties and others who may be of assistance in arriving at a resolution.
- Work with the parties to enable professional relations to be established and maintained between the parties.
- Facilitate an agreed resolution.

At the conclusion of the mediation process, the mediator will provide all parties to the mediation with a short report stating the outcome of the mediation process and any agreements reached or otherwise (see **Template 2B**). This statement of outcome will also be issued to the INTO/Management Body/Patron as the mediator has been appointed by the INTO and relevant Management Body/Patron and so they are required to advise the relevant parties that the process has concluded and whether resolution was achieved or not.

As a rule, the mediator shall seek to complete their work within 20 school days.

Where the mediation has been successful, the process will conclude here.

Consideration before initiating Stage 4

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. (Reference Workplace Relations Commission (WRC), 2021 p.18)

Stage 4: Investigation

- 4.1. Where Party A considers that their complaint of Bullying and Harassment has not been resolved it is open to them to refer the matter to the Board of Management for formal investigation. This step should be taken within 15 school days. Where the party does not make such a formal request to initiate an investigation within the 15 school days period then the matter is considered concluded.
- 4.2. The referral to the Board of Management should be in writing and will be signed and dated. The referral should be accompanied by the written complaint of the alleged bullying/harassment. The referral should be sent to the Chairperson as the correspondent of the BOM.
- 4.3. On receipt of such a referral, the Board should meet within 10 school days to consider the commencement of an investigation.

Thereafter the Board proceeds as follows.

Either:

- a. Designate a member of the Board of Management to conduct an investigation, subject to a maximum of two, neither being the Chairperson, subject to the principles of natural justice and fair procedures. The Board should be mindful that the appointed member/s must withdraw from any subsequent decision of the Board on this matter at Stage 5, as well as the necessity to ensure a quorum for all Board decisions.

Or

- b. An independent third party appointed by the Board of Management. The cost of the investigation will be borne by the Board of

Management/employer in the case of appointing a 3rd party.

At the outset of the process and prior to appointing the investigator(s), declarations of conflicts of interest should be sought to ensure the integrity of the process and ensure the Board will be quorate at Stage 5.

It is strongly recommended that advice be sought from the relevant Management Body as appropriate at this stage.

Investigation

- 4.4. The investigation process shall proceed as follows:
 - a. An agreed time scale for completion of the process will be agreed with both parties at the outset.
 - b. Furnish a copy of the referral letter and the written complaint to the party against whom the complaint has been made.
 - c. Provide for the exchange of documentation between the parties.
 - d. Meet with Party A and any witnesses or relevant persons they may have in attendance.
 - e. Meet with Party B and any witnesses or relevant persons they may wish to have in attendance.
 - f. Interview any person whom they consider can assist with the investigation and shall provide details of any such interviews to the parties.
 - g. Conduct all meetings with the parties on a confidential basis.
 - h. Make a summary record of the meetings undertaken to be exchanged with the parties.
 - i. Afford the parties an opportunity to respond in writing to the information exchanged.
 - j. Draft a preliminary report.
 - k. Ensure that a copy of their draft report is sent to the parties for comment on any factual inaccuracies prior to being finalised.
 - l. Afford Party A and Party B the right to be accompanied at the investigative meetings by a work colleague or trade union representative, if so desired.

4.5. On completion of the investigation and having duly considered all the evidence and representations made, the investigator shall finalise the written report.

The written report shall contain the (findings of fact only) in relation to the investigation. These findings of facts will cite:

- The details of each complaint and the response thereto.
- Facts which support the complaint.
- Facts that rebut the complaint.
- Proposed resolution(s) of the matter by Party A and Party B.
- The report should state, based on the facts established during investigation, whether the behaviour(s) complained about, on the balance of probabilities, has occurred.

Following this, the Investigator will:

- Furnish their report to Party A and B simultaneously and advise them of the appeal process open to them.
- Write to the Chairperson and advise they have concluded their investigation and furnished their report to both Party A and Party B and confirm that the report will be available to the Chairperson and Board of Management when the time set out for appeal at Stage 4.6 has been exhausted.

