



## St Peter's Bentleigh East Bullying and Harassment Policy

### Introduction

**At St Peter's the dignity of the human person is the foundation of all Catholic social teaching and is intrinsic to our education ministry. Consequently, the principle that the person is made in the image and likeness of God is central to the mission of our school. St. Peter's expects all staff to treat each other with dignity and respect. Bullying and harassment are unacceptable behaviours. Staff have the right to work in a safe workplace that is free from bullying and harassment and the responsibility to report incidents of bullying and harassment.**

MACS is committed to building and nurturing a workplace that is free from bullying and expects that all staff uphold professional standards of conduct, and do not engage in or condone such bullying behaviours and practices.

MACS also expects that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying procedures are compliant with the legislative framework under which MACS operates. MACS is guided by the applicable legislation in determining its prevention and intervention measures.

The school should ensure that a copy of this policy is provided to all new staff during their induction and that copies are readily available to all staff and contractors, such as via the school intranet.

There is a legal requirement for employers to consult with health and safety representatives and employees on health and safety matters that will or are likely to directly affect their health, safety or welfare. Consultation does not have to mean agreement; however, there must be an opportunity for sharing of information, giving employees a reasonable opportunity to express their views and taking into account those views.

You can consult with employees in a number of ways including at team meetings, health and safety committee meetings or one-on-one discussions. It is important to record notes associated with these meetings, including who was present (we recommend signed attendance sheets), when they were held, what the topic for discussion was, etc.

### Scope

This policy applies to all staff employed at MACS schools including principals, teachers and all other school-based employees

### Definitions

#### Complainant

The staff member lodging the complaint.

#### Contact officer

A contact officer is a staff member who is trained in and responsible for being a contact point for staff with concerns about whether they may have been bullied. A contact officer is able to provide staff with information on bullying, clarify any questions or concerns they may have, and provide advice on the options that are available for dealing with bullying.

Where preferred at a school, the role of contact officer, as referred to in this policy, may be performed by the principal or deputy principal, where appropriate and with appropriate training. In such circumstances, the principal or deputy principal concerned should ensure that no conflict arises in exercising the role of contact officer and any other role that they may be required to perform under this policy.

#### Investigating officer

A person appointed by the employer to conduct an investigation into a complaint. They may be external or internal to the organisation and shall not have any prior involvement in the subject matter of the complaint. If internal, the investigating officer shall be a senior member of staff (team leader/deputy principal/position of leadership staff



## Respondent

The person the subject of a complaint.

## Workplace

For the purposes of this policy, the 'workplace' may include any location or circumstance where an employee is undertaking work-related activities. This may include the office, school or usual location of the employee's work, work-related travel or official work-related event outside the office/school, or outside normal working hours, online or via social media.

## Principles

St Peter's expects that all staff treat everyone with dignity, courtesy and respect and comply with this policy.

All staff are entitled to a workplace which is free from bullying, and to raise issues or make an enquiry or complaint in a reasonable and respectful manner without being victimised.

In applying this policy, MACS senior leaders and principals undertake to:

- model appropriate standards of behaviour
- take steps to educate staff on their obligations under this policy
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards
- ensure appropriate action is taken in respect of complaints

When a complaint is made, St Peter's will:

- aim to achieve resolution of complaints of bullying promptly and endeavour to ensure that any offending behaviour stops
- respond to complaints or reports of bullying in a sensitive, fair and timely manner

St Peter's encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

## Policy

Workplace bullying is defined as being repeated unreasonable behaviour directed at a worker or group of workers that creates a risk to health and safety.

Within this definition, 'unreasonable behaviour' means repeated behaviour that would threaten, humiliate, harass, embarrass, victimise or undermine a person.

Bullying can take the form of both direct and indirect bullying. Examples of direct bullying include:

- verbally abusing someone
- putting someone down
- spreading rumours or innuendo
- interfering with a person's property
- sending inappropriate emails or communications.

Examples of indirect bullying include:

- making unjustified criticisms or complaints
- deliberately excluding someone from meetings/workplace activities
- setting timelines that are difficult to achieve
- deliberately changing work arrangements e.g. rosters/leave to inconvenience.

What is not bullying

Many things occur in the workplace that are not considered to be bullying. Reasonable management action carried out in a fair way is not bullying. For example:

- setting reasonable performance goals, standards and deadlines
- allocating work to an employee in a transparent and appropriate way
- fairly rostering and allocating working hours
- transferring an employee for reasonable and explained reasons
- deciding not to select an employee for promotion following a reasonable selection process
- informing an employee about unsatisfactory work performance.

