

# St Michael's House Special School Foxfield



Foxfield Special School  
Dignity in the Workplace Policy

2023 - 24

## Introduction

St Michael's House Special School Foxfield aims to create and maintain a working environment where all employees are treated with dignity, integrity and respect and where diversity and inclusion is valued. St. Michael's House Special School Foxfield (Foxfield School) provides education for pupils who have an assessed dual diagnosis of a Moderate, Severe or Profound GLD and autism. Many have additional and/or complex needs. As such, the staff:pupil ratio in this school is particularly high. Staff also, from time to time, work in challenging situations, requiring them to rely on colleagues for professional, and sometimes personal, support.

Foxfield School is committed to fostering an atmosphere of respect, understanding, inclusion and encouragement between all who teach, work and learn in the school, so that the development and contribution of every individual can be acknowledged.

Foxfield School recognises that all staff members have the right to a workplace free from bullying and harassment and is fully committed to ensuring that every staff member will enjoy that right. Each and every member of the school community has a duty to uphold the right of every individual in the school to work in an environment that is free from harassment and bullying of any kind. Integral to this is the principle of mutual respect and the commitment by all to provide a workplace free from bullying.

The policy is formulated in light of S.I. No. 674/2020 - Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020

## Purpose

The purpose of this policy is to ensure that:

- The Board of Management of Foxfield School is compliant with current legislation in relation to the Health and Safety Act 2005 and the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020.
- The Board of Management of Foxfield School's Policy and Procedures in relation to work place bullying are outlined.
- A complaint of workplace bullying will be taken seriously and dealt with promptly in accordance with due process.

## Objectives

The objectives of this policy are to:

- Ensure school management is compliant with their duties under section 8 (2) (b) of the 2005 Act as regards 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'.
- State the Board of Management of Foxfield School's commitment towards providing all employees with an environment that is free from any form of workplace bullying.
- Ensure that employees, according to their duties under section 13 (1) (e) of the 2005 Act do 'not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person'.
- Create and maintain a positive working environment in Foxfield School, where the right of each individual to dignity at work is recognised and protected.
- Ensure that all are aware of and committed to the principles set out in this policy and cooperate with the implementation of this policy.
- Eliminate workplace bullying and to contribute to a supportive environment where the Staff have the right to carry out the work of the school.
- Guarantees that all complaints will be taken seriously and dealt with promptly in accordance with S.I.No.674/2020, and that all parties involved will be treated with respect.
- Staff will be protected from victimisation or discrimination for assisting in an investigation. Victimisation as a result of a member of Staff raising a complaint will not be tolerated.

A copy of this policy will be issued to each staff member of Foxfield School. It is each employee's responsibility to ensure that they become familiar with the contents of this document. This policy will also be available in the staff room in order for all stakeholders to view it.

In the event of a complaint in relation to bullying in the workplace in Foxfield School, the procedures contained within this policy, will be followed.

## Definitions

### Bullying

*"Workplace Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. 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"* Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020

Bullying in the workplace is defined as persistent, offensive, abusive, intimidating, malicious or insulting behaviour. It includes abuse of power which makes the recipient feel upset, threatened, stressed, humiliated or vulnerable. It undermines employees' abilities and erodes their sense of self-worth. This normally happens over an extended period of time.

Bullying can come from a manager/Principal, a work colleague or a group of colleagues, or from persons using our services, or supplying goods and services to Foxfield School, and examples may

include

- Using open aggression, threats, shouting, abuse or obscenities towards another individual.
- Intimidation.
- Derogatory or offensive nicknames.
- Subjecting an individual to constant humiliation, sneering or ridicule.
- Spreading malicious gossip about an individual. Deliberately ignoring or excluding an individual or talking only to a third party to isolate another.
- Undermining a person's authority, work or achievements.
- Excessive monitoring of work.

This list is not exhaustive. It is noted that a once-off incident is not normally considered to be bullying behaviour.

Bullying can also occur beyond the place of work to off-site and to work-related social events

### What is not bullying at work?

It is important to distinguish bullying from other inappropriate behaviours or indeed appropriate workplace engagement. As set out in the definition above, a once-off incident of bullying behaviour may be an affront to dignity at work and may be unsettling, but does not of itself make for an adequate level of distress as to fall within the definition of bullying, and other remedies should be sought for these scenarios. As a once-off, such behaviours cannot be presumed to be done in a targeted, purposeful and unremitting way.

