



**POLICY TITLE:
RIGHT RELATIONSHIPS**

1.0 RATIONALE

- 1.1 Each Catholic School and the Catholic Education Office in the Wilcannia Forbes Diocese is inspired by an intimate relationship with God and is founded on a Christian view of the human person. Animated by a Spirit of communion and community and imbued with a Catholic worldview through the curriculum, each school is sustained by witness to the Gospel of Jesus Christ.
- 1.2 The Catholic Education Office Wilcannia Forbes is committed to providing an environment where all members of the community are expected to enjoy right relationships with others in the community. The CEO provides an effective procedure for complaints based on the principles of natural justice, dignity, courtesy and respect. It rejects all forms of bullying, harassment and discrimination in accordance with state and federal legislation.
- 1.3 A person might be bullied, harassed or discriminated against by a range of people,
including but not limited to: CEO personnel, colleagues, students, contractors, visitors, service providers, priests, parishioners or parent/caregivers.
- 1.4 Bullying, harassment or discrimination may occur in the school or workplace, or at
any school or work related activity, for example: conferences, social events, sporting fixtures, excursions or tours.
- 1.5 Each individual will react differently to bullying, harassment or discrimination, and in

response to particular circumstances. Reactions may include any combination of the following:

- distress, anxiety, panic attacks or sleep disturbance
- impaired concentration or ability to make decisions
- loss of self- esteem and confidence, a sense of isolation or withdrawal from the workplace
- physical illness, including digestive problems, skin conditions, headaches and musculoskeletal disorders
- injury or increased risk of injury, particularly psychological injury
- reduced work performance
- incapacity for work resulting in workers' compensation claims
- loss of employment
- deteriorating relationships and reduction in quality of home life
- depression and risk of suicide.

1.6 The effects of bullying, harassment or discrimination are not confined to the victim.

Other

individuals who see what is happening may:

- know it is wrong, but feel guilty because they do not think they can do anything
- be afraid to support or help the victim in case they get bullied too
- feel angry or unhappy about the workplace or school culture

1.7 Victims of bullying, harassment or discrimination need support, which may include counselling and/or peer support. Perpetrators may require similar support, but in some cases disciplinary action may be necessary. Therefore, the system requires a proactive approach to educating and training employees, effective reporting structures and processes for resolving issues.

1.8 Bullying , harassment or discrimination may be intentional or unintentional.

2.0 GUIDING PRINCIPLES

2.1 Education and training are central to the maintenance of positive and respectful cultures.

This must be ongoing and proactive, and reflect the teachings of the Catholic Church on the dignity of the human being, as well as current legislative requirements.

- 2.2 Preventing and responding to bullying, harassment or discrimination is a shared responsibility of all staff, students, parents caregivers and members of the wider school community.
- 2.3 This policy applies to all bullying, harassing and discriminatory behaviour, including cyber bullying, that may occur in the Wilcannia Forbes Catholic Education Office, schools, off school premises and outside of school hours situations, where there is a clear and close relationship between the CEO or the school, and the conduct of the individual.
- 2.4 All students, staff, parents/carers and the wider school community should have available to them an appropriate and confidential mechanism for prompt reporting, investigation and resolution of any alleged bullying, harassment or discrimination.
- 2.5 All reported incidents of bullying, harassment or discrimination must be treated seriously, confidentially investigated thoroughly, and in a timely manner.
- 2.6 The response to any incident should be commensurate to the incident In some serious circumstances, the involvement of NSW Police may be required by the nature of the incident or required by applicable legislation.
- 2.7 All individuals involved have the right to request a review.
- 2.8 All individuals should have equality of opportunity with decisions based solely on merit.
- 2.9 The legitimate exercise of rights and responsibility by an employer, in a professional and appropriate manner, does not constitute workplace bullying, harassment or discrimination.
- 2.10 Single incidents can be a 'warning sign' that right relationships do not exist and should be addressed promptly.

3.0 POLICY

- 3.1 Allegations of bullying, harassment or discrimination when raised, will be treated seriously and will be investigated promptly, confidentially and impartially.
- 3.2 The safety of the individual will be the highest priority.
- 3.3 Retaliation against any person who complains of bullying, harassment or discrimination is totally unacceptable, although complaints found to be clearly vexatious may be the basis of formal disciplinary action.
- 3.4 Staff of schools and the CEO are required to participate in good faith in mediation if required to do so.
- 3.5 All stakeholders will be provided with training to develop a shared understanding of what does and does not constitute bullying, harassment and discriminatory behaviour, and the processes by which it should be reported and investigated.
- 3.6 Principals will:
- (3.6.1) Ensure that all staff have access to professional development in these matters.
 - (3.6.2) Ensure transparency when opportunities for appointments, promotions or roles of responsibility become available. All staff have the right to request or apply, but the final decision belongs to the Principal who should make selections based on merit and without bias and according to transparent processes.
 - (3.6.3) Manage the Enrolment Application document and statutory obligations (such as Part 5A of the Education Act) so that schools are able to obtain any relevant student history that may involve violent behaviour towards themselves and/or others, including bullying, harassment, discrimination, intimidation and/or threatening behaviour. The Principal will implement appropriate safety practices.
- 3.7 The CEO will:

