



DIGNITY AT WORK POLICY

ST AUGUSTINE'S SCHOOL

This policy was adopted by the board on _____

To be reviewed by _____

Chairperson of the BOM _____

Principal & Secretary of the BOM _____

Implementation Date _____

Date set for Review _____

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Dignity at Work Policy

Overview

This 'Dignity at Work Policy' is being put in place following a recommendation from the Catholic Primary School Management Association (C.P.S.M.A.). It is in keeping with best practice regarding staff relations, particularly as St. Augustine's School consists of a multi-disciplinary team comprising of principal, teachers, special needs assistants (S.N.A. 's), community worker, bean a ti, caretaker, secretary and youth worker. The purpose of the policy is to reinforce the positive workplace ethos of the school and to promote an awareness of and sensitivity to issues in regard to dealing with intra-staff and interdisciplinary relations. The Policy sets out processes for dealing with any issues arising, including bullying and harassment, and places particular emphasis on the value of informal resolution, including mediation. The policy was drawn up in consultation with staff, management and the Board, and from a facilitated workshop with the Labour Relations Commission, and drawing on information from the CPSMA and INTO documentation. Due to the nature of the work it is important for staff to support each other and to create a school climate that fosters positive working relations. Equally, each staff member must be prepared to operate as part of a team and within the authority structures of the school.

General Ethos & RELATIONSHIP TO CHARACTERISTIC SPIRIT OF THE SCHOOL (ETHOS & PHILOSOPHY)

St. Augustine's School is one of five Youth Encounter Projects (YEP) in the country, under the direction of the High Support Special Schools Section, Social Inclusion Unit of the Department of Education and Skills(DES). The school is under the Patronage of the Diocese of Limerick and promotes the full and harmonious development of all aspects of the pupil and operates through co-operation between pupils, parents, staff, board, diocesan office and DES.

Positive Work Environment

The school's positive work environment is characterised by:

- A supportive atmosphere
- Effective communications structures
- Appropriate interpersonal behaviour
- Open discussion and informal resolution of conflict in a safe and supportive environment
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff.

Objectives of the Policy

This policy aims to ensure that the appropriate procedures are in place to enable St. Augustine's School function at an appropriate level by:

- Providing an effective procedure for dealing with disagreements and allegations
- Ensuring that all are aware of and committed to the Policy and have had the opportunity to contribute to the contents of the policy
- Deterring unacceptable behaviour and to help to create an environment where staff can interact together free from harassment of any form
- Defining Harassment, including Bullying, Sexual and Non Gender Based Harassment

Key Values Underpinning this Policy

Good Practice

- Regular transparent, open and direct communication is encouraged.
- Staff should be open to hearing and addressing counter viewpoints and to responding in a constructive manner to any matters raised
- In some instances, decisions will be relatively automatic.
- Decisions may be made on the basis of existing custom and practice. Alternatively, and increasingly, staff are called upon to make decisions on the basis of consultations and consensus within the school community.

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.
- As well as being responsible for their individual roles, each staff member 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.

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 her/his colleagues.

Conflict Resolution

Conflict generally arises where two or more people disagree over issues of organisational substance and/or experience some antagonism towards each other. Insofar 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, staff 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 by another party or that misunderstandings may have occurred
- Accepting solutions whether as a compromise or otherwise
- Closing the matter
- Moving on

It is recommended that all 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 formal procedures set out in this policy.

Key Principles Underpinning all of the Procedures

1. Identify the difficulty
2. Observe due process
3. Keep records
4. Set realistic goals and parameters
5. Choose the appropriate procedure

Identify the Difficulty

- 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
- Indecisiveness

- Unwillingness to cooperate with school policy or operate as team players
- Cliques among staff
- On-going expression of disgruntlement by internal school candidates who were unsuccessful in the competition for promotion. Other colleagues may also express disgruntlement and this may result in a lack of cooperation with newly promoted post-holders.
- 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 etc.
- 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. Accordingly, if issues are raised against a member(s) of staff, she/he 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. As appropriate, a staff member may be entitled to be accompanied by a colleague at meetings with the board of management or, in the event of a disciplinary hearing, may be entitled to union representation.

Keep Records

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 her/his 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, e.g. a tribunal established under a 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. 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:

- 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.

What is Bullying?

Bullying is defined as:

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. Only aggressive behaviour which is systematic and ongoing should be regarded as bullying.