- 4.6. In line with the requirements set out the WRC Code (2021), and prior to the investigation report going to the Board of Management as set out at 4.5, either Party A or B, can within 10 school days of receipt of the final report by them, lodge an appeal using **Template 2C**. The lodging of **Template 2C** will initiate a paper-based appeal of the investigation process and consider any alleged breaches of the process only. 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. As a result, the procedural appeal will solely address the grounds set out in **Template 2C** and not the outcome of the investigation. The appeal must be received by the Chairperson within 10 school days of receipt of the report by Party A/B. The Chairperson may deal with the appeal themselves or nominate an individual within the Board of Management to deal with the appeal using **Template 2D**.

The outcome of the appeal shall be provided to the relevant parties within 10 school days of the nominee being appointed. At the same time as the appeal decision is shared, the appellant should also be provided with a copy of the investigator's response to their appeal for transparency. The appeal decision shall be final. It should be noted that consideration of this appeal does not exclude the Chairperson or BOM nominee from the decision-making process at Stage 5 as they have not yet received the Investigator's report and will not be making a decision based on its contents.

- 4.7. When the time allocated for Stage 4.6 has been exhausted, the Board shall be provided with a copy of the final investigation report following a request from the Chairperson to the Investigator for a copy of the report. Following receipt of the investigation report, the Board of Management shall convene a meeting with the parties, at the same time, in order to invite a formal response to the report. At the meeting, **both parties** may be accompanied by a friend or a union representative, if so desired, who may accompany for the purpose of assistance and note taking (**subject to a maximum of 2**). Once all parties have been met, this stage is concluded and the board should move onto Stage 5 decision-making.

Stage 5: Decision following investigation

It is a matter for the Board of Management as employer to make a final decision in relation to the upholding, partial upholding, or refusal of the complaint of bullying/harassment. The Board is bound by the definitions set out in this procedure when making its decision.

The Board of Management/employer should ensure that outcomes are communicated sensitively and fairly. Both Party A and Party B are entitled to know whether the complaint is upheld either in part or in whole. The Board of Management/employer should also be able to provide reason/s for not upholding a complaint.

Where it is found a person has been involved in behaviour which meets the definitions outlined in this procedure, the emphasis should be on acknowledging the offending behaviour and working constructively to ensure it is not repeated.

Where the complaint/s in relation to bullying and harassment are upheld, it is open to the Board of Management to address the matter in any/ all of the following ways:

- The issuing of a clear warning that bullying/harassment is not acceptable in the workplace.
- A recommendation to the relevant party that they apologise/express regret or give an assurance that the bullying/harassment behaviour will cease.
- A demand that acceptable patterns of interaction should be established between the parties.
- Recommend the relevant parties engage with the Employment Assistance Service.
- Direct any other action as may be appropriate in the circumstances of the case.
- The Board may decide to monitor commitments given and to review matters on a particular date.
- A disciplinary process, in accordance with Circular 49/2018, under the work and conduct matters section of the procedures.

External appeals

Role of the Health and Safety Authority (HSA)

The Health and Safety Authority has an information service on workplace bullying and supports. A person may seek information from the HSA or make a complaint to the HSA regarding a complaint made by them, or a complaint made against them in the area of workplace bullying. The HSA will instigate its own procedures in line with its statutory remit. More information can be found on the HSA website at www.hsa.ie

Summary



Procedure 2: Bullying and Harassment

Template 2A

Recording outcome at Stage 2 of the Bullying and Harassment Procedure

Parties:

Principal/Chairperson (named):

Party A (named):

Party B (named):

Summary of events:

Met/engaged with the parties on the dates listed below:

Party A raised complaints which were relayed to Party B:

Resolutions were suggested/sought:

Resolution was achieved at this stage and the matter has concluded:

Any further action required:

Resolution was not achieved at this stage:

Agreed actions e.g. further check in required, further supports needed by either party etc:

The agreement shall be signed by:

Name (Party A):

Signature:

Date:

Name (Party B):

Signature:

Template 2B

Mediation agreement

Parties:

Mediator (named):

Party A (named):

Party B (named):

Summary of events:

The mediator met/engaged with the parties on the dates listed below:

Outcome of mediation:

The outcome of the process entered into above was:

Agreement was not achieved

Agreement was achieved and the agreed outcomes are listed below

The Agreement shall be signed by:

Name (Party A):

Signature:

Date:

Name (Party B):

