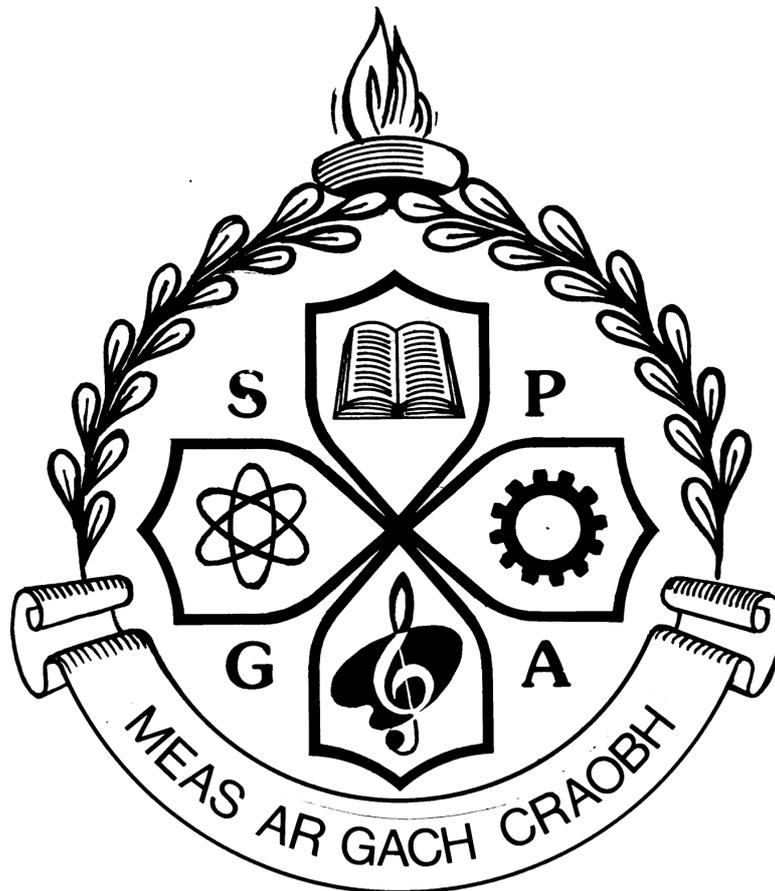


Bullying And Harrassment POLICY



Appendix 13 – Bullying Policy/Statement

Mayfield Community School

Policy on the Prevention of Bullying and Harassment

To All Staff

The Association of Community and Comprehensive Schools (ACCS), the Association of Secondary Teachers of Ireland (ASTI), IMPACT-The Public Sector Union (IMPACT) and the Teachers' Union of Ireland (TUI) have agreed this code of practice whereby inappropriate or unacceptable behaviour in schools and places of work is dealt with efficiently, effectively and fairly through agreed procedures for the making of and dealing with complaints of bullying or harassment. **The Board of Management of Mayfield Community School has formally adopted this policy.**

ACCS, ASTI, IMPACT and TUI are fully committed to creating an environment within every Community and Comprehensive School that is free of bullying and harassment and which promotes personal integrity and dignity. ACCS, ASTI, IMPACT and TUI have jointly agreed this document to help promote such an environment in all Community and Comprehensive Schools.

The Boards of Management of Mayfield Community School recognise that bullying and harassment can seriously damage working and social conditions for staff and students. This document clearly outlines behaviour that would be considered inappropriate or unacceptable and provides procedures for the making of and dealing with complaints.

While all staff and students of Mayfield Community School are responsible for creating a work and study environment free of threat, harassment and intimidation, particular responsibility lies with the Board of Management and the School Principal to ensure that proper standards are maintained.

This policy is not intended to stifle normal healthy relationships amongst staff but rather is intended to promote a healthy working and learning environment. This Code of Practice has been negotiated between ACCS, ASTI, IMPACT and TUI and adopted by the Board of Management of Mayfield Community School.

Introduction

ACCS, ASTI, IMPACT and TUI and the Board of Mayfield Community School are committed to ensuring a workplace environment which is characterised by mutual respect, tolerance and affirmation.