(3.7.1) Provide opportunities for training staff in appropriate anti-bullying, harassment and discrimination responses, including cybersafety, restorative justice practices, mediation and developing social skills in students.

(3.7.2) Meet any costs for mediators and independent investigators.

(3.7.3) Support and resource schools to implement anti-bullying, anti-harassment and anti-discrimination initiatives and procedures.

(3.7.4) Provide anti-bullying, harassment and discrimination and cybersafety information for students, staff and parent/carers on the CEO intranet.

3.8 Staff, students, parents/carers and members of the wider school community will demonstrate that they are part of a supportive and connected school and workplace culture by:

- Actively promoting and modeling bullying-free, harassment-free, and discrimination-free behaviour
- Conducting themselves in a manner that does not condone any form of bullying, harassment or discrimination of, or by, any person
- Responding appropriately to any report of bullying, harassment or discrimination, promptly bringing such a report to the attention of the appropriate person.

3.9 Ensure transparency when opportunities for appointments, promotions or roles of responsibility become available. All staff have the right to request or apply, but the final decision belongs to the Director of Catholic Education or the Bishop, who should make selections based on merit, without bias and according to transparent processes.

4. KEY ACTIONS

4.1 The CEO and schools will take a proactive approach to the prevention of bullying by:

- conducting annual training

- modelling acceptable behaviour
- inducting newcomers
- informing parents through avenues such as meetings, newsletters, and information sessions
- raising awareness of acceptable behaviour
- reviewing policy regularly

(4.1.1) If bullying, harassment or discrimination has allegedly occurred, written records should be maintained of all proceedings, and a copy must be made available to all who attend the meetings. Such records are to be kept in a secure location and are confidential to all the parties involved.

4.2 The Workplace Process

(4.2.1) Informal process (to occur as close as possible to the behaviour)

An individual may ask for a meeting in a quiet, confidential place with the person who is allegedly perpetrating the behaviour. All parties should remain calm and professional, and strive to resolve the concerns. A record should be kept of the meeting by the individuals involved.

(4.2.2) Formal Process (to occur as close as possible to the behaviour)

If the informal process has been unsuccessful, or the individual feels uncomfortable speaking to the alleged bully, harasser or discriminator, they ask the Principal (school level) or their Team Leader (CEO personnel) to convene a meeting between themselves and the alleged perpetrator. If the complaint is about the Team Leader, the individual may ask the Head of Recruitment and Employee Services, or the Director of Catholic Education to convene the meeting. If the complaint is about the Director of Catholic Education, then a written complaint is sent to the Bishop. The Decision Maker may approve a support person if required by either or both parties.

4.3 The Principal, CEO Officer, Bishop (or his delegate) then convenes a meeting between the alleged victim and the alleged harasser, where concerns are addressed and the relevant expectations of right relationships are reiterated.

(4.3.1) The convenor of the meeting will develop an appropriate strategy to resolve issues, which may include specialist advice and assistance. There is an expectation that all parties will participate, and that this will be done in good faith.

(4.3.2) Records confidential to the parties will be kept of all proceedings.

4.4 Student Process

(4.4.1) The staff member who observes, or has had the behaviour reported to them, resolves the issue informally and keeps a record of the incident.

(4.4.2) If the incident is of a serious nature, the staff member completes the Alleged Bullying Initial Action tool and informs the Principal of the incident.

(4.4.3) The Principal investigates the allegation following the procedures for their school. His/her decision is final, subject to the conditions that apply to the review process, which may consider new information arising, or a conflict of interest being disclosed.

4.5 Review (as soon as practicable) Review of the Decision (Appeal)

The CEO provides a review process for significant complaints that have been considered previously and were unable to be resolved, or where one of the parties seeks a review of the original decision. People who raise complaints may request that the nominated Reviewer conducts an independent review of the issue. The request must be in writing and must set out the reasons for the review request. The Reviewer will determine if the matter reaches the threshold of a significant complaint, and if so, it will be reviewed. Unless a decision is reviewed, and a revised finding made, the original decision stands.