Note: Serious cases of bullying may constitute a criminal offence.



## Procedures for resolving complaints

### Principles

MACS upholds the right for all staff to be afforded the principles of natural justice and representation when a complaint is raised. General procedural fairness in the handling of a complaint strives to ensure:

- staff have the opportunity to raise their concerns
- staff are able to be accompanied by a support person during any investigation process if they wish
- all parties involved have the opportunity to be heard
- where appropriate, the use of an independent, unbiased decision-maker
- a final decision that is based solely on relevant evidence.

A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. For less serious matters, informal resolution processes should be explored prior to a formal resolution procedure. For more serious matters, or where informal approaches have been unsuccessful, a formal procedure may be appropriate.

Before initiating these procedures, complainants are encouraged to try and resolve any issues directly with the person(s) concerned, if they feel comfortable doing so.

A complainant should raise their grievance with the respondent as early as possible.

At any time during the resolution process, a complainant or respondent may consult, in confidentiality, with their support person, family members or legal/medical professionals, and may seek advice from the Human Resources department, principal or senior leaders.

### Informal resolution processes

In attempting to manage a complaint, there are a number of informal options a complainant has available to them. These include:

- speaking directly with the respondent about their behaviour or actions (if the complainant feels comfortable doing so)
- consulting with a contact officer for advice, support and assistance
- reporting the matter to their team leader/manager/principal for assistance, or to the relevant regional general manager (RGM) if the complaint is about the principal
- MACS Southern Office 83017400

Informal resolution processes do not involve an investigation or making findings based on an investigation, but generally involve the parties coming to an understanding or agreement as to how the issues can be resolved.

#### Speaking directly with the respondent

In the first instance, if the complainant feels comfortable about speaking directly with the respondent, this may be the quickest and easiest way of resolving the matter. The complainant should address the issue with the respondent in unambiguous terms and in plain language. If the complainant does not wish to speak to the respondent, another option is to address the issue with the respondent in writing, rather than face to face, if this is deemed appropriate.

#### Consulting with a contact officer

If the complainant does not feel comfortable about approaching the respondent directly (this may be the case particularly where the respondent is in a position of authority), the complainant may prefer to seek the assistance of a contact officer. A contact officer can provide information and support to the complainant and/or respondent regarding bullying issues, including options for resolving the matter. Contact officers do not take any action on behalf of the staff member, such as approaching the respondent or conducting mediation.

#### Reporting the matter to the team leader/manager/principal/RGM/Employee Relations unit

In the event that a complainant does not feel comfortable in pursuing the above options, they can report the matter to their team leader/manager/principal/RGM/Employee Relations unit. The process for reporting the complaint is detailed below.

Depending on whom the complaint is about, the complainant can refer the matter to their team leader/manager/principal for resolution. In instances where the complaint is against the complainant's team leader/manager/principal, the complainant may refer the grievance to their RGM or director.

When making a complaint, the complainant must provide to the relevant person:

- a clear statement outlining the complaint, including the parties involved
- a potential solution which the complainant believes might address the concerns raised. An appropriate solution should focus
- on achieving a productive working environment or relationship rather than apportioning blame.



After receiving the complaint, the team leader/manager/principal/RGM/Employee Relations unit adviser will:

- gather the appropriate information required to appropriately deal with the complaint. This may include providing the
- respondent with the statement of the grievance and the opportunity to respond
- attempt to settle the complaint which may include using the following methods:
- the process outlined by the complainant for settlement (if appropriate)
- facilitated discussion
- counselling
- mediation

Once the matter has concluded, the team leader/manager/principal will write to both the complainant and respondent, informing them of the outcome of the process. The letter will outline any action taken to resolve the complaint, which has been agreed by the parties during the process.

## Formal resolution processes

If a matter raised is sufficiently serious such that a formal investigation is warranted, then MACS reserves the right to take appropriate action in the circumstances, including referring the matter to formal internal or external investigation (see below). This process will also apply where a complainant seeks to raise a formal complaint as opposed to an informal complaint.

## MACS office staff and school staff

In the event that a complainant is dissatisfied with the outcome of an informal process, they may lodge a formal complaint. A team leader/manager/principal will then determine whether the seriousness of the complaint justifies a formal process. In the event that the complaint is not serious enough to justify a formal process, the team leader/manager/principal will meet with the complainant and advise them of this and explain why a formal process will not be initiated.