Harassment and bullying is behaviour that is destructive to a positive working atmosphere and will not be tolerated. Staff in Mayfield Community School have the right to work in an environment free from any form of harassment, bullying or intimidatory behaviour. If someone experiences offensive behaviour and makes a complaint through the complaint

procedure that follows, he/she will be protected from any victimisation resulting from the complaint.

Breach of this policy on bullying and harassment may be grounds for disciplinary action ranging from a verbal warning up to and including dismissal for serious offences.

Bullying and harassment are not 'new', nor is the behaviour that they describe. What is perhaps 'new' is the use of the words in the context of work and the recent recognition of the adverse effects of such behaviour on the victim and the organisation in which he/she works. Employees working in a climate of fear and resentment cannot give of their best. The adverse effects of bullying often manifest in increased absenteeism, low morale, poor performance levels and staff turnover. The learning institution may suffer a loss of effectiveness and creative input. It is also possible that the image and wider reputation of the centre, school or college will suffer if the situation results in legal proceedings.

Harassment undermines the confidence and dignity of the individuals affected by it. It tarnishes the work atmosphere when bullying is tolerated or is accepted as the norm. Harassment and bullying can occur in any kind of workplace and this policy aims to inform staff in Mayfield Community School as to their rights and responsibilities.

Prevention

The best way to eliminate bullying in the workplace is to foster an environment which discourages such behaviour. All employees have an important role in creating a environment where bullying is unacceptable. An individual's responsibility extends to a awareness of the impact of personal behaviour that could cause offence to other staff members and make them feel uncomfortable or threatened. In addition to ensuring that their own behaviour is not in any way offensive, employees should make clear to others that bullying is unacceptable and should support colleagues suffering such treatment.

All management personnel have a particular responsibility to ensure that the workplace is kept free from all forms of harassment and bullying so that staff may go about their work free from the threat of harassment or intimidation. As in all matters of discipline, safety and welfare, it is primarily the responsibility of management personnel to establish and sustain proper standards in the workplace. Mayfield Community school management will respond promptly to complaints of harassment or bullying and will deal with all complaints in an expeditious and sensitive manner.

Definition of Bullying and Harassment

Bullying can be defined as a destructive and malicious attempt to target a particular individual or individuals.

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Bullying and harassment is behaviour that is unprovoked, unwelcome, persistent and is intimidatory or offensive to the recipient. It can take the form of a verbal, physical or psychological attack and can be openly aggressive or subtle. Generally, bullying and harassment is taken to mean repeated and persistent behaviour. The impact of bullying and harassment can be devastating; it can affect a person's work performance, health and personal life outside of work.

Bullying is frequently perceived to be a problem between someone in management and staff. However, bullying can occur between any members of staff. A 'bully' may pick on

one person or may turn his/her attention onto a group; a 'bully' may bully a colleague or someone senior to him/her. Groups can bully individuals or other groups. In addition, the bullying of one student by another, while not specifically dealt with in this document, is a serious offence and should be dealt with under the code of discipline within schools/centres. While the following examples of bullying and harassment are not exhaustive, it is important to be mindful of the fact that if a person behaves inappropriately to another and the victim can make a case that injury has been caused, then in such incidences there is a case for harassment.

Bullying can include:

- Using open aggression, threats, shouting, abuse or obscenities towards a colleague;
- Horseplay, offensive gestures and unwanted physical contact;
- Derogatory or offensive nicknames;
- Subjecting a colleague to constant humiliation, sneering, ridicule or using a person as a constant butt of jokes;
- Maligning or spreading malicious gossip about a colleague;
- Subjecting a colleague to unreasonable scrutiny with persistent unwarranted criticism about minor matters;
- Undermining a person's authority, work or achievements;
- Removing – for no justifiable reason – areas of work responsibility from an individual;
- Setting impossible and unreasonable objectives for an employee, or constantly changing the work requirements without telling him/her and criticising or reprimanding him/her for not meeting these *impossible* objectives or requirements;
- Deliberately withholding information which an employee needs to do his/her job effectively;
- Shunning or marginalising a colleague, excluding him/her from discussions, decisions, etc. or refusing to deal directly with him/her in the workplace;
- Deliberately blocking another staff member's development.