Apart from once-off behaviours, other on-going behaviours which may upset or unsettle a person may not come within the bullying definition either. Behaviour considered bullying by one person may be considered routine interaction by another, so the 'reasonableness' of behaviours over time must be considered. Disrespectful behaviour, while not ideal, is not of itself bullying. Conflicts and disagreements do not, of themselves, make for a bullying pattern either. There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level of destructiveness to meet the criteria required for a bullying case.

Objective criticism and corrections that are intended to provide constructive feedback to an employee are not usually considered bullying, but rather are intended to assist the employee with their work.

Bullying does not include:

- expressing differences of opinion strongly,
- offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome,
- ordinary performance management,
- reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing a worker's performance, taking reasonable disciplinary actions, or assigning work), or
- workplace conflict where people disagree with or disregard the others' point of view.

This list is not exhaustive.

### What are the Effects of Bullying?

International research shows that the effects may be physiological, psychological and behavioural. Research shows that individuals who are continually bullied lose self-confidence, self-esteem is eroded, and they are at an increased risk of suffering stress. There may be serious effects on health

and the person's career may be adversely affected. Individuals who are bullied will find it difficult if not impossible to give their best in the workplace. Among the well-documented effects are increased sickness/absenteeism, low morale, a tense atmosphere, and cliques or factions.

### **An individual may be reluctant to take action**

- Because the particular workplace culture passively supports bullying i.e. staff in general are unaware of the seriousness of bullying.
- Because of fear that the complaint may not be taken seriously.
- Because s/he may be seen as unable for the job or/and a weak person.
- If the alleged bully is a person in authority, there may be the fear management will support the alleged perpetrator(s).
- Because making a complaint could result in further intimidation and increased bullying.
- Because there are no witnesses to the bullying, and it would be one person's word against another.
- Because s/he might be seen to be lacking in credibility or/and personal status.
- Where there are witnesses, these might be unwilling to come forward because they are afraid of being branded troublemakers.

### **To ensure that workplace bullying does not occur in this school, staff can**

- Be familiar with the school policy.
- Participate in in-service with respect to dignity at work.
- Engage in consultation with respect to the development and review of the dignity in the workplace policy.
- Be aware and educate self about workplace bullying.

### **To stop people bullying me, I can**

- Tell them it has to stop! This may be more difficult for some individuals than for others. It is inappropriate for work colleagues to act out their behaviour in an unacceptable manner.
- Tell somebody if I find it impossible or difficult to make an approach e.g. the Principal, Deputy Principal, a Contact Person, the Union Rep or another colleague.

### **Consequences of not dealing with workplace bullying**

There are consequences for the individuals who perceive themselves to be targets of bullying behaviour, for the alleged perpetrators(s), for organisational culture/ethos and for the Board of Management.

### **A Positive Work Environment**

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

- A supportive atmosphere.
- Good and open communication (e.g. through opportunities at regular staff meetings).
- Appropriate interpersonal behaviour.

- Collaboration.
- Open discussion and resolution of conflict.
- Recognition, feedback and affirmation as appropriate.
- Fair and inclusive treatment of all staff (including fair systems of selection and promotion in line with agreed procedures).

School management, others in positions of authority and workplace representatives have a particular responsibility to ensure that bullying at work does not occur and that complaints are addressed promptly. In particular school management will:

- provide good example by treating all in the place of work with courtesy and respect;
- promote awareness of the **policy** and complaints procedures;
- be vigilant for signs of bullying at work through observation and through seeking employee feedback and take action before a problem escalates;
- deal sensitively with employees involved in a bullying complaint whether as complainant or alleged bully;
- explain the procedures to be followed if a complaint of bullying at work is made;
- ensure that an employee making a complaint is not victimised for doing so; and
- monitor and follow up the situation after a complaint is made so that the bullying at work does not recur.

