

Watery Lane Preschool

Bullying and Harassment Policy



PREVENTION OF BULLYING AND HARASSMENT AT WORK

Statement of Policy

1. Watery Lane Preschool is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the preschool and those who have dealings with the preschool has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employer and employees by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
2. The Preschool's policy applies to all staff working within the preschool. It extends to include non-permanent workers such as supply staff, agency, students, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
3. The Preschool has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

Key Principles

4. The Preschool will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the preschool must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
5. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment.
6. Harassment may be defined as any conduct which is:-
 - unwanted by the recipient
 - is considered objectionable
 - causes humiliation, offence, distress or other detrimental effect.

7. Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:
 - Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
 - Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
 - Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.
8. Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:
 - Conduct which is intimidating, physically abusive or threatening
 - Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
 - Humiliating an individual in front of colleagues
 - Picking on one person when there is a common problem
 - Shouting at an individual to get things done
 - Consistently undermining someone and their ability to do the job
 - Setting unrealistic targets or excessive workloads
 - “cyber bullying” i.e. bullying via e-mail.
 - Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

9. Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with the Manager or with the Chair of the Management Committee, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.
10. When a complaint of Harassment or Bullying is brought to the attention of a staff member at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the Preschool’s Disciplinary and Grievance Procedure and in accordance with current ACAS guidelines.
11. If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the preschool will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and advice from ACAS to the manager or Chair. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.

12. All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.
13. No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and there will be no threat either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, the Manager and Chair are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
14. All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to the Chair for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.
15. This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

PROCEDURE

1. Informal Resolution

- 1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 1.2 Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- 1.3 If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to the Chair.
- 1.4 An individual who is made aware that their behaviour is unacceptable should:-
 - Listen carefully to the complaints and the particular concerns raised;

- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
- Agree the aspects of behaviour that will change;
- Review their general conduct/behaviour at work and with workplace colleagues.

2. Formal Resolution

- 2.1 If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the Chair.
- 2.2 When dealing with a complaint of harassment under the Formal Resolution Procedure, the Chair should:
- a Take full details of the incidents in writing from the complainant and their representative (if appropriate);
 - b Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - c Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - d Keep all parties informed of expected timescales.
 - e Inform all parties in writing of the outcome and any action that may be required.
- 2.3 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure).
- 2.4 Should there be a case to answer against the alleged harasser, the normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:-
- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
 - If the complainant is required to attend, they are entitled to be accompanied by either a Trade Union representative or work colleague and have any questions directed through that person.
- 2.5 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:-
- Dismissal

- A formal warning
- Making arrangements for both parties to work as separately as possible within the same workplace.

2.6 With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings.

Records

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

Links to other policies and legislation

- Please see our Whistle-blowing Policy and Grievance Procedure, Confidentiality Policy, Valuing Diversity and Promoting Equality Policy, The Prevent Duty 2015 (within our Safeguarding Children and Child protection Policy).
- GDPR 2018
- The Equality Act 2010 (updated 2017).

This policy was adopted at a meeting of **Watery Lane Preschool**

Held on _____

Signed on behalf of management committee _____

Name of signatory _____

Role of signatory _____

Date to be reviewed _____