4.6 Review (Appeal)

(4.6.1) If the nominated Reviewer (See Appendix 1) elects to review a decision, then the Request for Review of Decision form will be provided by the Reviewer to the person making the appeal. The outcome of the review is binding on all parties and is not open to further review or appeal.

(4.6.2) If a review is agreed to, the Reviewer will take all reasonable steps to gain relevant information from all parties, and will make a determination based on the evidence. All associated material will be recorded.

(4.6.3) At the beginning of the review investigation, the Reviewer conveys the allegations to the alleged perpetrator, who is given the opportunity to respond and defend him/herself against the allegations. If there is a dispute over facts, statements from any witnesses and other relevant evidence will be gathered. Documentation could include statements provided by the parties, records of interviews with the investigating officer, personal notes and reports. All information is to be kept confidential.

(4.6.4) Within a reasonable time frame, the Reviewer will compile a report documenting; the review investigation process, the evidence, the finding(s), and the response to the outcome. He/she will inform all parties of the outcome of the review and any associated disciplinary or other course of action. He/she has the responsibility to ensure these outcomes are implemented, whether this be by others or themselves. The decision of the Review is binding. In rare matters of high sensitivity or vexatious complaints, the specifics of the findings may be withheld.

(4.6.5) If, following review, a complainant continues to feel that the matter has not been properly dealt with, he/she may be able to refer the matter to an appropriate external agency. Costs associated with such action are to be met by the person initiating such action.

External agencies include:

- NSW Anti-Discrimination Board 1800 670 812
- Federal Human Rights and Equal Opportunity Commission 1800 021 199

4.7 Possible Outcomes

Situationally appropriate solutions should be sought and may include solutions such as:

- Obtaining a commitment from the staff member or student who has been found to have exhibited the bullying, harassing or discriminatory behaviour to cease the offensive behaviour
- Verbal/Written apology

- Mediation
- Changes to workplace practices
- Counselling for any affected individual
- The re-establishment of an on-going relationship between the complainant and the person about whom the complaint was made
- Appropriate training such as cultural awareness or conflict resolution
- Disciplinary action

(4.7.1) Resolutions and continuing well-being are to be reviewed with the complainant and perpetrator for an agreed period of time following the resolution to ensure bullying, harassment or discrimination has stopped.

5. BASES OF DISCRETION

The Bishop, the Director of Catholic Education, the School Consultants and Principals all

have the responsibility to ensure that just decisions are made. They may therefore exercise their discretion in regard to procedural matters, to ensure compliance with the Guiding Principles of this policy.

6. EVALUATION AND REVIEW

This policy will be reviewed by December 2019.

7. EXPLANATORY NOTES AND DEFINITIONS

7.1 Bullying

The National Safe Schools Framework (2011) defines bullying as “repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.” Bullying of any form, or for any reason, can have long term physical and psychological effects on those involved, including bystanders.

Bullying takes many forms. Examples of bullying include:

- *Physical* – includes hitting, pushing, tripping, kicking, spitting on others, pinching or damaging property

- *Verbal* – includes name calling, insults, teasing, intimidation, homophobic or racist remarks or verbal abuse
- *Covert* - is often harder to recognise and can be carried out behind the bullied person's back. It is designed to harm someone's social reputation and/or cause humiliation. Covert bullying includes: Lying or spreading rumours, negative facial or physical gestures, menacing or contemptuous looks, playing nasty jokes to embarrass and humiliate, mimicking unkindly, encouraging others to socially exclude someone, damaging someone's social reputation or social acceptance
- *Non-Verbal* - could include facial expressions, writing offensive notes or graffiti about others
- *Extortion* - threatening to take someone's possessions, food or money etc
- *Property* - stealing, hiding, damaging or destroying property etc.

Examples of bullying behaviour include, but are not limited to:

- humiliating others through sarcasm, belittling someone's opinions or unjustified criticism, including criticism delivered by yelling or screaming
- teasing or making others the brunt of practical jokes
- slamming doors and swearing
- persistent silent treatment
- assigning meaningless tasks unrelated to the position
- unreasonably withholding information that is vital to effective work performance
- intruding on a person's personal space by pestering, spying or tampering with work equipment or personal effects
- spreading misinformation or malicious rumours
- participating in collective bullying or mobbing
- isolating and excluding a person from various work or groups
- actions which make competent employees appear incompetent, in the hope that they will resign or be demoted or dismissed
- taking credit for someone else's work or ideas and/or undervaluing their work
- inappropriate use of electronic media which may offend, embarrass, humiliate, distress, intimidate workplace colleagues

(7.1.1) What is not Bullying Behaviour.

