

Scoil Mhuire Maigh Cuilinn Moycullen Central School



**Polsaí maidir le
Gearain agus Casaidí**

**Complaints and Grievances
Policy and Procedures**

INTRODUCTION

This document sets out the policy of Scoil Mhuire in relation to workplace relationships. It aims to inform all interested parties of the mechanisms and procedures for dealing with and resolving difficulties which may arise from workplace relationships, including complaints by and about staff.

This policy aims to inform the Staff and Parents/Guardians of Scoil Mhuire of the options open to them and of the steps and timeframes involved in registering complaints and pursuing grievances. This policy document consists of 4 sections:

1. Workplace Relationships in Scoil Mhuire
2. Complaints of Parents/Guardians against Teachers and other Staff of Scoil Mhuire
3. Appeals of Parents/Guardians against Decisions of the Board of Management
4. Complaints/Grievance Procedure for Teachers

SECTION 1

WORKPLACE RELATIONSHIPS IN SCOIL MHUIRE

The Board of Management of Scoil Mhuire is responsible for safeguarding the health, safety and welfare of persons working in the school. This responsibility extends not only to pupils and teachers but also all other persons working in the school, both during school hours and outside school hours, and employed directly or indirectly by the Board.

The Board recognises that all relationships in the workplace have the potential to create stress for those working there and that such stress may amount to an illness requiring medical treatment. In particular, the Board recognises that bullying and sexual harassment can cause stress, as can the calling into question of a worker's personal and/or professional reputation or skills by the making of a complaint about their conduct. The Board of Management has a responsibility to safeguard workers, in so far as possible, against stress and stress related illnesses.

The Board of Management of Scoil Mhuire will not tolerate bullying or harassment of any type by any person(s) of any other person(s) in the workplace.

A key asset to working in any school is where positive staff relations are promoted. 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, the chances of instances of adult bullying or harassment or staff conflict occurring are kept to a minimum.

PUPIL/STAFF

The Board recognises that a pupil has a right to complain of the manner in which he / she is being treated by a staff member in the school. Such complaints should be made via the pupil's parents/guardians. However if the pupil is capable of articulating a complaint then the fact that his/her parents have not become involved does not justify disregarding it. In such circumstances arrangements should be made for the pupil to discuss the matter with the principal, whether the pupil seeks such an opportunity or not. Another adult (staff member, board member, the child's parent) may be invited to be present at this discussion.

The staff member about whom the complaint is being made should not be present during such a discussion. However he/she should be informed as soon as possible thereafter of the nature of the complaint. The staff member will be invited to respond to the allegation. He/she will be informed of the steps which the principal proposes to take, whether by way of further investigation or otherwise. In the event of a pupil making a complaint about the principal the deputy principal and/or the chairperson of the Board will discuss the matter with the pupil and investigate further if necessary.

A record should be maintained of the complaint made and of the staff member's response to the complaint. He/she should be entitled to inspect this record and should be entitled to furnish an explanation thereof in writing, which should be added to the record. The pupil's parents or guardians should be kept fully informed of the complaint and the steps taken.

STAFF/PUPIL

Where a teacher has a complaint about a pupil which he/she has been unable to deal with as a matter of routine classroom discipline, the complaint should be referred to the principal. This also applies to complaints by non-teaching staff about pupils.

The teacher/staff member is entitled to be kept informed by the principal of the steps, which are taken in relation to any such complaint. The principal should advise the member of staff of any contact which he/she has with the parents or guardians in question in relation to the said complaint.

PARENT/TEACHER

(Refer to Section 2 of this Policy)

Parents are always expected to address complaints they may have to the teacher in question. Where an issue remains unresolved and a parent has a complaint to make about a teacher the complaint should be made in the first instance to the principal unless of course the teacher in question is the principal.

Where any complaint is made about a teacher directly to the Board, or any member thereof including the chairperson, without first being raised with the principal, the parents should be advised as to the appropriate procedure and the Board should take no steps in relation thereto.