Individuals or groups of people can be responsible for or be the victims of Bullying. It can occur at any level in the School. Bullying can include verbal, gesture or physical bullying, exclusion or extortion. It can be sexual, a gesture, sectarian or racial in form or in undertone, or it can offend because of a person's disability.

The following are some examples of the type of behaviour which may constitute bullying:

- Open aggression, threats, shouting abuse or the use of obscenities
- Constant humiliation, sneering or ridicule
- Unreasonable scrutiny or unreasonable demands

- Ostracising/marginalising an individual
- Taking credit for another person's work
- Spreading malicious rumours
- Undermining a person's authority through misplaced, general and unwarranted criticism of an individual and their professional performance
- Communicating only through a third party
- Unprofessional comments made in front of or within the earshot of pupils/parents

What Bullying is Not

In general terms, the proper exercise of authority by management or constructive and fair criticism of a staff member's conduct or work performance do not constitute bullying. Accordingly, it is the view of INTO and CPSMA that the exercise of legitimate management function, in a reasonable and fair manner, does not constitute bullying.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a once-off incident is not considered to be bullying.

Some examples of behaviours that do not constitute bullying are:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work, but, as a once-off incident, is not considered to be bullying e.g. an occasional bout of anger or a conflict of views;
- Fair and constructive criticism of work related matters
- Complaints relating to instructions issued by management around assignment of duties, terms and conditions of employment;
- Legitimate management responses to crisis situations which require immediate action.

Please note that the examples given in all of the categories in respect of bullying, harassment and sexual harassment are for illustrative purposes only and are not exhaustive.

What are Harassment and Sexual Harassment?

Harassment

Harassment is defined as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Bullying that is not linked to one of the discriminatory grounds is not covered by the Employment Equality Act. The protection of the Act extends to situations where the employee does not have the relevant characteristic related to the discriminatory ground but the perpetrator believes that he/she has that characteristic.

The nine discriminatory grounds are: gender, civil status, family status, sexual orientation, disability, age, race, religious belief, or membership of the traveller community.

The following are common but not exclusive examples of harassment:

- Treating people less favourably or subjecting them to ridicule on any of the above nine discriminatory grounds;
- Demeaning and derogatory remarks, name calling;
- Isolation, non co-operation or exclusion within the workplace;
- Unwelcome comments about appearance;
- Unwarranted criticism of work performance
- Undermining the authority of a colleague in the workplace
- Production, display or circulation of offensive material.

Sexual Harassment

Sexual harassment is defined as unwanted and unwelcome conduct, which could be reasonably regarded as sexually or otherwise on gender grounds, offensive, humiliating or intimidating. Sexual harassment undermines the dignity of the recipient, and adversely affects work or study performance.

Some of the most common forms of sexual harassment include:

- Sexually suggestive jokes or comments.
- Innuendo or jokes about a person's sexual orientation.
- Questions or insults about one's private life.
- Unwelcome sexual attention.
- Display of offensive material.
- Leering, offensive gestures or whistling.
- Threats of, or actual physical assault.
- Groping, patting or unnecessary touching.
- Suggestions that sexual favours may further someone's career, or that refusal may damage it.

It is up to each employee to decide (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter and (b) from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter. The fact that an individual has previously agreed to the behaviour does not stop him/her from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from behaviour which is welcome and mutual.

Roles

1. Staff
2. Principal
3. Board of Management/Manager
4. Support Contact Person

Role of the Staff

The staff have an important role in the review and update of the policy bringing their professional expertise and knowledge to ensure the clear, consistent implementation of the Dignity in the Workplace Policy. Whilst staff have rights and are fully entitled to be treated with professional respect and dignity, each staff member has a clear responsibility for their individual roles and the implementation of this policy.

Role of the Principal

Under the direction of the Board of Management/Manager the principal leads the review and implementation of the dignity in the Workplace Policy.

Role of the Board of Management/Manager

The Board of Management/Manager has overall responsibility for ensuring the Dignity in the Workplace Policy is prepared and implemented. Best practice dictates that all members have the opportunity to be involved in the work of the Policy.

