

ANTI-BULLYING PROCEDURES

1.0 INTRODUCTION

These Anti-Bullying Procedures applies to all Diocese of Sale Catholic Education Limited (**DOSCEL**) workplaces.

DOSCEL recognises the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual employees and to a workplace where all employees feel safe and respected.

DOSCEL is therefore committed to building and nurturing workplaces that are free from bullying. It is important that all employees share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where bullying does not occur. It is therefore expected that employees will desist from engaging in or condoning such behaviours and practices.

It is also expected that employees 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.

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

2.0 PROCEDURES

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.

DOSCEL will endeavour to commence investigations into the complaint (whether informal or formal processes are being followed) within two working days of the receipt of the complaint.

For the purposes of complaint resolution processes:

- A person who makes a complaint is a Complainant; and
- A person about whose actions or behaviour a complaint relates is a Respondent.

The outcome of the complaint will be communicated to both the Complainant and Respondent.

2.1 Informal resolution processes

The informal options open to a Complainant to attempt to resolve a complaint include:

- Speaking directly with the Respondent about their behaviour or actions;
- Consulting with a Contact Officer for advice, support and assistance; and/or
- Reporting the matter to a DOSCEL Leader for assistance or, for complaints about a DOSCEL Leader, the Executive Manager, Industrial Relations/Human Resources.

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.

2.2 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.

2.3 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 employee such as approaching the Respondent or conducting mediation.

2.4 Reporting the matter to a member of the Leadership Team

The Complainant may report the matter to a member of the Leadership Team who can assist with exploring resolution strategies. This may include suggesting that the Complainant speak directly with the Respondent.

Where appropriate, and in consultation with the Complainant, a DOSCEL Leader may approach the Respondent and talk to them informally about the matter.

Other informal resolution options which may also be considered at this stage include:

- Facilitated discussion
- Mediation and
- Entering into mutual agreements on workplace practices.

2.5 Referral to formal investigation

Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then DOSCEL reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation.

2.6 Formal resolution processes – Internal

If a matter is not able to be resolved using informal resolution methods, or for more serious matters, a formal process may be appropriate.

2.7 Lodging a formal complaint

A formal complaint can be made by a Complainant to DOSCEL.

The complaint should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter.

Wherever possible, it should be supported by relevant documentation.

Note that a complaint may not be pursued if it relates to events that occurred more than 12 months ago.

2.8 Initial response

Following receipt of a formal complaint, a DOSCEL Leader or the Executive Manager, Industrial Relations/Human Resources (if the complaint is about a DOSCEL Leader) will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes.

In the event that 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
- What support is available for persons 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 and
- If the complaint raises issues which place DOSCEL under a legal obligation to report the matter to law enforcement agencies.

2.9 Formal internal investigation

Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed to conduct the investigation. The Investigating Officer is someone who is independent of the complaint and will conduct the investigation impartially.

The Investigating Officer will:

- Interview the parties involved, and witnesses (if any)
- Review relevant evidence, such as emails and other documentary evidence, and
- Report on whether or not the complaint is substantiated.

2.10 Investigation outcomes and action to be taken

If a complaint is substantiated, appropriate action will be taken, which may include:

- An apology
- Changes to work practices
- Disciplinary action, including dismissal
- An undertaking that the behaviour will not be repeated
- Reversal of an action or decision or substitution of a different action or decision and/or
- Training.

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 being the subject of the complaint
- Mentoring and support.

If an 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.

2.11 Formal complaint – External

A Complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

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

2.12 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 employees who either 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 processes.

2.13 Counselling support

In confronting and/or resolving experiences of or allegations of bullying, an employee and his/her immediate family members may utilise the services of counselling support at any stage of the process. Contact Officers can assist employees to access the service.

2.14 Vexatious claims

DOSCEL 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.