Signature:

Template 2C

Appeal of the investigation process

Appellant:

Name:

Party A

Party B

Investigator/s:

BOM Nominee/s:

OR Independent Third-Party name:

Date of Investigation Report:

Received on:

Grounds for appeal:

(i) The agreed time scale was not adhered to

(ii) Copies of all documentation being considered were not provided

(iii) Investigator/s did not meet with Party A/B

(iv) No opportunity to avail of representation

(v) No opportunity was afforded to respond to Investigator/s' summary record

(vi) Investigator/s' draft report not provided for comment on any factual inaccuracies

I hereby confirm that I am submitting this appeal to the Chairperson of the Board of Management, or nominated Member of the Board of Management, within the 10-school day appeal window and understand that the outcome of this appeal is final.

Signed:

Template 2D

Notification of appeal to investigator/s

Dear _____

The purpose of this correspondence is to notify you of a formal appeal of the investigation process undertaken by you as part of a formal investigation pursuant to the Bullying/Harassment Procedure set out in Working Together 2024- Ag Obair le Chéile.

Please see below the relevant details.

You are asked to respond in writing to this formal appeal no later than:

Your written response must be provided to the following address, marked private and confidential and for the attention of the signatory/s of this notification: (Postal/Email address as appropriate)

Ground/s for appeal:

Please find enclosed a copy of the formal appeal lodged by the appellant for your consideration and response.

Please note a copy of your response will be provided to the appellant.

Appellant:

Name:

Party A

Party B

Signature:

Chairperson

Nominee of BOM

Date:

Grievance procedure

Definition and overview

For the purpose of this procedure, a grievance is defined as a complaint which an employee/s has/have in relation to breaches of school rules, policies, practices, procedures and acts, or omissions of management, that affect their employment conditions and/or roles and/or responsibilities.

Accordingly, the Grievance procedure is an upwards only procedure and cannot be taken against another Teacher. Such issues may be addressed through the other procedures outlined in this document.

The purpose of this procedure is to provide a mechanism for the resolution of a grievance or grievances which a Teacher or a Principal Teacher in a national school, has against:

- The Principal Teacher in respect of their duties and responsibilities for the organisation, conduct and day to day activities of the school,
- The Chairperson of the Board of Management in their individual capacity, or
- The Board of Management/employer in respect of the exercise of any of its responsibilities for the governance of the school.

Exclusions

If a grievance, which concerns a matter covered by the relevant legislation (e.g. Employment Equality Act), is referred to the Workplace Relations Commission, Labour Court or any other fora, this procedure shall not be used. Such a referral would serve to terminate the grievance procedure. Grievances which are anonymous or unrelated to employment matters are also excluded from this procedure. It is also recommended that where one of the other procedures outlined in this document is on-going that that procedure would generally conclude prior to the initiation of the grievance procedure.

Prior to formally invoking the Grievance Procedure attempts and efforts should be made to raise and address the grievance(s), where appropriate, informally in the first instance. Parties involved in a grievance procedure are required to engage constructively with, and participate in the procedure, with a view to early resolution of

For the purpose of this procedure, the party raising the grievance shall be referred to as the complainant and the party against whom the grievance has been raised will be known as the respondent.

Preamble

This procedure reflects the principles set out in Statutory Instrument 146/2000 (Code of practice on Grievance and Disciplinary Procedures). This procedure is drafted in accordance with due process and fair procedures. Until such time as the dispute is resolved or determined, the status quo shall be maintained and the complainant shall continue to carry out their duties and legitimate instructions of the Principal Teacher or the Board of Management, as the case may be.

- In advance of initiating the grievance procedure it is recommended that the complainant would identify the specific grievances they wish to address through the procedure and the impact the policy/ act/omission has had on them personally, as well as giving consideration to, potential practicable outcome/s being sought.
- The complainant must identify the respondent.
- Where more than one grievance exists, this procedure does not exclude the resolution of one

conflict. or more individual grievances at the earlier stages where any unresolved grievance/s remain and are being progressed to the next stage.

- Advice can be obtained from the INTO and/or relevant Management Body to assist you with this process, as appropriate.