Role of the Support Contact Person

The role of the Support Contact Person is to provide information and emotional support in a confidential, non-judgmental and off-the-record discussion(s) to any employee who feels that s/he is being subjected to bullying or harassment or against whom a complaint of bullying or harassment has been made. The Contact Person only offers emotional support and advice for issues relating to workplace bullying or harassment. The role does not extend to any other forms of workplace grievances or personal problems. The Contact Person may not act as an advocate or representative on behalf of the person s/he is supporting nor can s/he direct the person as to the best course of action to take. The aim of the Contact Person is to help the employee to clarify what s/he is experiencing and to empower the employee to decide what course of action, if any, s/he may wish to take. A Contact Person may not approach the alleged perpetrator/complainant on behalf of the person s/he is supporting. The Contact Person may offer support to an employee who feels that s/he is being subjected to bullying/harassment or against whom the complaint of bullying/harassment has been made but not both. If a Contact Person is approached by both parties, s/he should support the first person who requests support and refer the second person to another Contact Person. The Contact Person will treat these discussions as completely confidential and will not be requested to disclose information to a third party. However, where the Contact Person believes that there is a potential risk to an

employee, s/he may contact the Principal/BOM/Manager so that appropriate professional assistance can be sought.

Meetings between the Contact Person and the employee seeking support should normally take place during normal working hours when the Contact Person is rostered for duty. The Contact Person should notify the Principal in advance to ensure cover during his/her absence. Meetings should take place in a suitable room where privacy can be assured. Where it is not practicable to meet on the work premises, an alternative suitable venue may be used. Under no circumstances should meetings be held where alcohol is served. The Contact Person will not retain any notes or records of these discussions. Meetings should generally last no longer than 45 minutes to an hour and no more than 3 to 4 meetings with any one individual should ever be needed. More than this number could mean that the Contact Person is being drawn into a counselling relationship. No home or personal mobile phone numbers should be exchanged with the person seeking support.

What to do if a Claim of Harassment including Bullying, Sexual or Non-Gender Based Harassment is Made Against an Individual

If approached informally, either by an individual or Principal on behalf of a colleague, an alleged harasser should listen to what the person has to say and try not to react in a negative way.

They should think about the alleged behaviour in question and remember that differences in attitude or culture or misinterpretation of social signals can mean that what is perceived as harassment to include bullying, sexual or non-gender based harassment by one person may not be seen as such by another.

They should also remember that interpersonal difficulties and conflicts may arise in the workplace for a variety of reasons including the exercise of legitimate rights and responsibilities.

In the above context therefore an alleged harasser should understand that an informal approach is an opportunity to clarify and resolve a situation informally. If there is an acceptance that their conduct has caused offence they should consider how they can modify it, and should apologise where this is appropriate in all of the circumstances.

If confused as to what action might be appropriate an alleged harasser should approach a designated contact person for information and support.

In the event of a formal complaint of sexual harassment or bullying being made against an employee, it is advised that the individual seek the support of a Union representative or a designated contact person or a trusted colleague as a formal investigation may follow

SECTION B

Procedures

The following procedures outline the framework, which staff at St. Augustine's School have agreed to adhere to, which in turn, enables management to maintain an agreed standard of acceptable behaviours, enabling all employees to have issues and concerns addressed, within a consistent and fair, good practice model, which is informed by legislation.

There are three distinct processes available to assist staff who feel that they are being harassed, sexually harassed or bullied in the course of their employment:

1. Resolving the problem informally
2. Resolving the problem informally by mediation
3. Resolving the problem by investigation

1. Resolving the Problem Informally

While in no way diminishing the issue or effect on individuals, an informal approach can often resolve matters quickly and effectively and minimises embarrassment and the risk of breaching confidentiality. Of all the processes available this is the most effective in resolving issues. It is preferable for all concerned that complaints of alleged harassment, sexual harassment or bullying are dealt with internally and to everybody's satisfaction. A commitment to resolving the issue informally is particularly critical in regard to working towards restoring workplace relationships and long term harmony. An informal approach would typically proceed as follows:

- Approach the alleged wrongdoer about the behaviour, point out that it is unacceptable, causing distress and ask them to stop. This approach can succeed as very often individuals may be unaware of the effect of their behaviour on others;
- An individual may be reluctant to approach the alleged wrongdoer. At this point the next step should seek advice from a Designated Contact Person (nominated by the school under this Policy). For guidance on the role of Contact Person see Section 17(Roles). Having discussed the matter with the Contact Person, the individual may feel better able and confident to approach the alleged wrongdoer.
- If the matter remains unresolved or if an informal approach does not happen, the individual should raise the matter with the Principal who will engage with the parties with a view to resolving the issue in a collaborative and informal manner. [if the complaint is against the Principal, then it should proceed directly to the chair of the Board of Management/Manager].

2. Resolving the Problem Informally by Mediation

At any point in the informal process independent mediation may be sought by any of the parties involved, or suggested by the Principal or Chair of the Board/Manager as appropriate, as a means of resolving the issue.