Where, by reason of the seriousness of the complaint or for any other reason, the principal feels unable to deal with same, he may refer the matter to the Chairperson of the Board of Management who shall convene a meeting of the Board to deal with the matter.

Where the parent is dissatisfied with the manner in which his/her complaint is being or has been dealt with by the principal, the parents should be advised to write to the Chairperson of the Board outlining the reasons for his/her dissatisfaction whereupon the chairperson will convene a meeting of the Board consider the matter.

STAFF/STAFF

(Refer to CPSMA Handbook)

Where a member of staff has made a complaint about another staff member (other than the principal) the complaint should be made to the principal. The other member of staff concerned is entitled to be informed as soon as practical of the nature of the complaint being made and to be offered an opportunity to be heard in relation thereto. The principal should

not require the complaint to be made in the presence of the member of staff about whom the complaint is being made, nor should he / she require the last mentioned teacher to offer an explanation or defence of his/her behaviour in the presence of the complaining member of staff.

If the Principal, by reason, of the seriousness of the complaint or for any other reason feels unable to deal with the matter, he/she should refer to the Chairperson of the Board of Management who will convene a meeting of the Board to consider the matter.

If the Principal proceeds to deal with the matter and either of the parties involved is dissatisfied with the manner in which it is dealt with by the principal, then either party should be entitled to raise the matter with the chairperson of the Board who will convene a meeting of the Board to deal with the matter.

STAFF/BOARD OF MANAGEMENT MEMBER

(Refer to CPSMA Handbook)

In any situation where the Board is investigating a complaint by or concerning a staff member and requires either party to attend a Board meeting at which the said complaint will be discussed; such party shall be entitled to be accompanied by a legal advisor or a representative from his / her union. If the peers against whom the complaint is made is a member of the Board of Management that person shall withdraw from all meetings while the matter is discussed.

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 due regard to the problem.

SECTION 2 COMPLAINTS OF PARENTS/GUARDIANS AGAINST TEACHERS AND OTHER STAFF

Introduction

It is the policy of Scoil Mhuire is to ensure that complaints about teachers and other staff are investigated sensitively and appropriately and are dealt with promptly and fairly. Scoil Mhuire takes pride in the positive relationship that exists between its teachers and other staff and parent/guardian community and seeks to promote effective and positive communication between home and school.

Our experience has been that the vast majority of concerns arise from misunderstandings and are easily resolved on an informal basis. On occasions, however, a more formal approach is required. The aim of this policy is to make parents/guardians aware of the steps that must be followed on such occasions, of the options that are open to them and of the timeframes involved.

The Irish National Teachers' Organisation and the Catholic Primary School Managers' Association reached agreement in 1993 on a procedure for dealing with complaints by parents against teachers. The purpose of the procedure is to facilitate the resolution of difficulties where they may arise in an agreed and fair manner. The agreement lays out in 5 stages the process to be followed in progressing a complaint and the specific timescale to be followed at each stage.

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

- On matters of professional competence and which are to be referred to the Department of Education
- Frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school
- Complaints in which either party has recourse to law or to another existing procedure

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

COMPLAINTS PROCEDURE

The procedure consists of 5 stages, as set out below.

STAGE 1 INFORMAL

1.1 A parent/guardian who wishes to make a complaint should approach the class teacher with a view to resolving the complaint. This must be done by prior appointment with the teacher in question.

1.2 Where the parent/guardian is unable to resolve the complaint with the class teacher she/he should approach the Principal with a view to resolving it. This must be done by prior appointment with the Principal.

1.3 If the complaint is still unresolved the parent/guardian should raise the matter with the Chairperson of the Board of Management with a view to resolving it.

STAGE 2 INFORMAL

2.1 If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further she/he should lodge the complaint in writing with the Chairperson of the Board of Management.

2.2 The Chairperson should bring the precise nature of the written complaint to the notice of the teacher and seek to resolve the matter between the parties within 5 days of receipt of the written complaint.