Essential features of the Grievance Procedure

The Procedure is activated only when the grievance is set out in writing. Letter or email can be used as acceptable written communication for the purpose of the procedure. The initiation of the formal grievance procedure is separate and distinct from any prior discussions on issues informally as set out in the introduction.

1. The grievance procedure is a staged process.
2. Grievances should be contemporaneous and raised in a timely manner.
3. The grievance procedure and discussions around it are confidential to the parties involved and should not be

- discussed with other staff members not party to a procedure.
4. Where a Principal Teacher has a grievance, Stages 2, 3 and 4 of the procedure shall apply and the notice in writing to initiate the process is given at Stage 2.
 5. Where the grievance is against the Chairperson individually or the Board of Management itself, Stages 2, 3 and 4 of the procedure shall apply.
 6. Where there is a single manager as opposed to a Board of Management, only Stages 1, 2 and 4 only shall apply (as appropriate). In these circumstances the complainant 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.
 7. A complainant may be accompanied and supported at Stages 3 and 4 by the INTO staff representative, by a branch/district/national committee member or by a teacher colleague. There is no provision for the complainant to be accompanied by a CEC Representative or an INTO Head Office Official.
 8. Where a grievance is against a Chairperson in their individual capacity, they will be entitled to be accompanied by a person nominated by the Patron at Stages 3 & 4.
 9. Attention is also drawn to the Governance Manual for Primary School, particularly with regard to disclosure of a conflict of interest.
 10. A school day is a day on which the school is in operation i.e. which reckons as part of the 182 day school year. Holiday periods and school closures are not counted as school days for the purpose of this procedure.
 11. Generally, if either party to the grievance is on leave, the procedure is paused for the duration of the leave. Notwithstanding this, there may be incidents/ circumstances where a party involved in this procedure who is on leave and is medically certified to, wishes to continue. This is allowable subject to consent, e.g. sick leave/maternity leave.
 12. Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement, i.e. the INTO and appropriate Management Body.

13. The procedure is a domestic forum and accordingly, neither Management nor the INTO intends that there would be legal representation at any stage. There is no entitlement for any party to record proceedings or make transcripts.

Stage 1: The Principal Teacher

- 1.1. The complainant, shall give notice in writing to the Principal Teacher that the grievance procedure is being invoked and this notification should identify in writing the specific grievance/s they wish to address through the procedure and the impact the policy/act/omission has had on them personally, as well as giving consideration to potential practicable outcome/s being sought.
- 1.2. Within ten school days of receipt of the written notification the complainant shall discuss the grievance with the Principal Teacher with a view to resolving it.
- 1.3. Within a further five school days, the parties shall be entitled to meet again to seek to resolve the grievance.
- 1.4. After a period of 15 school days has elapsed and if the matter(s) has not been resolved, the complainant shall be entitled to invoke Stage 2.
- 1.5. If the complainant wishes to progress to Stage 2, they must provide notice of same within 5 school days.

Stage 2: The Chairperson

- 2.1. Within the five school days period referred to at 1.5 above, the complainant shall inform the respondent in writing, that they have invoked Stage 2 of the grievance procedure.
- 2.2. The complainant should also notify the Chairperson at the same time in writing that Stage 2 of the grievance procedure is being invoked against the respondent listed at Stage 1 and provide a summary of the grievances being raised at Stage 2 along with suggested resolution/s sought.
- 2.3. Within five school days of receipt of the written notification referred to at Stage 2.2, the complainant shall meet with the Chairperson to discuss the unresolved grievance(s) and seek a resolution. The Chairperson's role at this stage is to facilitate and encourage resolution and they are not acting as a decision maker. The Chairperson's involvement does

not exclude them from acting as a board member at Stage 3, should the grievance progress.

- 2.4. Within ten school days of the meeting set out at Stage 2.3, the Chairperson shall take such steps as they consider appropriate to have the grievance resolved. It is expected that the parties involved would dialogue at this point and the Chairperson shall meet the parties separately and/or together on one or more occasion/s to seek a mutually acceptable resolution at this stage.
- 2.5. Where the grievance procedure has been initiated against the Chairperson at Stage 2, a nominee of the Patron will carry out steps 2.1-2.4 above.
- 2.6. If the grievance is not resolved within ten school days as specified at 2.4 the complainant shall be entitled to move to Stage 3 of the grievance procedure within a further 10 school days.

