

Working Together

PROCEDURES AND POLICIES FOR
POSITIVE STAFF RELATIONS



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Foreword

There is no magic formula for a positive working environment.

It is ironic that even though the school staff is referred to in the Rule book, as the foireann scoile, nonetheless the reality is that teachers rarely get the opportunity of teaching as a team. In fact many of the interrelationship problems among teachers in schools are exacerbated by and spring from the isolated nature of the teacher's work, in the sense that teachers work in their own classrooms away from their colleagues. As a result, teaching colleagues are rarely professionally interdependent on each other and, consequently, are rarely in a position to affirm each other's work or alternatively, to be supportive when the going gets tough in a colleague's classroom. From a relations point of view, the lack of opportunity for professional interaction means that colleagues who have had a disagreement can too easily avoid each other rather than deal with the issue.

Most of us will have heard the apocryphal story of the two teachers in the two teacher school who had a row 20 years previously and had not spoken to each other ever since, the point of the story being that, when asked, neither of them could remember the reason for the disagreement.

Workplaces whether they be schools, offices or wherever are pressurised environments. It is no more than normal that problems between people will arise.

This publication recognises and responds to that fact by including good practice to promote positive staff relations and also agreed procedures to address the difficulties which may arise. The challenge to any staff of promoting positive staff relations and resolving difficulties can be quite considerable, particularly when one takes into account the reality that in most disputes both sides consider themselves to be 'in the right' and that generally, neither side will be fully satisfied with a brokered or mediated outcome.

Workable solutions can rarely be found until the protagonists want one and are prepared to make it work despite some misgivings. There is no magic formula for solving interpersonal problems but we each have a responsibility to try and create a positive working environment. This publication will be helpful as a recipe to good staff relations but to be effective it needs the additional ingredient of staff support and goodwill.

Senator Joe O'Toole
General Secretary

Introduction: Working Together

A key asset to any teacher is the support and security of working in a school where there are positive staff working relations. It is even more important when teachers are working in a changing environment and when society continues to make increased demands on the education sector. The primary sector has experienced a great many changes in recent times, which include: the changing nature of society's expectations of education, increased parental involvement, the impact of social change in the classroom and changes in the promotion and management structures within schools. In that context, it has become increasingly important for teachers to support each other and to create a school climate which fosters positive working relations. Equally, each teacher must be prepared to operate as part of a team and within the authority structures of the school.

The principal management bodies of primary schools and the INTO are of the view, that it is incumbent on the staff and management of each school to promote a culture of positive working relations at all times. Where such a culture prevails, instances of adult bullying or harassment or staff conflict rarely occur.

The principal management bodies and the INTO recommend that staffs and boards of management should discuss this document vis-a-vis their own working relations and adopt all or relevant aspects thereof, in accordance with the needs of the staff and management, through school policies and procedures or otherwise.

Please note that in this regard, schools which work in a multi-disciplinary context, for example, special schools, may wish to adapt the procedures in order to cater for the range of personnel in the school.

The principal management bodies involved in the preparation of this document are:

- **Catholic Primary School Managers' Association;**
- **Church of Ireland Board of Education;**
- **National Association of Boards of Management for Special Education;** and
- **Educate Together.**

Objectives

The objectives of this document are:

- to raise awareness among school staffs about the importance of fostering positive working relations with one's colleagues;
- to recommend guidelines for good practice, and
- to set out various procedures to address staff relations difficulties, adult bullying or harassment and grievances.

The policy and procedures in this document will be monitored and reviewed from time to time, to ensure satisfactory operation.

A

Recommended good practice

INTO and management have identified the following key practices as being very important in the promotion of positive working relations. The presence or absence of these practices within the school can determine the school climate and culture and the dynamics of working relations among staff.

Internal communication

Regular, transparent, open and direct communication should be encouraged. As part of that process, staff may wish to raise issues, as appropriate, with each other or with the principal teacher/management. Each party should be open to hearing and addressing counter view points and to responding in a constructive manner to any matters raised. There should be regular staff meetings (ie, at least one per term) where staff are fully aware of the agenda in advance and given an opportunity to submit items for discussion. There should be clarity about the issues discussed, the decisions taken and the agreed follow-up action. At the following staff meeting, minutes should be adopted and a report given on follow up action.