#### Each member of staff should:

Create a co-operative relational climate within the workplace by their own behaviour. How they behave, and how that behaviour is responded to, feeds into a broader sense of what is acceptable. Employees both individually and within teams and groups, have a role in promoting positive behaviour to others, relating in clear, civil and respectful ways to everybody in the workplace. Employees have duties under the 2005 Act to conduct themselves properly in relation to others at work. Under *section 13* – employees duties include to:

- comply with the relevant statutory provisions, as appropriate, and take reasonable care to protect his or her safety, health and welfare and the safety, health and welfare of any other person who may be affected by the employee's acts or omissions at work,
- co-operate with his or her employer, or any other person so far as is necessary, to enable his or her employer or the other person to comply with the relevant statutory provisions, as appropriate, and
- not engage in improper conduct or other behaviour that is likely to endanger a person's own safety, health and welfare at work or that of any other person at work or during the course of their employment.

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

This policy aims to ensure that a positive environment prevents bullying and harassment from occurring. Where bullying or harassment does occur, or is alleged to have occurred, there are means of tackling it through the agreed procedure.

## Procedures for Dealing with Allegations of Bullying among Staff

All complaints of bullying will be taken seriously and will be followed through to resolution and that employees who make a complaint will not be victimised .

### Contact Person

The Board of Management will appoint a Contact Person (from St.Michael's House Schools, a Principal/Deputy Principal) who will act as the first step for anyone enquiring about a possible bullying case. The Contact person can help to resolve matters earlier and more effectively. The role of the Contact Person generally will be a supportive one – to listen, and offer guidance on options in line with this policy and procedure, all on a strictly confidential basis. The Contact Person has been carefully selected and trained. The main purpose of the role is supportive listening and information provision. The Contact Person will have no role in the investigation of any complaints and will not be tasked with any further involvement in the details or right and wrongs of a complaint.

### Early intervention matters

Any complaint about, or awareness of, alleged bullying requires quick, calm and consistent attention. As a general principle, early intervention offers the best possible potential for a good outcome, particularly regarding restoring workplace relationships. However, each case will be treated on its own merit. A matter that is protracted, for whatever reason, becomes more difficult to resolve in a positive way. The school procedure therefore offers both an informal and formal procedure for dealing with a workplace bullying complaint.

### The value of mediation

Mediation is an important consideration for resolving issues at an early stage. It is an informal voluntary process where an impartial and competent third party enables individuals to work through conflict or disagreement, with a view to improving their relationship. It is a valuable tool at any stage in the procedure, but particularly beneficial at the earliest possible stage. The earlier a mediation process is used, the greater the potential for resolving the matter satisfactorily.

The parties to a complaint will be required to meet with a Mediator before progressing to an investigation. Foxfield School will appoint a suitably qualified mediator, whether internal or external, to assist the parties.

There are two stages of procedures for dealing with cases of alleged bullying, the Informal and the Formal Stage. Before progressing to a Formal Stage, a complaint will be screened to determine whether a prima facie case exists, i.e. whether the concerns raised, if they have happened, would amount to bullying behaviour as defined in this policy.

Sometimes individuals may be unaware of the negative effects of their behaviour on other adults in the workplace. Such individuals may simply need to be told. Thus, at times, incidents of bullying can be handled effectively in an informal way under Stage One. If an incident occurs that is offensive, it may be sufficient to explain clearly to the offender that the behaviour is unacceptable. If the circumstances are too difficult or embarrassing for an individual, support may be sought from another colleague, a contact person, staff representative, Principal, Deputy Principal.

A complainant may decide, for whatever reason, to bypass the informal procedure and proceed to Stage Two.

The following section outlines the procedures to be followed with respect to a complaint.

### Stage 1- Informal

- Initial Informal Stage – Initial conversation which may be facilitated by the nominated contact person.
- Secondary Informal Stage- Additional person from the management team who is adequately trained will facilitate a meeting and take written notes which will then be signed by participants.
- Closure of Informal Stage.