Stage 3: Board of Management

- 3.1. Within 10 school days of Stage 2 concluding at Stage 2.6, the complainant shall notify the Chairperson of the Board of Management that they are invoking Stage 3 of the grievance procedure and provide a written submission for the Board of Management/Employer which shall include the details of the unresolved grievance(s), the efforts made to resolve the grievance at Stages 1 & 2, and the resolution being sought. The submission shall be presented to the Chairperson for consideration by the Board of Management.
- 3.2. The normal rules of due process shall apply to the exchange of documentation, and accordingly, the Chairperson shall copy the written submission to the respondent as soon as possible but no later than five school days following receipt.
- 3.3. Where the respondent is the Principal Teacher, they shall be requested by the Chairperson to prepare a written response to the submission. The written response shall address the points made in the complainant/s' submission. The response shall be furnished to the complainant within 10 school days of receipt of the written submission by the Chairperson of the Board.
- 3.4. Similarly, where the respondent is the Chairperson of the Board of Management individually or the Board itself, the complainant shall be entitled to a written response from the Chairperson or the Board, as the case may be. Such response shall also be furnished within 10 school days.
- 3.5. It should be noted that in the event of no response being received from the respondent, the Chairperson is obliged to progress with organising a meeting of the Board of Management to deal with the complainant's grievance/s.
- 3.6. Members of the Board of Management will be furnished with both written submissions simultaneously in advance of the specially convened board meeting.
 - The Chairperson shall invite the complainant to be in attendance at a hearing of the Board, which shall be held within ten school days of receipt 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, to clarify details, question and/or respond to the other party.
- 3.7. In circumstances, where the grievance is against the Principal Teacher –
 - a. They shall attend at the board hearing in an individual capacity and not as a member of the Board of Management.
 - b. Where the grievance is against the Chairperson of the Board of Management they shall also attend at the board hearing in their capacity as the respondent and an acting Chairperson shall be appointed by the Patron for the purpose of the grievance procedure.
 - c. Further, the Principal Teacher or the Chairperson, as the case may be, shall withdraw, and take no part in the Board's deliberations and decision making on the matter.
- 3.8. Where appropriate, the parties shall be entitled to bring witnesses where the party considers their evidence is material and relevant and where such parties wish to attend on their behalf. The same principles of due process apply to hearing witnesses and

the witnesses' attendance will be notified to the Board of Management in advance.

- 3.9. In cases where the grievance is against the Board itself, the Board shall hear the grievance as outlined above, shall try to resolve the matter by conciliation, but failing resolution, the matter may proceed to Stage 4 in accordance with the provisions of **paragraph 10** below.
- 3.10. The Chairperson shall convey the outcome of the Board of Management's deliberations in writing to the parties within 5 school days of the hearing specified at Stage 3.6 above.

Stage 4: Independent tribunal

4.1. If unwilling to accept the outcome of the hearing at Stage 3, or if the grievance procedure has not been adhered to as stipulated, including:

- a. If the Board fails to convene a hearing within the specified time.
- b. If the Chairperson fails to convey the outcome of the hearing within the specified period; Stage 4 of the procedure can be invoked; either party to the grievance procedure shall have the right to invoke Stage 4 of the procedure

4.2. Should either party wish to proceed with an appeal to Stage 4 they shall give notice in writing, 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 3.5**, if the Board fails to arrange a hearing). The date of that written notification shall be referred to as the "date of appeal" and the party appealing will state the reason/s for which the appeal is being brought.

4.3. On receipt of the notification of appeal, the Chairperson of the Board of Management shall within **five school days** notify the relevant Management Body/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 as soon as practicable:

- To select an agreed independent person from the Arbitration Panel to act as Chairperson of a tribunal.
- Each to appoint a person from the Arbitration Panel who is not associated with the school to serve on the tribunal.
- To arrange a meeting of the tribunal as soon as practicable, but no later than 20 school days of the date of appeal.

4.4. The Chairperson of the Board of Management shall also furnish the **agreed Independent Chairperson** of the tribunal, prior to its first meeting:

- a. A brief summary and timeline of Stages 1 – 3,
- b. And with:
 - A copy of the notification of appeal,
 - A copy of the submission,
 - A copy of any written response, • Any other relevant documentation.