STAGE 3 FORMAL

3.1 If the complaint is not resolved informally, the Chairperson should, subject to the general authorisation of the Board and except in those cases where the Chairperson deems the particular authorisation of the Board to be required:

- (a) Supply the teacher with a copy of the written complaint; *and*
- (b) Arrange a meeting with the teacher and, where applicable, the Principal Teacher with a view to resolving the complaint. Such a meeting should take place within 10 days of receipt of the written complaint.

STAGE 4 FORMAL

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

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

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

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

STAGE 5 FORMAL

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

5.2 The decision of the Board shall be final.

In this agreement 'days' means schools days.

Where a complaint is considered to be serious in nature, or where the teacher is required to submit a written response to his/her Board of Management, the teacher should contact his/her INTO District Representative or INTO Head Office for advice and assistance. In advising a teacher, the INTO will be anxious to ensure that there is due process and fair procedures applied, which generally include:

- That the teacher is fully appraised of all matters being considered by the Board of Management, including being provided with copies of all relevant documentation;
- The right to respond and adequate time to prepare a response;
- Entitlement to be represented by the INTO, if necessary.

Where a teacher contacts the INTO in relation to a complaint(s) made against him/her, the officials involved will generally meet with the teacher and require him/her to provide detailed written information and documentation on the matter. The officials will assess the case and decide if additional specific legal advice or a legal consultation is required. Specific legal advice is obtained for members in accordance with the Rules of the INTO and the conditions prescribed by the CEC.

SECTION 3 APPEALS OF PARENTS/GUARDIANS AGAINST DECISIONS OF THE BOARD OF MANAGEMENT

Introduction

This section of the policy aims to inform parents/guardians of how they can go about appealing a decision of the school in relation to their child's education.

The 1998 Education Act provides the legal framework for the delivery of education to children through recognised schools. All recognised schools are legally owned by the school patrons or trustees (Scoil Mhuire comes under the patronage of the Bishop of Galway, Kilfenora and Kilmacduagh) and are managed by the schools' respective Boards of Management. The Board of Management is also the employer of teachers, principals and all other staff in a school.

Under the 1998 Education Act, the Minister for Education and Skills provides funding and policy direction for schools. Neither the Minister nor the Department have legal powers to either:

- Instruct schools to follow a particular course of direction with regards to individual complaint cases, or
- To investigate individual complaints.

While the Department does not pass judgment on individual complaints it can clarify for parents and pupils how their grievances and complaints against schools can be progressed. If you require any further clarification please visit www.education.ie and click on the 'Parents' tab. If you require further information you can contact Parents' and Learners' Section, Schools' Division, Department of Education and Skills, Cornamaddy, Athlone, at (090) 648 4264, (090) 648 4267 or (090) 648 4268.

APPEALING TO THE OMBUDSMAN FOR CHILDREN

The Office of the Ombudsman for Children may independently investigate complaints about schools recognised with the Department of Education and Skills, **provided the parent has firstly and fully followed the school's complaints procedures**. The key criterion for any intervention by the Ombudsman for Children is that a child has or may have been negatively affected by the action of a school.

The Ombudsman for Children's Office is situated at Millennium House, 52-56 Great Strand Street, Dublin 1 and can be contacted by telephoning 1800 20 20 40 or (01) 865 6800 or by emailing oco@oco.ie.

COMPLAINTS RELATING TO CHILD PROTECTION OR REPORTS OF CHILD PROTECTION CONCERNS

The Department of Education and Skills (including staff of the Inspectorate and National Educational Psychological Service) does not investigate child protection concerns. Statutory responsibility for child protection rests with the Health Service Executive. Accordingly, the most expedient way of reporting a child protection concern is to contact the Child Care Manager or Duty Social Worker of your local Health Service Executive Office.

Any child protection concern received by staff in the Department of Education and Skills is dealt with in accordance with the Department's *Procedures for responding to allegations of child abuse brought to the attention of staff employed by the Department of Education and Skills*.