Informal resolution can often be effectively assisted by a mediation process provided by a mediator agreed by all the parties. Mediation provides a confidential opportunity for all concerned to discuss the issue and their concerns and to reach an understanding on their continuing workplace relationship. Mediation is conducted in private and directly between the individuals concerned. The Mediator assists each individual to explain the problem to the other individual as they see it, with a view to reaching a common understanding and agreement on acceptable future behaviour. The objective is to resolve matters with the minimum of conflict and stress for the individuals involved.

It is important to note that mediation requires the voluntary participation and cooperation of all concerned in order to proceed and to work effectively. It is also important to note the importance and value of confidentiality in the process i.e. there is no external reporting to any party.

Cooling Off Period

If the matter cannot be resolved informally, either directly between the parties or by mediation it is recommended that both parties enter into a “cooling off” period of a minimum of 2 weeks. The object of this period is to allow all concerned to review the situation at that point and to reality check all possible options and their implications.

3. Resolving the Problem by Investigation

Should the matter remain unresolved, it may be referred to a process of formal investigation. The decision whether or not to proceed to an investigation requires very careful consideration by all concerned. A critical consideration in this regard is that once an issue becomes the subject of a formal investigation it can be difficult to rebuild a workplace relationship and the outcome is uncertain and outside the control of the parties. The decision to commission or not to commission an investigation is a matter for the Board/Manager.

Investigation Principles

The investigation will be conducted thoroughly, objectively, with sensitivity and with due respect for the rights of all concerned. Confidentiality will be maintained to the greatest extent consistent with the requirements of a full, fair and comprehensive investigation. Both parties will be required to co-operate fully with the investigation.

The purpose of an investigation is to determine the facts and the credibility, or

otherwise, of a complaint and to ascertain whether or not, on the balance of probabilities, the behaviour complained of occurred. Evidence and witness statements are relied on for this purpose. While the circumstances may be difficult, both the complainant and the alleged perpetrator may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation.

It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

After the investigation is complete either party will have the right to appeal in accordance with agreed procedures and stages, up to and including the normal industrial relations channels of the state.

Investigation Steps

- A signed written report should be made by the complainant to the Principal (or to the Chair of the Board of Management/Manager if the complaint concerns the Principal) This will then be copied to the other party.
- The decision whether or not to commission an investigation is a matter for the Board/Manager.
- An investigator/s is appointed by the Board/Manager.
- Terms of reference and a timeframe for the investigation process will be agreed in consultation with all concerned.
- Since the purpose of the investigation is to determine the facts and the credibility, or otherwise, of the complaint, an investigation will include interviews with both parties and witnesses (if any). Interviews/meetings will be recorded in writing.
- Both parties will be given copies of all relevant documentation prior to and during the investigation process i.e
 - The written complaint
 - The written response from the alleged perpetrator
 - Witness statements which should be signed by the relevant witnesses
 - Minutes of meetings
- All parties have the right to be accompanied at the interview by a colleague or union representative.
- Both parties will have the opportunity to comment, if appropriate, on any statements made by witnesses.
- A written report will be furnished to the Board/Manager for consideration and copied to the parties concerned.
- If either party is unhappy with the outcome of the investigation, the issue may be processed through the normal industrial relations channels.

Post Investigation Steps

- If the complaint is upheld, consideration will be given to appropriate action by senior management in conjunction with the Board/Manager. Such action could, for example, involve counselling and/or monitoring or progressing the issue through the disciplinary procedure (as outlined in Section 24 (30) of the Education Act)
- Coaching, counselling or monitoring will be provided, as appropriate, to all parties.
- Where a complaint is not upheld, no action will be taken against the complainant provided that the complaint was made in good faith.
- Complaints made with malicious intent will be regarded as a disciplinary matter.
- Victimisation or retaliation against a complainant, witness or any other party will be regarded as a disciplinary matter
- The school will make every effort, by agreement with the individuals concerned, to promote trust/workplace relationship rebuilding.
- Confidentiality/Protection

Confidentiality by all concerned is a key principle underpinning the operation of the procedures referred to above.

The School will take all reasonable steps to protect individuals who make a complaint or are the subject of a complaint, from any form of victimisation or discrimination.

Review

This policy will be reviewed on a regular basis in line with changes in the law, case law or other developments.

“ We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while respecting individual’s rights to privacy under the Data Protection legislation.”

Nothing in this policy over-rules a person’s legal and statutory rights