## Lodging a formal complaint

A formal complaint must be lodged using a 'Grievance Lodgement Form' (Form) which is required to be submitted to the principal for school staff and the General Manager – Human Resources for MACS office staff. In the event that the complaint concerns the principal, the Form can be lodged with the RGM. Wherever possible, this should be supported by relevant documentation such as dates, times, locations, what happened, what was said, witnesses (if any) and steps already taken to attempt to resolve the matter.

## Initial response

Following receipt of a formal complaint, the relevant person listed above will meet with the complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. If the complaint is to be dealt with formally, the complainant will be informed of:

- how the complaint will be investigated (e.g. interviews, viewing documents)
- the expected timeframe for any investigation
- who can be present at investigation interviews
- the support available for parties involved in the process
- the interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person, pending the resolution of the complaint
- whether the complaint raises issues which place MACS under a legal obligation to report the matter to law enforcement agencies.

## Formal investigation

Having received the Form, where appropriate, the relevant person will appoint an investigating officer to conduct an investigation into the complaint. An investigating officer will conduct a procedurally fair and impartial investigation.

Within a reasonable timeframe, the investigating officer will:

- interview both the complainant and the respondent, and any other relevant persons/witnesses
- seek further information as they consider necessary
- prepare an Investigation Report for the relevant person outlining, among other things, the recommended findings of fact in relation to the complaint and recommended findings as to whether the conduct, if substantiated, constitutes bullying as defined in this policy.

If it is determined that the complaint is ill-advised, misguided, frivolous, malicious or vexatious, the relevant person will advise the complainant in writing of this finding. The complainant will be advised of the reasons for the finding and whether further action will be taken against them for making the complaint. Relevant parties may also be advised in writing of relevant information regarding the complaint.



On receipt of the Investigation Report, the relevant person will inform the Executive Director of MACS (where applicable and as per delegations) of the investigation and recommended findings. The executive director/principal will take such action as they deem appropriate, which may include (subject to circumstances):

- recommending the respondent issue an apology
- requiring changes to work practices
- directing the respondent to provide an undertaking that the behaviour will not be repeated
- reversing an action or decision, or substituting a different action or decision
- training and development.

Disciplinary action may also be taken including, where authorised by the employer, termination of employment.

- Assistance may also be offered to a complainant or other persons involved, which may include:
- counselling
- redressing any inequality resulting from the action or decision the subject of the complaint
- mentoring and support.

If the investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence), further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.

The complainant will be notified that the investigation has been completed and the matter has come to a close. A complainant will not be provided with the Investigation Report or be advised of the action, if any, taken against the respondent.

The respondent will be notified in writing of the outcome of the process, the reasons for the decision and the action to be taken, if any.

The decision of the executive director/principal is the final step in the formal resolution process.

#### **External resources**

A complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Information and contact details for the support agencies are outlined in Appendix 1. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

In dealing with complaints, MACS may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

#### **Confidentiality**

Anyone involved in a complaint of bullying or its investigation must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution. In particular, it is important that staff who make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution process. Staff may discuss the matter with their immediate family, or professional or health advisers; however, all reasonable steps must be taken to ensure that they maintain confidentiality of the matter.

#### **Counselling support**

In dealing with allegations of bullying, a staff member and their immediate family members may utilise the services of counselling support at any stage of the process.

MACS is a member of Access Employee Assistance Program (EAP) which can be contacted on 1800 818 728.

#### **Vexatious claims**

MACS will not deal with complaints under this policy that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter
- do not have sufficient detail so as to allow investigation or resolution of the matter
- taken at their highest, do not constitute bullying as defined by this policy.

Where a complainant makes frivolous, vexatious or malicious claims against a respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against the complainant.

#### **Relevant legislation**

##### **Commonwealth**

*Fair Work Act 2009*

##### **Victoria**

**Contact Officers:**

- Principal
- Deputy Principal
- OH&S Officer

Access Employee Assistance Program (EAP) which can be contacted on 1800 818 728.

**Appendix 1: Support agencies**

**Fair Work Commission**

Level 4, 11 Exhibition Street, Melbourne VIC 3000

The Fair Work Commission is a statutory body set up to deal with various workplace matters, and includes a jurisdiction to deal with complaints of bullying.

Phone: 1300 799 675

Website: [www.fwc.gov.au](http://www.fwc.gov.au)

**WorkSafe Victoria**

1 Malop Street, Geelong VIC 3220

WorkSafe Victoria is a statutory body set up to, among other things, enforce Victoria's occupational health and safety laws and assist injured workers back into the workforce.

Phone: 1800 136 089

Website: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

**Evaluation:**

This policy will be reviewed annually and as part of the school review cycle.

Written and reviewed February, 2024.

Ratified by Board –