Under these procedures the Department does not pass judgment on the allegations brought to its attention and ensures that the details of the allegation available to the Department are immediately passed on to the relevant investigatory authorities, including the relevant school authorities, the Health Service Executive and/or An Garda Síochána. The Department cannot guarantee confidentiality to complainants reporting child protection concerns as the information it receives must be passed on to the relevant authorities for investigation, including any details of the person making the allegation.

Parents who are dissatisfied with how a school investigated a child protection concern should report this to the Health Service Executive and/or the Ombudsman for Children.

If you wish to report a child protection concern to the Department of Education and Skills rather than contacting the HSE directly, you should contact: Parents' and Learners' Section, Schools' Division, Department of Education and Skills, Cornamaddy, Athlone, tel. (090) 648 4099 or email childprotection@education.gov.ie.

SUSPENSION, PERMANENT EXCLUSION OR REFUSAL TO ENROL

Parents can appeal a decision by a school's Board of Management to permanently exclude their child from its school, to suspend their child from attendance at its school for a total of 20 days in any school year, or to refuse to enrol their child. Under Section 29 of the 1998 Education Act parents may appeal these decisions by school authorities to the Secretary-General of the Department of Education and Skills. The appeal may be heard by a committee appointed by the Minister for Education and Skills for that purpose. Further information about Section 29 appeals, including the process and application forms can be obtained from the Department's website www.education.ie.

If you wish to make an appeal under Section 29 please contact Section 29 Appeals Administration Unit, Schools' Division, Department of Education and Skills, Friars Mill Road, Mullingar, Co. Westmeath by telephone at (044) 933 7008 or by email section29@education.gov.ie.

DISCRIMINATION

Under the Equal Status Acts 2000 to 2008 discrimination is unlawful on nine grounds: gender, marital status, family status, sexual orientation, religion, age, disability, membership of the Traveller community and race (including colour, nationality, ethnic or national origin).

If you feel that your child has been discriminated against in their education and you have previously raised this matter with your school and remain unhappy with their response, you may refer the matter to The Equality Authority, Birchgrove House, Roscrea, Co. Tipperary; email info@equality.ie or freephone 1890 245 545.

Further information about the complaints procedure and complaint forms can be obtained at www.equality.ie.

SECTION 4

COMPLAINTS/GRIEVANCE PROCEDURE FOR TEACHERS

Introduction

It is the policy of Scoil Mhuire is to ensure that complaints of teachers about their colleagues (teachers and other staff), the Board of Management, the Chairperson of the Board of Management or the Principal are investigated sensitively and appropriately and are dealt with promptly and fairly.

Scoil Mhuire endeavours at all times to promote positive and harmonious relations between the Staff, Principal and Board of Management of the school and seeks to resolve any complaints or grievances that should arise in an informal manner.

It is not always possible to resolve complaints or grievances in an informal matter, and therefore, the following procedure for handling grievances in Scoil Mhuire has been developed with reference to the formal grievance procedures 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 that a teacher in a national school, including a principal teacher, has against:

- The Board of Management in respect of the exercise of any of its responsibilities for the governance of the school; or
- The Chairperson of the Board of Management in an individual capacity; or
- The Principal 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

The aggrieved teacher shall give notice in writing to the Principal that the grievance procedure is being invoked.

The teacher shall discuss the grievance with the Principal with a view to resolving it.

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

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.

The teacher shall discuss the grievance with the chairperson of the board with a view to resolving it.

The Chairperson shall immediately take such steps as she/he considers appropriate to have the grievance resolved informally.

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

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.

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.

The normal rules of due process shall apply to the exchange of documentation, and accordingly, the Chairperson shall copy the submission to the person against whom the grievance is being taken.

Where the grievance involves the Principal, 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.

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.

In circumstances, where the grievance is against the Principal, he 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 or the Chairperson, as the case may be, shall withdraw from the Board's deliberations and decision making on the matter.

Where appropriate, the parties shall be entitled to bring witnesses. The same principles of due process apply to hearing witnesses.