Conflict between equals and single incidents of social rejection or dislike, single episodes

of acts of nastiness or spite, random acts of aggression or intimidation, mutual arguments, disagreements or fights are not defined as bullying, although such incidents may require intervention.

It is important to distinguish between a supervisor exercising his/her legitimate authority

at work, in a proper and reasonable way, and instances of bullying. Management action

is reasonable if conducted fairly, transparently and in line with approved processes. Feedback provided appropriately with the intention of assisting the employee to improve

their work performance, behaviour, or directing and monitoring workflow, does not constitute bullying if it is conducted in line with approved processes.

Examples of reasonable management action include:

- performance management processes
- action taken to transfer or retrench you
- a decision not to provide you with a promotion in connection with your employment
- disciplinary actions
- allocated work in compliance with systems and policies
- managing an injury or illness you have sustained or developed
- workplace change or restructuring
- allocating work to an employee, setting reasonable goals, standards and deadlines
- constructive feedback
- differences of opinion

7.2 Complaint

For the purposes of this policy a 'complaint' is defined as an expression of discontent.

This differs from an 'inquiry' where someone is simply seeking information (although an inquiry could become a complaint). A complaint to the school or to the CEO

Wilcannia-Forbes can be either verbal or written, but the CEO review process is required

to be written and documented. Where a complaint is received anonymously, it must be considered and acted upon. However, as clearly no interaction is possible with the complainant, then the ability of the school or the CEO to act upon the complaint may be limited. A vexatious complaint is one that has been found to have no basis whatsoever and is calculated to harm the accused in some way. It may therefore be an act of bullying in itself.

7.3 Confidentiality

Information obtained during the course of investigation of complaints will be treated as confidential. Other staff members will only be given information where their advice or counsel is required, or where there are implications for future practice or safety. Those investigating complaints may exercise their discretion as to how information is shared and with whom.

7.4 Cyber-bullying

Involves the use of any information and communication technology involving deliberate, isolated or repeatedly hostile behaviour by an individual or group, that is intended to harm others, or is undertaken recklessly, without concern for its impact on others. By virtue of its nature, technology facilitates repeated access to harmful content.

7.5 Decision Maker:

A senior staff member (usually the Principal, Schools Consultant or Team Leader) who implement a recommended course of action.

7.6 Discrimination

The unjust or prejudicial treatment of, or assumptions about, different categories of people, especially on the grounds of race, colour, national origin, sex, age, physical and mental disability or religion.

7.7 Harassment

Usually centres on unwanted, offensive and intrusive behaviour with a sexual, racial, age, marital status, pregnancy, disability or physical component, and is addressed by specific anti-harassment legislation.

7.8 Investigating Officer: generally a designated member of the school or Catholic Education

Office who will investigate formal complaints and work towards a resolution.

7.9 Outcome of a Review/Appeal

The outcome of a formal review by a nominated Reviewer is binding in the sense that a complainant entering into that process is aware that the CEO Wilcannia-Forbes will not entertain further appeal, and that both parties are required to accept the outcome. However, it remains the strong preference of the CEO that mutually acceptable outcomes be negotiated wherever possible.

7.10 Procedural Fairness

Under the principle of procedural fairness, the process is clear, free from structural bias and ambiguity, allowing each party to present their case fairly.

7.11 Racism

Refers to any belief, attitude, behaviour or practice that reflects an assumption, stated or

implied, of superiority of one cultural group over another. It is expressed through prejudice or discrimination and may take various forms, including verbal, physical, social,

psychological and electronic. It can be overt or covert and directed against individuals or

groups. Racism can be institutionalised into policies, practices and structures.

Racism is directed towards individuals or groups on the basis of their race, colour, descent, nationality and/or ethnicity. It can be based on actual or supposed features of body, behaviour, culture, language, religion, history or other attributes.

7.12 Racial Vilification

A public act that encourages others to hate, have serious contempt for, or severely ridicule a person, or group of people because of race, colour, nationality, ethnic or national background.

7.13 Restorative Practice

This approach puts the reparation of harm done to relationships and people over and above the need for assigning blame and dispensing punishment where someone has caused offence. It is not appropriate in every case.

7.14 Right Relationships

This concept emphasises the importance of relationships that are in balance and harmony, where issues can be worked through in a context of mutual respect, while recognising that the parties may not agree on every outcome.

7.15 Sexual Harassment

Unsolicited and unwelcome behaviour of a sexual nature which causes offence, humiliation, intimidation or distress to its recipients. It may be intentional or unintentional and is not confined to gender or sexuality.