Procedures for Dealing with Complaints of Bullying and Harassment in the Workplace

Purposes of Complaints Procedure

- To provide a fair, consistent and expeditious mechanism to process complaints of bullying and harassment against staff.
- To do so in a manner that affords all concerned full rights in accordance with natural justice.
- To outline the principles for both the employer, the staff member and their representatives in the event of complaints of bullying and harassment being made against staff.

Specifically this procedure may be utilised:

- To investigate complaints of bullying/harassment made by staff against other members of staff.
- To investigate complaints of bullying/harassment made by staff against holders of management responsibility.

- To investigate complaints of bullying/harassment made by holders of management responsibility against staff.

Issues to which these procedures do not apply

- Complaints of bullying/harassment made by staff against students. Such complaints will be treated in accordance with the appropriate student code of discipline/behaviour and/or other agreed codes of practice.
- Matters of the professional competence of teachers which cannot be dealt with at a school/centre level or which are referred to the Department of Education & Science for investigation under the terms of circular letter 43/85 or other existing arrangements.
- Anonymous complaints.
- Frivolous and vexatious complaints which do not impinge on the work of the staff member.
- Complaints which are the subject of legal proceedings.

Complaints of bullying/harassment made by a student(s) against a staff member do not fall within the remit of these procedures. Such complaints will be dealt with under appropriate guidelines or other agreed codes of practice.

Note: Claims of harassment under the nine grounds set out in the Employment Equality Act, 1998, may be taken under the provisions of that Act. Section 32 of the Act defines these grounds as follows:

• Sex	• Age	• Disability
• Marital Status	• Family Status	• Race
• Sexual Orientation	• Religion	• Membership of the Travelling Community.

Informal Procedures

Stage I

1.1 A staff member who has been shown to be guilty of bullying/harassment and engaged in such behaviour will be given a written warning (hereafter referred to as a 'warning') which will be a subject of the staff member's personnel file.

1.2 If the staff member continues to engage in such behaviour, the Principal may refer the matter to the Department of Education & Science for investigation under the terms of circular letter 43/85 or other existing arrangements. The Principal may also refer the matter to the Department of Education & Science for investigation under the terms of circular letter 43/85 or other existing arrangements.

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Formal Procedures

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Stage III

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Proposed disciplinary sanctions may include:

- (i)** An oral warning
- (ii)** A written warning
- (iii)** A final written warning
- (iv)** Withholding/refusal of an increment(s)
- (v)** Demotion
- (vi)** Suspension
- (vii)** Dismissal

Generally, the steps in the procedure would be progressive (e.g. oral warning, written warning, a final written warning etc.). However, there may be instances where more serious action is warranted at an earlier stage. A member of staff may be suspended on full pay pending the outcome of an investigation into an alleged breach of discipline. Written warnings as in (f) (ii) will be placed on a staff member's record/file and may be removed after an agreed specified period of time with the employee advised accordingly. All other warnings/sanctions by the Board of Management per (f) (iii), (iv), (v), (vi) and (vii) will be

placed permanently on the staff member's record/file. Disciplinary action will be taken in accordance with relevant legislation, collective agreements, contracts and terms and conditions of employment.

Stage IV

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Protection and Support

Staff shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against a member of staff for complaining about bullying/harassment is considered a disciplinary offence. A malicious complaint made by a staff member will be treated as misconduct under the disciplinary procedures herein.

Assistance in the Event of Harassment

Every effort will be made to assist if they so wish, persons who are victims of bullying/harassment to deal with the problem and where it is requested, the services of counsellor will be made available by the Board of Management. Persons who bully/harass others may be requested to attend counselling to prevent further incidences of harassment occurring. Access to such counselling may be made available by the Board of Management.

At all stages of the Complaints Procedure a clear record should be kept of:

- The investigation undertaken.
- All communications to/by the complainant, the subject of the complaint, the Officer of First Recourse, the Investigating Officer, the Board of Management and the Forum.
- The steps and all the decisions taken.

Where a complaint has been rejected or deemed unfounded, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected/unfounded complaint shall be removed from the personnel file of the subject of the complaint. A statement of the outcome of the investigation will conclude all other files. Where a statement of the outcome of the investigation confirms the allegation to be true

then the statement of outcome shall be placed on the file/record of the person against whom the investigation upheld the complaint.

Review

This complaints procedure shall be reviewed after three years.