### Stage 2- Formal

- Board of Management is informed
- Investigation which will include all involved parties
- Appeals
- Conclusion of Formal Process

## Stage One: The Informal Process

### Initial informal process

A prompt and informal problem-solving approach offers the best potential for addressing allegations of bullying effectively. This collaborative and non-adversarial approach is particularly important in situations where people must continue to work together into the future. There are several elements to a good informal process:

- People being confident that they will be listened to, will be taken seriously and that their issues will be assessed fairly, quickly and effectively.
- Managers having the confidence and capacity to engage on such issues and to respond and consult appropriately.
- Confidentiality to be respected by all.
- A focus always on the future workplace relationship and a problem-solving orientation

An informal approach may effectively address the unwanted behaviour without recourse to any other action. Sometimes the person who is alleged to be engaging in the behaviour is genuinely unaware that the behaviour being complained of is disrespectful or unwelcome or undermining and/or causing distress.

### Steps in an informal process are:

- In the first instance, the unacceptable behaviour/acts should be raised by the person who feels bullied with the person involved but only if they feel comfortable in doing so. This should be done quickly and calmly, focusing on the facts regarding acts done and their consequences.
- If it is more suitable, the individual who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing, again focusing on the offending acts and their

effects on them.

- Where a member of staff perceives that the concerns relate to an immediate manager, the member of staff may wish to discuss the matter informally with the Principal or Deputy Principal, or a person at the next level of management.
- The member of staff may wish to avail of the support of a Contact Person, where applicable, for guidance and to get a copy of the Dignity at Work Policy document.
- The focus of the above is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the person concerned to the effects of the behaviour alleged and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the original intention of the behaviour and/or an agreement to modify the behaviour. On the other hand, it may be that the behaviour is valid and reasonable and the reaction of the offended party is at odds with the generally accepted understanding of the behaviour.
- In the context of being aware of an allegation by a member of staff, and whether the matter has been resolved, there may be value in the employer nominating a person to review good practice generally in the workplace around dealing with such matters. For example, an awareness campaign highlighting examples of appropriate behaviour as well as improper behaviour and some explanation of effects to be brought to everyone's attention.
- A brief written record of the matter should be kept, in line with relevant data protection legislation and agreed outcomes and dates noted by the relevant person responsible for managing the complaint. The Principal should not try to informally resolve a complaint personally but should instead refer the matter for resolution/ management to a senior manager, or such other persons as may be agreed. This is to prevent any duplication of roles of the employer, should the issue be later on referred to them for a judgement/appeal.
- In such organisations also, where internal structures are limited, if the complaint made is against a senior person within the school, it may be necessary to use the expertise of an independent professional body to access mediation or conciliation or some other form of resolution. Such bodies may include the Mediation Services of the WRC.

### Secondary informal process

- The Principal may nominate a separate person who has had appropriate training and experience and who is familiar with the procedures involved to deal with the complaint on behalf of the school. This person should not be the Contact Person. They may be someone in authority within the organisation. For each complaint that arises, such a person should be assigned to deal with that particular case. This is a very important role and pivotal in altering bullying cultures and handling complaints effectively at the informal stage. Effective guidance and training should be in place for those who are engaged at this level with the process.
- The complaint may be verbal or written. If verbal, a written note of what is being complained about should be taken by the nominated person and a copy given to the complainant.
- This nominated person (who may be a manager), managing the complaint, should then establish

the facts, the context and then the next course of action in dealing with the matter under the informal procedure.

- If the complaint concerns alleged bullying as defined and includes concrete examples of inappropriate behaviour, the person complained against should be presented with the complaint and their response established.
- Thereafter a method should be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying being a factor.

If the above is unsuccessful or if the complainant or the employer deem it inappropriate for the seriousness of the issues, this more protracted, yet still informal system can be put in place'

If the behaviour complained about does not concern alleged bullying as defined, an alternative approach should be put in place and a rationale recorded. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the person complained about as they have no recourse to repudiating an accusation that doesn't give any specifics.

Steps to stop the bullying behaviour, where it has been partly or fully identified, and monitoring of the situation along specified lines should be implemented with both parties. This may involve a direct or indirect approach and possible resolution through a programme to change behaviour. It may also involve mediation by an agreed mediator who is practised in dealing with alleged bullying at work.

Enough time needs to be allowed for the mediation or on-going monitoring process to be successful and behaviour change to be realistically achieved over the longer term.