Processes of decision making

A hallmark of positive staff working relations is the manner by which decisions are made within the school. Each staff should consider, discuss and if appropriate, review its processes of decision making. In some instances decisions will be relatively automatic, particularly if governed by clearly established rules and regulations, while in other cases, decisions may be made on the basis of existing custom and practice. Alternatively and increasingly, staffs are called upon to make decisions on the basis of consultation and consensus within the school community. This is particularly the case in drafting school policies, eg discipline, home/school links, RSE, etc.

The processes of decision making should give due regard to the role of the principal teacher and the board of management in accordance with DES Circular 16/73 and relevant legislation. In order to foster collaborative decision making, members of staff should be willing to make constructive contributions, to listen and respect each others viewpoints, to be prepared to be flexible and to compromise if necessary and to uphold the majority decision. Those chairing staff meetings should encourage such open and constructive discussions.

Effective school policies and procedures

All staffs should be aware of and have access to copies of school policies and procedures covering the curricular and administrative areas. Administrative policies cover such areas as dealing with parental complaints (complaints procedure), dealing with parents (home/school links), disciplining pupils, bullying among pupils, supervision, dealing

with child abuse ... etc. There should be school policies on a wide variety of administrative matters and these should be implemented fairly and consistently and in an open and transparent manner. It is in the staff's interests also to ensure that such policies and procedures are approved and adopted by the school's board of management.

Mutual respect

Each member of staff performs a different role in the school and each is fully entitled to be treated with professional respect and with dignity. The principal teacher is both a staff member and a team leader with overall responsibility for the day to day activities in the school. Particular functions and responsibilities may be delegated to the other management personnel in the school, eg deputy principal, assistant principal and special duties teachers. As well as being responsible for their individual classes each teacher also has a clear responsibility for the implementation of school policies.

A sense of fairness

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

Unacceptable behaviour

There are certain behaviours which are not acceptable among staff members and which create negative staff relations. Such behaviours include, workplace bullying, sexual harassment, rudeness, aggressiveness, offensive language, threatening or intimidating behaviour, victimisation and harassment. Each member of staff should respect the integrity and dignity of his/her colleagues.

Further, in relation to adult bullying and sexual harassment, management and INTO recommend, that each board of management/school adopt a policy and procedure which would include a clear statement that any such behaviour is not acceptable within the school. A complaint of sexual harassment or bullying may result, following investigation, in disciplinary action (see section c₂).

Conflict resolution

Conflict generally arises, where two or more people disagree over issues of organisational substance and/or experience some antagonism towards each other. Principal teachers/management may spend significant amounts of time dealing with conflict situations, either as a third party in trying to resolve matters or as one of the parties to the conflict. In so far as the school as a workplace is concerned, it is important to recognise that: a) over a period of time conflict is inevitable; and b) that it is critical to

resolve conflict at the earliest opportunity and before it is allowed to fester. In the vast majority of cases, teachers deploy conflict resolution skills, informally, effectively and constructively, such as:

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

It is recommended that each staff foster a culture of open communication and debate, where conflict can be aired and dealt with constructively, speedily and in a reasonable manner and, if possible, without recourse to the procedures set out in section c.

B

Key principles

It is intended that each of the procedures in section c/procedures 1-3, will provide an overall framework to resolve matters at the earliest opportunity and preferably, within the school structures. As staff relations issues and instances of bullying or discriminatory harassment, vary significantly from school to school, procedures 1 and 2, in particular, place the emphasis on the general stages which should be followed in order to resolve matters.

However, it is important to note, that the following key principles or procedural points are intrinsic to each procedure:

- 1 **identify the difficulty;**
- 2 **observe due process;**
- 3 **keep records;**
- 4 **set realistic goals and parameters; and**
- 5 **choose the appropriate procedure.**

Identify the difficulty

There are similarities in relation to the range of factors which arise in primary schools where there is internal conflict among staff members. The following list comprises issues which have been identified by staffs as the main areas responsible for breakdowns in staff relations:

- bullying, intimidation, victimisation, verbal abuse, sexual harassment or other forms of discriminatory harassment;
- lack of consultation, dialogue and involvement in the processes of decision making;
- unwillingness to engage in consensus decision making;
- lack of decision making;
- indecisiveness;
- unwillingness to co-operate with school policy or operate as team players;
- cliques among staff;
- ongoing expression of disgruntlement by internal school candidates who were unsuccessful in the competition for the principalship or in other internal promotions. Other colleagues may also express disgruntlement and this may result in a lack of co-operation with newly promoted post holders/principal;
- a new principal introducing sweeping changes without proper consultation or meaningfully engaging staff in the process of change over realistic time frames;
- members of staff not talking to each other or not engaging in constructive communication;