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 for below.

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.

The Chairperson shall convey the outcome in writing to the parties within 5 school days of the hearing specified at Stage 3.

The teacher shall have the right to invoke Stage 4 of the procedure:

- If the board fails to give a hearing to the aggrieved teacher;
- If the chairperson fails to convey the outcome of the hearing within the specified period; or
- If the teacher is unwilling to accept the outcome of stage 3

Stage 4: An Independent Tribunal

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, 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.

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:

- To select an agreed independent person to act as chairperson of a tribunal;
- Each to appoint a person who is not associated with the school to serve on the tribunal;
- To arrange a meeting of the tribunal within 15 school days of the date of appeal.

The Chairperson of the Board of Management shall also furnish each member of the tribunal, prior to its first meeting with a report on the proceedings at each of the previous stages 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.

The tribunal shall arrange a hearing(s) 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(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.

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.

The tribunal shall be empowered to conciliate with a view to reaching a friendly settlement.

Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.

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

Until such time as the dispute is resolved or determined the aggrieved teacher shall continue to carry out the legitimate instructions of the Principal or the Board of Management as the case may be.

The grievance procedure shall also apply where two or more teachers share a grievance. Where a Principal, or a Principal and one or more other teachers, share a grievance, Stages 2, 3 and 4 of the procedure shall apply.

Where the grievance is against an individual Chairperson or the Board of Management itself, Stages 2, 3 and 4 of the procedure shall apply.

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.

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. Attention is also drawn to paragraph 15 of the Constitution of Boards and Rules of Procedure, particularly with regard to disclosure of interest.

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.

A school day is a day on which the school is in operation. Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.

SECTION 4 BULLYING/HARASSMENT PROCEDURE FOR TEACHERS

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.

The Board of Management of Scoil Mhuire will not tolerate bullying, sexual harassment or other discriminatory harassment of any kind against any person; such behaviour is not acceptable within our 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 will be treated as misconduct and the disciplinary procedure invoked.

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, emphasis will be placed on assuring the party who considers that s/he 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.

Stage 1: Decision to address the matter

1. The party, **Party A**, who considers that s/he 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 s/he considers that bullying/harassment by another party, **Party B**, has occurred. The record should contain details such as dates, times, persons present, details of what was said or what occurred.

Stage 2: Informally address the problem

1. **Party A** should request a meeting with the other party **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:
 - A commitment to cease the particular behaviour
 - A commitment to modify the behaviour
 - Plan to eliminate situations where the parties would be in conflict
 - Monitoring the situation

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 B** 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) will:

- Obtain background details including details of what occurred at the previous stage;
- Consider the pattern of behaviour and the timescale;
- Hear the parties and seek to resolve the matter

- Act in a fair and impartial manner and deal with the matter sensitively having regard to the nature of the problem and the principles of due process
- Exercise judgement and make decisions which s/he considers necessary to resolve matters.

5. The outcome of the discussions should be noted by the parties.

The matter will be dealt with confidentially. Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the Principal Teacher (or Chairperson of the Board of Management as the case may be) will refer the matter to the Board of Management in accordance with stage 4 below.

Stage 4: Board of Management

- It is open to any of the parties or the principal 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 will be in writing and dated and should include a copy of the written complaint.
- The Board of Management will 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.
- 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:

Scoil Mhuire Maigh Cuilinn Polasaí Maidir le Gearáin agus Casaidí

- 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 s/he 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 will monitor the situation and will put systems in place to ensure that it is kept informed that resolutions are being implemented. The Board of Management will keep matters under review.

This policy was ratified by the Board of Management of Scoil Mhuire on _____.
It shall be reviewed, as necessary, in the light of experience.

Sínithe/Signed

Pat Kelly/Joe Howley

*Cathaoirleach/Cathaoirleach Táinisteach
an Bhoird Bainistíochta*
Chairperson/Depurt Chairperson, Board of
Management

Terry Kavanagh

Príomhoide
Principal

Dáta
Date: _____