It may be necessary to consider if other working arrangements are required or feasible during this short-term phase. A proposal should be made, considered, and an action and time frame established, signed and dated, preferably by both parties

The nominated person who was responsible for managing the complaint should keep a **nominal record** of all stages; the complaint, the first meeting, action agreed and signed records of the final meeting. The purpose of the records, which do not include the detail of discussions, is to provide evidence of the complaint having been met with an organisational response and attempt at resolution. Records will be kept confidentially in accordance with relevant Data Protection Legislation (governing Retention).

Information disclosed in the course of mediation will remain within the mediation process and will not be given by the mediator to anyone or to an investigator if there is a subsequent investigation at formal stage.

Confidentiality is crucial for this stage to be effective and breaches of confidentiality, where exposed, should be met with sanctions highlighted in advance.

### Closure of informal stage

The following steps that will be used to close off informal proceedings, ensuring that both parties have their rights met:

- Obtain closure after a resolution is found through informal procedures. Both parties will be given support or periodical reviews, insofar as is reasonable, which, if necessary, could include counselling or other appropriate interventions or support services.
- Where a complaint has been assessed as vexatious, the matter should will be progressed through

other relevant procedure.

- In many situations, with the co-operation of all parties, the matter can rest here.

## Stage Two: Formal Procedure

Proceeding to a formal process should not be viewed as automatic and it is important that it is recognised that it is the reasonable evidence-based decision of management. Escalating a complaint to a formal process should only be done following a review of all aspects of the circumstances surrounding matters complained about. Being able to evidence a reasonable decision-making process is important and may be required to defend the employer's duty at a later stage, so a record of that will be kept by the Principal, or person acting on behalf of the Board of Management.

This process includes a formal complaint and a formal investigation. The purpose of an investigation is to set up a fact-finding approach and determine the facts and credibility or otherwise of a complaint of alleged bullying. It is a significant step and all parties should be aware of possible consequences. The outcome of an investigation may eventually, separately lead to a disciplinary process being instigated in respect of the person complained about, but the investigation itself will be a fact-finding one with the focus on what, or did not occur.

Where an investigation is to be carried out, the procedures outlined below will be followed. Should the complainant find that the informal procedure outlined does not bring about a resolution of the problem; he/she should approach the Contact person, Principal or other person who can represent his or her case to either the Principal or representative of the Board of Management. The nature of the complaint may be outlined orally or in writing.

### A Formal Complaint

1. The complainant should make a formal complaint in writing that should be signed and dated. Where this is not possible, a written record should be taken of the complaint by the assigned person and signed by the complainant and dated.
2. The complaint should be confined to precise details of alleged incidents of bullying, including their dates, and names of witnesses, where possible.
3. The complainant and the respondent will be advised of the aims and objectives of the formal process, the procedures and approximate ideal timeframe involved, and the possible outcomes. Both parties will be assured of support as required throughout the process. Terms of reference will be set up for the Investigation by the Principal or Board of Management.

### 4. Investigation

- a. The investigation will be governed by terms of reference which will include the following:
- b. The investigation will be conducted in accordance with this policy.
- c. An indicative timescale for its completion – this timeframe should be proposed, and its rationale explained.
- d. The scope of the investigation, sets out the procedure to be adopted for findings of fact related to the complaint and a statement that the investigator will consider, based on the facts before them whether the behaviour(s) complained about, on the balance of probabilities, have occurred.