- personality factors;
- lack of appropriate involvement by the board of management;
- insecurity and uncertainty among staff in the absence of the support of effective school policies, for example, in dealing with problematic areas, such as complaints against teachers, disruptive pupils . . . ;
- perceptions that certain members of staff are favoured by management;
- feelings of being systematically undermined;
- staff members afraid to speak openly.

It should be noted that the above list does not purport to be final or exhaustive as it would be impossible to list every possible cause of conflict.

Observe due process

The principles of due process, natural justice and fairness underpin the three procedures outlined in section c. Accordingly, if issues are raised against a member(s) of staff, he/she is entitled to be fully apprised of the issues concerned and given an adequate opportunity to respond, before any conclusions are drawn. In addition, parties should make clear to each other if they are following a particular procedure and if so, identify the appropriate stage. Where documentation, records or submissions are being relied upon by management or a third party, each party to the dispute or difficulty should have an opportunity to access and respond to such documentation (see “Keep records” below). As appropriate, a teacher may be entitled to be accompanied by a friend at meetings with the board of management or in the event of a disciplinary hearing, may be entitled to INTO representation. Neither management nor the INTO intends that there would be legal representation at any hearings.

Keep records

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

- records should be clear, honest and accurate accounts of all relevant matters, in chronological sequence, including details of offending behaviour, attempted resolutions, meetings, discussions, etc;
- a member(s) of staff, who feels bullied, aggrieved, affected by staff conflict, sexually harassed or otherwise discriminated against in the course of his/her employment, should note/record the pattern of behaviour;

- records may form the basis of written submissions to the board of management or other appropriate third parties;
- in general written records are confidential to the party keeping the record, except in circumstances, where that party seeks to rely on such records or, for example, incorporate all or part of such records into a written submission to the board of management or other appropriate third party eg, a tribunal established under the grievance procedure. In these circumstances and in accordance with due process, the party must be prepared to treat such records/submission in a transparent manner, in terms of furnishing copies of those records/submission to all of the relevant parties, as outlined in the various procedures; and
- generally, where formal procedures involve appropriate third parties or the board of management, written submissions and/or responses, may be obtained from all relevant parties and copied to all relevant parties.

Set realistic goals and parameters

It is critically important to set goals and expectations within the context of realistic parameters. Unrealistic and unachievable expectations can have the contrary effect of entirely frustrating the process. In that context the following should be borne in mind:

- changing the dynamics of working relations in a school from negative/partly negative to positive is a process which may take a considerable length of time and which will require ongoing effort, compromise, flexibility and constructive interaction by all those involved. Accordingly, it is reasonable to establish a framework for resolution of issues over an agreed and realistic time frame;
- the primary responsibility for promoting positive working relations in a school rests with each individual member of staff. Passivity among staff members may frustrate the promotion of positive working relations;
- since promoting positive working relations is a process which may involve awareness raising and possible behavioural changes, it may be appropriate for members of staff to consult other relevant literature on the dynamics of workplaces, bullying, conflict resolution, the functions of leadership and management ...etc... and also to attend relevant training courses;
- it is an intrinsic function of effective leadership that management, including the principal teacher, should promote positive relations. In particular, where there are relations difficulties in a school, management should support initiatives, including training and facilitation, to deal with matters. In addition, if there is unacceptable behaviour perpetrated by one staff member against another, management may be required to invoke disciplinary action against the teacher concerned, subject to the normal principles of due process. It is also the responsibility of management to monitor the initiatives put in place to restore/promote positive working relations.