4.5. The tribunal shall arrange a hearing for the parties and shall ensure that the normal rules of due process and fair procedures apply, which include:

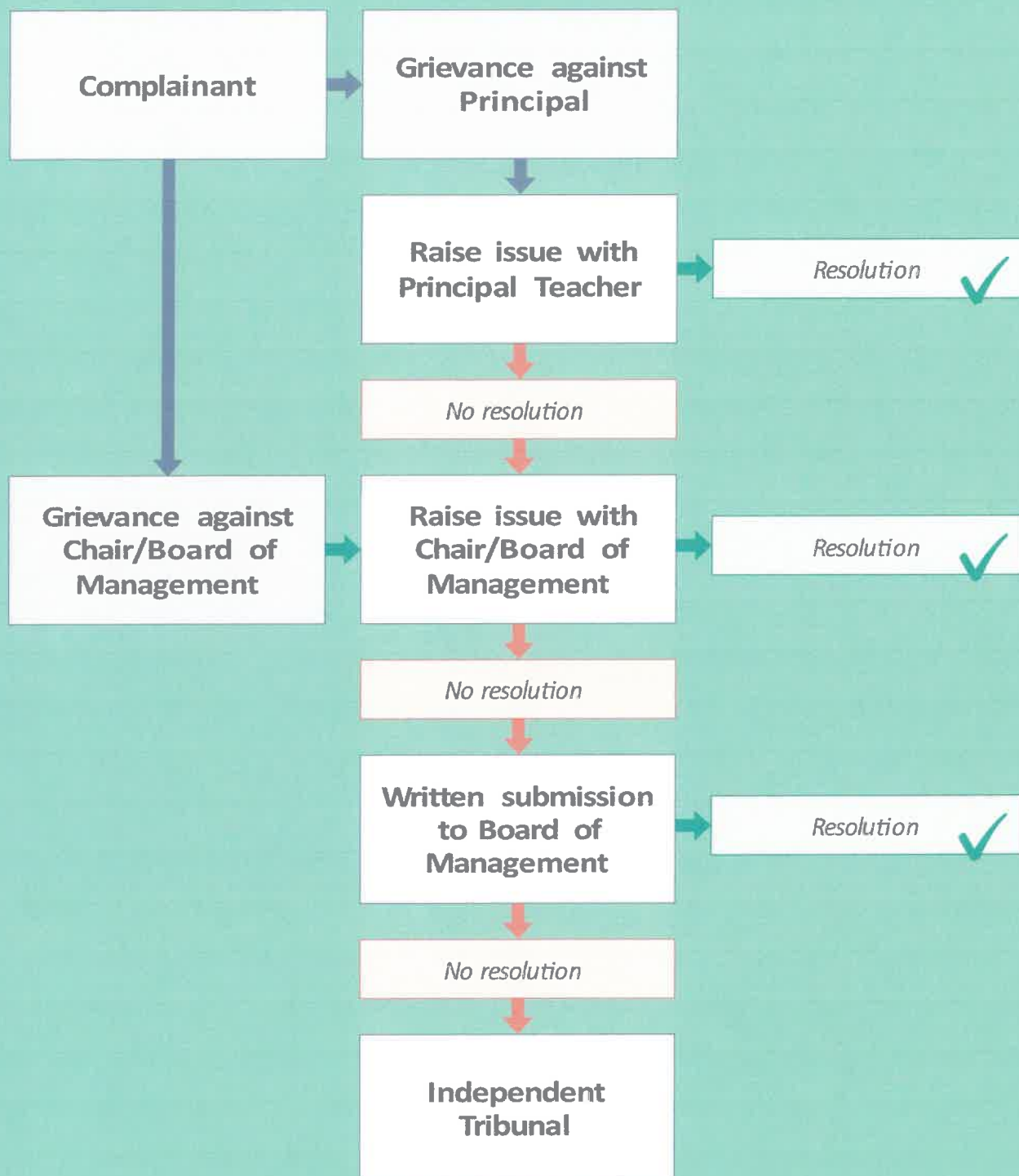
- That the parties shall be given reasonable notice of the hearing by the tribunal. When notifying parties of the date of the hearing, the tribunal should indicate to the parties concerned that in the event of failure to appear, without reasonable cause, the tribunal may proceed to decide the case if considered appropriate.
- That each party shall be afforded an opportunity to access and respond to relevant documentation, including the notification of appeal.
- That the parties shall have an opportunity to hear first-hand, what each has to say and also to challenge or respond to the other party through the Chairperson of the tribunal.
- That witnesses may attend as appropriate to give testimony.
- That the tribunal itself, shall be entitled to question each party or seek further information.