- e. The confidentiality of the process will be emphasised to all concerned.
5. All parties to the process have a responsibility to participate without undue delay in any investigation initiated in response to an allegation of bullying.
6. The scope of the investigation should indicate that the investigator will decide, based on the facts before them, whether the behaviour complained about may, on the balance of probabilities, have occurred. The investigator should not uphold or dismiss the allegations and/or suggest or impose sanctions.
7. Statements from all parties, including witnesses, will be recorded in writing as the use of written statements tends to make matters clearer from the outset and maintains clarity throughout the investigation. Copies of the record of their statements will be given to those who make statements to the investigator. Copies should also be provided to the complainant and the person complained about and should result in findings of fact only.
8. If possible, all parties should continue to work normally during the investigation.
9. The objective of an investigation is to ascertain whether, on the balance of probabilities, the behaviours complained about occurred, it having already been established that the behaviours come within the description of workplace bullying. Details of the complaint, responses of the person complained of, witness statements and other relevant evidence are relied on for this purpose.
10. The investigation will be conducted by either a designated member(s) of management or, if necessary, (for example in the case of any possible conflict of interest) an independent third party. In either case, the person nominated will have appropriate training and experience and be familiar with the procedures involved. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the person complained of.
11. The investigator will meet with the complainant, the person complained about, and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts.
12. A work colleague or trade union representative (provided the person has representation in line with the principles of natural justice and fair procedure) may accompany the complainant and the person complained of, if so desired.
13. The investigation will consider all material and evidence before it and a decision will be made on balance of probability, as to whether the complaint is valid. If the investigator concludes that the accused employee has a case to answer, on the balance of probability, then the Principal or Board of Management may invoke the Disciplinary Procedure.
14. Appeals
  - a. An appeals process for both parties will be in place.
  - b. The reason for the appeal should be outlined in writing to the Principal or Board of Management, if such an option is being taken.
  - c. The time period for an appeal is 10 working days after issuing of the Investigation report and findings
  - d. The appeal will be heard by another party, of at least the same level of seniority as, but preferably more senior than, the original investigator. This party will have had no involvement

in the investigation. The appeal should focus on the conduct of the investigation in terms of fair process and adherence to procedure.

- e. It should be noted that an appeal is not a re-hearing of the original issues. The outcome of the appeal shall be final insofar as the employer duties under health and safety legislation is required.

### Management of malicious complaints

A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying them. This could also apply to where one person maliciously complains of someone allegedly bullying a third party, without fully exploring the veracity of the claim.

A malicious complaint has the power to disrupt another person's life to a significant extent and the potential damage should not be underestimated. Being accused of bullying can have a serious impact on any person and reduce his or her reputation in the eyes of others, even if later shown to not have been proven. Those making complaints, and those involved in early assessment of the circumstances of a complaint, should always be mindful of the context and situational aspects of the event and accept the different perspectives and points of view different people bring to the same event.

Making a malicious complaint, if proven, can have serious implications for the employment of the person making such a complaint and this includes disciplinary action, where established.

### Conclusion of Formal Process

If internal procedures do not resolve a bullying complaint the matter may be referred to a WRC Adjudicator under *Section 13* of the Industrial Relations Act, 1969.

### Communications of outcomes

Effective communications of any outcome is critical. In this regard, the outcomes from the Investigation will be communicated sensitively and fairly. All parties directly involved in the complaint (the complainant(s) and respondent are entitled to know whether the complaint is upheld in whole or in part, or if it is not upheld and the reason(s) why).

For the avoidance of doubt, specific details of disciplinary action to be taken against any party are confidential and other parties are not entitled as a matter of course to receive this information as part of the outcome.

### Confidentiality

All individuals involved in the procedures referred to above should maintain absolute confidentiality on the subject.

### Record Keeping

At all stages of the process a clear record will be kept of:

- the investigation undertaken.
- all communications to/by the complainant.
- the subject of the complaint.
- the steps and all the decisions taken.

Where a complaint has been rejected or has not been upheld, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected/not upheld 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.

### **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 procedure.

### **Training/Awareness**

It is considered that all personnel who have a role in either the informal or formal procedure e.g. designated members of management, worker representatives, union representatives etc. should be made aware of appropriate policies and procedures which should, if possible, include appropriate training.

### **Summary**

Foxfield School takes seriously any allegations of which may impact on the dignity and integrity of employees including allegations of workplace bullying or harassment.

Supportive and effective procedures, in accordance with nationally agreed practice, are in place in Foxfield School. These procedures to address and investigate allegations will focus on the earliest possible resolution, will proceed as necessary from informal to formal procedural stages and will have a stress on confidentiality.

Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another. This policy seeks to set out principles and practices to support the exercise of that duty in our school.

In summary, Foxfield School is committed to building and maintaining a work environment where respectful, open and equal relationships are the norm. Every person has the right to be treated with consideration and courtesy and to have his or her individuality valued and respected.

### **Roles and Responsibilities**

The school staff, under the direction of the Principal will implement and monitor this policy. The Principal will ensure records are maintained and stored in a confidential secure locked location.

### **Harassment**

Harassment is covered by Employment Equality legislation and is based on a person's standing within one of the nine categories specified in that legislation (gender, civil status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community).