Choose the appropriate procedure

Having identified the difficulties, the individual member or members of staff concerned, should decide on whether it is feasible and more appropriate to address matters informally between themselves or initiate one of the following procedures which are set out in Section C:

- C₁ **Procedure to Address Staff Relations Difficulties**
- C₂ **Procedure to Address Adult Bullying/Sexual Harassment or Harassment on Other Specified Discriminatory Grounds, arising in the workplace or otherwise in the course of employment**
- C₃ **Grievance Procedure** (revised)

While there are significant parallels between each of the procedures, in that, for example, each provides for:

- directly addressing matters;
- informal and formal stages;
- an emphasis on constructive engagement; and
- an emphasis on early resolution;

there are also some key differences, such as:

Procedure 1 places the emphasis on addressing staff relations difficulties in a consensus and voluntary type approach and it includes a mediation facility;

Procedure 2 is specific to the matter of allegations of bullying, sexual harassment or other specific discriminatory harassment, which may occur in the workplace or otherwise in the course of employment; and

Procedure 3 places the emphasis on processing specific grievances, which usually relate to breaches of school rules, policies, procedures or practices and it provides that an independent tribunal may be established, which is empowered to issue a decision that is final and binding on all the parties.

In deciding to proceed with any one of the procedures, it is advisable that teachers and management seek advice.



The procedures

C1 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 teacher(s) who raises the matter shall be termed party a. Party a should raise the matter with the teacher(s) it considers to be the source of the difficulty or who is contributing to the difficulty and this may include the principal teacher, ie, for the purpose of this procedure, party b. The manner by which party a decides to raise matters, will to a large extent depend on the issues identified by the party, previous experience and the existing procedure in the school for raising matters. In general, the following steps should be taken:

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

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

Stage 2 Role of the principal teacher

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

- the principal teacher should be briefed by each party on the discussions which have occurred at the informal stage;
- as part of effective leadership, the principal teacher has a role in promoting positive working relations and accordingly should hear the parties and seek to mediate and resolve the staff relations difficulty;
- the principal should act in a fair and impartial manner and may exercise judgement and make decisions which he/she considers necessary to resolve matters;
- the onus is on both parties, facilitated by the principal teacher, to engage constructively to resolve matters and it is expected that the parties would be prepared to reach solutions and, if appropriate, move their position in order to resolve matters at the earliest opportunity;
- where the principal teacher deems it prudent and appropriate, he/she may raise the matter at a staff meeting and seek to initiate a framework through full staff dialogue, to resolve matters. In these circumstances, it is recommended, that where possible, a neutral member of staff or a member of staff acceptable to both parties, should be selected to chair the staff meeting;
- the outcome of the discussions should be recorded by the parties including the principal teacher in a mutually agreeable manner, (c/f section b, pgs 12–13);
- 20 school days are provided to resolve matters at stage 2 and the parties should note the time frames which should only be extended by agreement.

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

Stage 3 External intervention

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

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

- a written account of the issues involved;
- a written account of the initiatives taken to date to resolve matters, detailing any

progress made, together with a general outline of the sequence of dates. Where the principal teacher has been involved at stage 2, he/she should also supply an account;

- a list of the outstanding issues and the resolutions sought by the parties; and
- a written and signed undertaking, to the effect, that he/she:
 - will constructively participate in the mediation process;
 - will be flexible in order to achieve resolution; and
 - will abide by and act on the recommendations of the mediator.

The mediator shall:

- review all of the documentation;
- arrange to meet with the parties;
- decide on whether it is possible to achieve a framework for resolution in light of the attitudes of the parties; and
- where the mediator decides to proceed, he/she shall, following the mediation process, draft a conclusion.

The conclusion of the mediator shall solely state whether mediation has either achieved or failed to achieve a framework for resolution. The conclusion of the mediator shall be available to the parties and to the board of management.

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

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

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

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

Stage 4 Formally address matters with the board of management

Where it has not been possible to agree a framework for resolution at previous stages, the matter should be referred, by the parties, to the board of management for investigation. The referral should be in writing. In addition, the conclusion of the mediator may indicate that the matter should be referred to the board of management and in this regard, the mediator's conclusion may itself constitute a referral. Once a board of management has received a written referral to investigate a staff relations difficulty, it should, generally, proceed as follows:

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

C2 Procedure to address adult bullying/harassment

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

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

INTO and management recommend that each board of management/school adopt a policy and procedure on bullying, sexual harassment or other harassment on specified discriminatory grounds, which would include a clear statement that any such behaviour is not acceptable within the school. In this regard, it should be noted that a complaint of sexual harassment or bullying may result in disciplinary action. Where a complaint of sexual harassment or bullying is not upheld, no action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and the disciplinary procedure invoked.

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

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

Adult bullying

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”. The document presents a range of other definitions in use by various unions and organisations and also describes the forms and effects of bullying and profiles both the typical victim and bully.