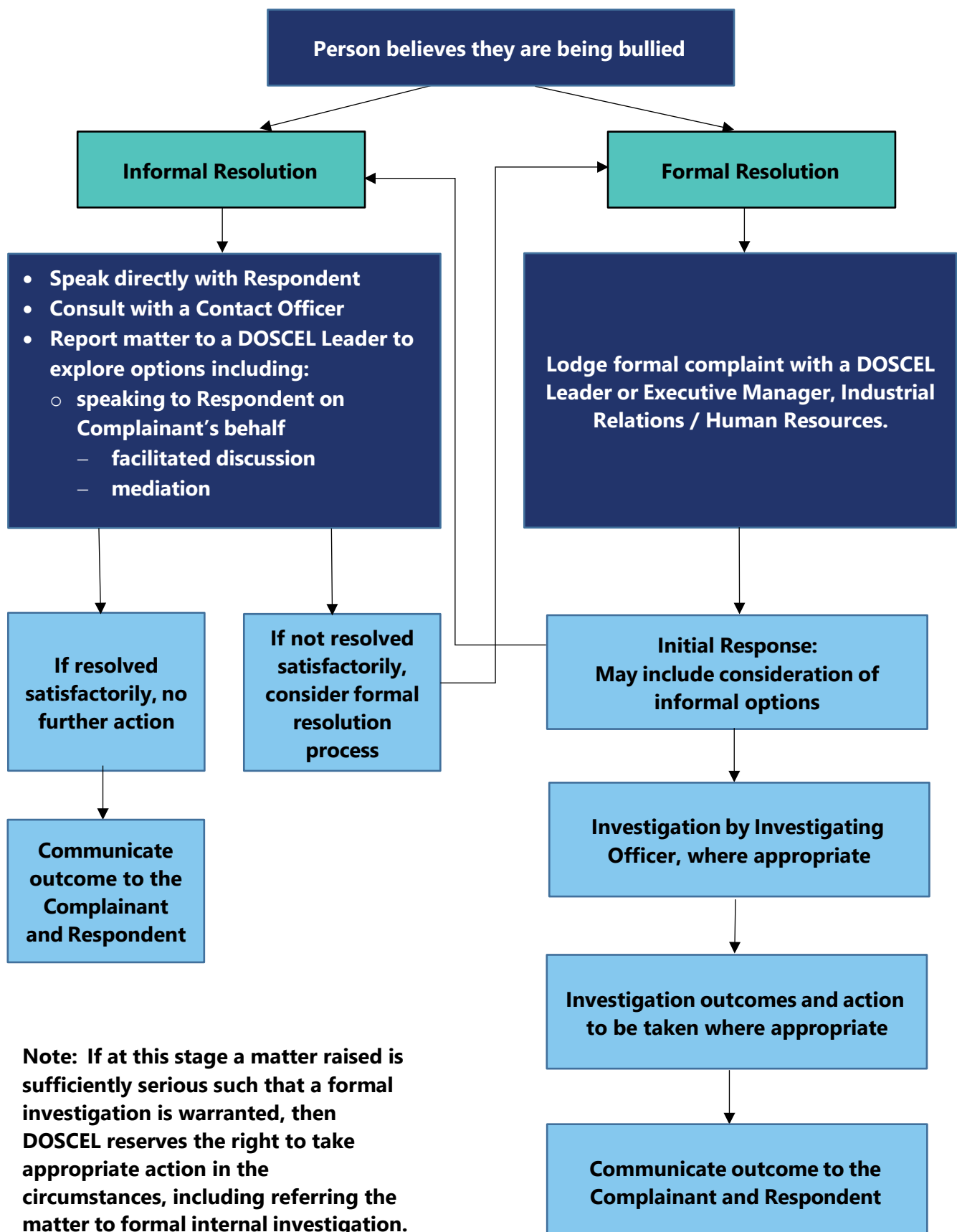
Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary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

Implementation Date: 2020

Updated: October 2024

Review Date: October 2026

3.0 ANTI-BULLYING PROCEDURE FLOWCHART



4.0 SUPPORT AGENCIES

4.1 WorkSafe Victoria

WorkSafe Victoria is a statutory body set up to, amongst 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

Address: 567 Collins Street, Melbourne, Victoria 3000

4.2 Fair Work Commission

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

Phone: 1300 799 675

Website: www.fwc.gov.au

Address: Level 4, 11 Exhibition Street, Melbourne Vic 3000