Behaviours that may be constituted as sexual harassment include, but are not limited to:

- Gender based insults or taunts
- Indecent exposure
- Stalking
- Unwelcome questions, remarks or insinuations about a person's sex, private life, or sexual morality
- Suggestive comments about a person's appearance or body
- Sexually explicit conversations
- Demands or requests that inappropriate clothing be worn
- Obscene communications
- Intrusive questions at interviews
- Jokes, pin ups, calendars, graffiti, vulgar or abusive language, innuendos, references to sexual activity or overt sexual conduct by fellow workers
- Kissing
- Sexual proposition
- Attempts at sexual intercourse
- Physical molestation or assault

7.16 Significant Complaint

Assessment of a complaint as 'significant' depends on the complexity of circumstances and the interrelationships of factors. Examples could be:

- a significant breakdown of relationships in the school community has occurred, so that the matter cannot be addressed at this level
- the matter is likely to impact on the future wellbeing of the student/employee
- the nominated Reviewer believes that there is a reasonable likelihood of the complaint being upheld
- there are potential legal or criminal implications.

7.17 Substantial new Information

This threshold requires that the new information clearly has the potential to alter the previous course of action or change the Decision Maker's determination, if substantiated. Factors to be considered could include:

- whether the published process was followed
- the emergence of a new witness or new documents
- the discrediting of previous information that was crucial to the previous determination
- revelation of a conflict of interest
- the retraction of previous testimony.

7.18 Support Person

A support person is someone such as a parent/caregiver, sibling, colleague, parish priest, interpreter or teacher, who supports either of the parties at a formal meeting.

The

role of the support person is to provide emotional comfort, explain events to the complainant if required, and to provide witness to the events of the meeting. The

support

person does not actively participate in proceedings. A support person will not be permitted to further participate in the complaint investigation process in any other role,

as

this may create a conflict of interest.

A lawyer is by definition an advocate, and therefore not a support person, as their participation is active. Meetings with lawyers must be arranged at mutually convenient times and venues, and the CEO will provide the Decision Maker with the services of

the

CEO (or other) Lawyer at the Decision Maker's request. This can be activated directly through the Head of Recruitment and Employee Services.

7.19 Parish Priest

A Parish Priest is any priest appointed by the Bishop of Wilcannia Forbes to a particular parish within the Diocese, whether that be as an Administrator, Parish Priest, or in a caretaker role.

8. SUPPORTING DOCUMENTS, PROCEDURES AND GUIDELINES

8.1 Subsumed Policies

- Anti-Bullying
- Bullying and Harassment in the Workplace
- Sexual Harassment
- Racial Discrimination

8.2 Associated Policies, procedures and support materials

- Resolution of Complaints
- Restorative Practices
- Digital Technology Policy
- Use of Social Media Policy
- Use of Personal Mobile Devices
- Request for Review of a Decision Form
- Bullying, Harassment and Discrimination Support Material
- Training Schedule
- Bullying Checklist

9. APPENDICES

Appendix 1 - Nominated Decision Makers and Reviewers

Type of Allegation	Decision Maker	Reviewer
Student	Principal	School Consultant

Parent, carer, visitor, contractor, service provider	Principal	School Consultant
School Colleague	Principal	School Consultant
Principal	School Consultant	Head HR
CEO Colleague	Team Leader	Head HR
Team Leader	Head HR	Director
Head HR	Director	Bishop (or delegate)
Director	Bishop (or delegate)	Nominee of the Bishop

10. POLICY CLASSIFICATION

10.1 Policy No: 052014

10.2 Policy Audience: All employees of Catholic Education, students, parents/caregivers, clergy

10.3 Policy Review by: December 2019

10.4 Policy Approval: March 2015

10.5 This policy supersedes all previous policies relating to matters contained herein.

10.6 Commencement Date: 31 March, 2015

Resources

Organisations

- Independent Education Union (IEU)
176-182 Day Street

Sydney 2000

Telephone: 9202 2600 or 1800 467 943

Email: ieu@ieu.asn.au

- Workers Health Centre

Phone 02 97497666

Email: admin@workershealth.com.au

Website: www.workershealth.com.au

- Working Women's Centre

Toll Free: 1800 062 166

Publications

- Richards H & Freeman S, *Bullying in the Workplace: an occupational hazard*, Harper Collins 2002
- Rayner C, Hoel H & Cooper C, *Workplace Bullying*, Taylor and Francis 2002
- Carthy PM, Rylance J & Bennett R, *Bullying: from backyard to boardroom*, Federation Press 2001
- Namie G, *The Bully at Work*