Adult bullying can take many different forms which usually include:

- intimidation or harassment;
- aggression;
- verbal abuse;
- humiliation;
- undermining;

- dominance or abuse of power;
- different or unfavourable treatment;
- exclusion or isolation.

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

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

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

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

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

Sexual harassment or other harassment on specified discriminatory grounds

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

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

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

Sexual harassment

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

discrimination and every effort should be made to eliminate it.

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

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

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

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

Other harassment on specified discriminatory grounds

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

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

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

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

BULLYING/HARASSMENT PROCEDURE

Preamble

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

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

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

Stage 1 Decide to address the matter

- 1 The party (party a) who considers that he/she is being bullied, sexually harassed or harassed on other specified discriminatory grounds, should decide to address the matter. However, in light of the potential effects of bullying or harassment on an individual, including loss of confidence, extreme upset, anxiety or fear, party a may initially decide to seek INTO or other assistance, including Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures, in the circumstances.
- 2 Party a should keep a record of the pattern of behaviour or instances where he/she considers that bullying/harassment has occurred. The record should contain details such as dates, times, persons present, details of what was said or what occurred. (Further details on the keeping of records are outlined in section b, pgs 12–13)

Stage 2 Informally address the problem

- 1 The party who considers that he/she is being bullied, sexually harassed or harassed on other discriminatory grounds (party a), should request a meeting with the other party (b), in order to discuss matters. The following should apply:
 - where necessary, the meeting may be facilitated by a third party, generally a teaching colleague;

- party a should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop;
 - it is important that party a bear in mind, that the other member of staff may not be aware that his/her behaviour is causing difficulty;
 - both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment;
 - party b may respond to party a at that meeting or if requested, should be given an opportunity to consider his/her response, in which case the meeting may be adjourned. Party b should respond in a constructive manner;
 - the resolution, as appropriate, may include any of the following, eg, a commitment to cease the particular behaviour, modify the behaviour, plan to eliminate situations where the parties would be in conflict or monitoring. Alternatively, it may emerge as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provision for compromise or appropriate explanation or acknowledgement.
- 2 If there is no satisfactory indication of resolution between the parties, party a should refer the complaint to stage 3, ie formal procedures.

Stage 3 Principal teacher or chairperson of the board of management

- 1 Stage 3 provides a mechanism for the principal teacher to intervene and resolve the matter. However, if the principal teacher is one of the parties, the chairperson of the board of management, should then be involved, in an individual capacity, in order to achieve resolution. In circumstances where the chairperson may also be involved at stage 2, another member of the board, may be designated to intervene.
- 2 Party a should advise party b that he/she is proceeding with stage 3.
- 3 Party a should state his/her complaint in writing and request the principal teacher (or chairperson of the board of management, as the case may be) to investigate the matter.
- 4 The principal teacher (or chairperson of the board of management, as the case may be) should:
- obtain background details including details of what occurred at the previous stage;
 - consider the pattern of behaviour and the timescale;
 - hear the parties and seek to resolve the matter;
 - act in a fair and impartial manner and deal with the matter sensitively having regard

- to the nature of the problem and the principles of due process (c/f pg 12);
- exercise judgement and make decisions which he/she considers necessary to resolve matters.
- 5 The outcome of the discussions should be noted by the parties.
 - 6 The matter should be dealt with confidentially.
 - 7 Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (or chairperson of the board of management as the case may be) should refer the matter to the board of management in accordance with stage 4 below.

Stage 4 Board of management

- 1 It is open to any of the parties or the principal teacher (or chairperson of the board of management, as the case may be) to refer the matter to the board of management for investigation. The referral should be in writing and dated and should include a copy of the written complaint.
- 2 The board of management should consider the issues and investigate the matter:
 - the board may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages;
 - the board or the chairperson of the board may meet teachers individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process (c/f pg 12);
 - the board may request the principal teacher to furnish a written submission;
 - the board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence;
 - following oral presentations the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
 - the board of management may convene a number of meetings in order to achieve resolution;
 - the board of management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem.
- 3 Having considered all matters, the board of management should reach a view on the

matter not later than 20 school days after receipt of the written request/referral.