- Where the tribunal so decides, they shall afford each party an opportunity to provide further information, as they deem relevant, on the clear understanding, that the other party shall have an opportunity to access and respond to same. The tribunal has the authority to exclude evidence which they deem not relevant or material.
- If necessary, the tribunal shall agree to adjournments.
 - 4.6. 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. There is no entitlement for any party to electronically record proceedings.
 - 4.7. The tribunal shall be authorised to conciliate with a view to reaching an amicable settlement.
 - 4.8. Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.
 - 4.9. The tribunal's decision and any recommendation shall be conveyed in writing by the Chairperson of the tribunal within 10 school days after the hearing to all the parties and shall be final and binding.



Please note: Any expenses involved in Stage 4 will be agreed by the parties who nominate the tribunal provided that prior sanction for same has been obtained from INTO and the relevant Management Body/Patron.

Summary



Useful Contacts

Irish National Teachers' Organisation - Head Office

Vere Foster House,
35 Parnell Square,
Dublin,
D01 ET35.

Phone: 01 804 7700
Email: info@into.ie

Church of Ireland Board of Education

Church of Ireland House,
Church Avenue,
Rathmines,
Dublin 6,
D06 CF67.

Phone: +353 (0)1 4978 422
Email: enquiries@ireland.anglican.org

Educate Together

Equity House,
16/17 Upper Ormond Quay,
Dublin,
D07 H7DE.

Phone: +353 (0)1 429 2500
Email: info@educatetogether.ie

An Foras Pátrúnachta

Bloc K3,
Campus Gnó Mhaigh Nuad,
Co. Chill Dara,
W23 XN75.

Phone: +353 (0)1 6294110
Email: eolas@foras.ie

National Association of Boards of Management in Special Education

NABMSE,
Registered Charity No. 20053208,
Kildare Education Centre,
Friary Road,
Kildare Town,
Co. Kildare,
R51 KN66.

Phone: +353 (0)45 533753
Email: info@nabmse.ie

Catholic Primary Schools Management Association (CPSMA)

CPSMA,
New House,
St. Patrick's College,
Maynooth,
Co. Kildare.

Phone: +353 (0)1 6292462
Email: info@cpsma.ie

Muslim Primary Education Board

Muslim Primary Education Board,
163 South Circular Road,
Dublin 8.

Email: info@muslimeducation.ie
Phone: +353 (0)87 3693270

Employee Assistance Service / Spectrum.Life

Free Phone: 1800 411 057

The contact details for SMS is Text 'Hi' to
087 145 2056 and for Whatsapp is 087 3690010

Login to the [Spectrum.Life](https://www.spectrum.life) website

Health and Safety Authority

HSA Contact Centre
Health and Safety Authority,
The Metropolitan Building,
James Joyce Street,
Dublin 1.

Lo Call: 0818 289 389
Email: contactus@hsa.ie

Workplace Relations Commission

WRC Information and Customer Service:

Tel: 059 9178990

Lo Call: 0818 80 80 90

Enquiry Form: www.workplacerelations.ie/en/contact_us/

Summary: School leadership and management in Harcourt Terrace ETNS has a duty of care towards all 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 Harcourt Terrace ETNS.



Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated against an employee of Harcourt Terrace ETNS by any other person.

Together we are committed to building and maintaining a work environment where respectful, open and equal relationships are the norm. In summary, we are committed to having a good place to work in Harcourt Terrace ETNS.

Ratified by the Board of Management of Harcourt Terrace ETNS on:

26th Sept 2024. Date of next policy review: April 2026.

Signed on Behalf of the Board of Management:

Chairperson:	 Sylvia O'Halloran
Date:	<u>26</u> Sept 2024
Principal:	 Tony Walsh
Date:	<u>26th</u> Sept 2024