- 4 Where the board of management finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken.
- 5 Where the board of management finds that bullying/harassment has occurred, the board should deal with the matter appropriately and effectively. This may include:
 - the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated;
 - a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties;
 - an instruction to the offending party that he/she apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease;
 - seeking a commitment to attend counselling or the welfare service;
 - more serious disciplinary sanctions as may be commensurate and appropriate, such as:
 - oral warning
 - written reprimand
 - written warning
 - final written warning
 - suspension
 - dismissal
- 6 As part of any resolution, the board of management should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The board of management should keep matters under review.

C3 Grievance procedure (revised)

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

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

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

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

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

Stage 1 The principal

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

Stage 2 The chairperson

- 1 The aggrieved teacher shall give notice in writing to the principal and chairperson of the board of management that stage 2 of the grievance procedure is being invoked.
- 2 The teacher shall discuss the grievance with the chairperson of the board with a view to resolving it.
- 3 The chairperson shall immediately take such steps as she/he considers appropriate to

have the grievance resolved informally.

- 4 If the grievance is not resolved within ten school days the teacher shall be entitled to invoke stage 3, within a further ten school days.

Stage 3 The board of management

- 1 The aggrieved teacher shall give notice in writing to the chairperson of the board of management that stage 3 of the grievance procedure is being invoked.
- 2 The teacher shall make a written submission which shall include the details of the grievance(s) and the redress being sought. The submission shall be presented to the chairperson for consideration by the board of management.
- 3 The normal rules of due process shall apply to the exchange of documentation, (c/f section b, pgs 12 - 13) and accordingly, the chairperson shall copy the submission to the person against whom the grievance is being taken.
- 4 Where the grievance involves the principal teacher, she/he shall be requested by the chairperson to prepare a written response to the submission. The written response shall address all of the points made in the aggrieved teachers' submission and shall be furnished to the aggrieved teacher(s) within 10 school days of the date of the written submission. Similarly, where the grievance is against the chairperson of the board of management or the board itself, the aggrieved teacher shall be entitled to a written response from the chairperson or the board, as the case may be. Such response shall also be furnished within 10 school days.
- 5 The chairperson shall invite the aggrieved teacher to be in attendance at a hearing of the board, which shall be held within ten school days of the date of the written response. The hearing shall afford each party to the grievance an opportunity to hear at first hand, what the other party has to say and also to question and/or respond to the other party;
- 6 In circumstances, where the grievance is against the principal teacher, he/she shall attend at the board hearing in an individual capacity and not as a member of the board of management. Similarly, where the grievance is against the chairperson of the board of management (in an individual capacity) he/she shall also attend at the board hearing in an individual capacity and an acting chairperson shall be appointed. Further, the principal teacher or the chairperson, as the case may be, shall withdraw from the board's deliberations and decision making on the matter;
- 7 Where appropriate, the parties shall be entitled to bring witnesses. The same principles of due process apply to hearing witnesses.

- 8 The board shall try to resolve the grievance by conciliation and if the grievance is resolved the matter is concluded. If the board is unable to resolve the grievance by conciliation it shall make a decision on the matter, except as provided under paragraph 9 below.
- 9 In cases where the grievance is against the board itself, the board shall hear the grievance as outlined above, shall try to resolve the matter by conciliation, but failing resolution, the matter may proceed to stage 4 in accordance with the provisions of paragraph 11 below .
- 10 The chairperson shall convey the outcome in writing to the parties within 5 school days of the hearing specified at stage 3 / paragraph 5 above.
- 11 The teacher shall have the right to invoke stage 4 of the procedure:
 - A. if the board fails to give a hearing to the aggrieved teacher;
 - B. if the chairperson fails to convey the outcome of the hearing within the specified period;or
 - C. if the teacher is unwilling to accept the outcome of stage 3.

Stage 4 An independent tribunal

- 1 The teacher who wishes to proceed with an appeal to stage 4 shall give notice of same, by letter, to the chairperson of the board of management, within ten school days of receiving the written outcome of stage 3 (or at the end of the period specified in stage 3 / no. 5, if the board fails to arrange a hearing). The date of that letter shall be referred to as the “date of appeal” and the teacher may include, in the letter, any additional arguments he/she wishes to put forward;
- 2 On receipt of the letter of appeal, the chairperson of the board of management shall notify the patron (or a designated representative of the patron) and the General Secretary of the INTO (or a designated representative of the INTO) and invite these parties:
 - A. to select an agreed independent person to act as chairperson of a tribunal;
 - B. each to appoint a person who is not associated with the school to serve on the tribunal;
 - C. to arrange a meeting of the tribunal within 15 school days of the date of appeal.
- 3 The chairperson of the board of management shall also furnish each member of the

tribunal, prior to its first meeting:

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

B. and with:

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

a copy of the aggrieved teacher's submission;

a copy of any written response;

any other relevant documentation.

- 4 The tribunal shall arrange a hearing(s) for the parties and shall ensure that the normal rules of due process and fair procedures apply (c/f section b, pgs 12 - 13), which include:
 - that the parties shall be given reasonable notice of the hearing by the tribunal. When notifying parties of the date of the hearing(s), the tribunal should indicate to the parties concerned that in the event of failure to appear, without reasonable cause, the tribunal may proceed to decide the case if considered appropriate;
 - that each party shall be afforded an opportunity to access and respond to relevant documentation, including the letter of appeal;
 - that the parties shall have an opportunity to hear at first hand, what each has to say and also to question or respond to the other party through the chairperson of the tribunal;
 - that witnesses may attend as appropriate;
 - that the tribunal itself, shall be entitled to question each party or seek further information;
 - that where appropriate, the tribunal shall afford each party an opportunity to provide further information, on the clear understanding, that the other party shall have an opportunity to access and respond to same; and
 - that if necessary, the tribunal shall agree to adjournments.
- 5 The tribunal shall be considered a domestic forum and accordingly, neither management nor the INTO intends that there would be legal representation at any hearings.
- 6 The tribunal shall be empowered to conciliate with a view to reaching a friendly settlement.
- 7 Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.
- 8 The tribunal's decision shall be conveyed in writing by the chairperson of the tribunal

to all the parties and shall be final and binding.

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

Notes

1. Until such time as the dispute is resolved or determined the aggrieved teacher shall continue to carry out the legitimate instructions of the principal teacher or the board of management as the case may be.
2. The grievance procedure shall also apply where two or more teachers share a grievance.
3. Where a principal teacher, or a principal teacher and one or more other teachers, share a grievance, stages 2, 3 and 4 of the procedure shall apply.
4. Where the grievance is against an individual chairperson or the board of management itself, stages 2, 3 and 4 of the procedure shall apply.
5. Where there is a single manager as opposed to a board of management, stages 1, 2 and 4 only shall apply. In these circumstances the aggrieved teacher shall supply a written submission at stage 4, and the normal procedures of due process will apply to the exchange of documentation and the right of response. (cf pgs 12 - 13)
6. An aggrieved teacher(s) may be represented at stages 3 and 4 by the INTO staff representative or by a branch or district committee member or by a teacher colleague.
7. Attention is also drawn to paragraph 15 of the Constitution of Boards and Rules of Procedure, particularly with regard to disclosure of interest.
8. Where the aggrieved teacher is a member of a religious order, the INTO will consult her/his representative association before nominating a member of the independent tribunal envisaged in stage 4.
9. A school day is a day on which the school is in operation.
10. Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.

USEFUL CONTACTS

Catholic Primary School Managers' Association (CPSMA)

Veritas House
7-8 Lower Abbey Street
Dublin 1
Tel: 01 874 2171
Fax: 01 874 7397

The Employee Assistance Team

Cork:
Tel: 021 455 2442

Dublin:
Drumcondra
Tel: 01 857 0209
Blackrock
Tel: 01 289 7039

Galway:
Tel: 091 773 242

Mayo:
Tel: 1890 615 151

Roscommon:
Tel: 1890 413 151

Equality Authority

2 Clonmel Street
Dublin 2
Tel: 01 417 3333
Fax: 01 417 3366

Director of Equality Investigations

3 Clonmel Street
Dublin 2
Tel: 01 417 3300
Fax: 01 417 3399

Church of Ireland College of Education

96 Upper Rathmines Road
Dublin 6
Tel: 01 497 0033
Fax: 01 497 1932

National Association of Boards of Management for Special Education (NABMSE)

“Shalom”
Athlacca
Kilmallock
Co Limerick
Tel: 063 90565
Fax: 063 90988

Educate Together

John Player House
276-288 South Circular Road
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Tel: 01 473 0309
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Health and Safety Authority

10 Hogan Place
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Department of Education and Science

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