

Safeguarding and Welfare Requirement: Equal Opportunities

Providers must have and implement a policy and procedures to promote equality of opportunity within the workplace.



3.7 Harassment and Bullying

Policy statement

The aim of this policy and procedure is to try to ensure that harassment does not occur and, if it does occur, to ensure that procedures are available to resolve the problem and prevent recurrence.

In accordance with the Playgroup's *Code of Conduct* and *Equal Opportunity Policy*, the Playgroup affirms that harassment, intimidation or bullying in any form is unacceptable by any member of staff, within the working environment or outside it. The Playgroup is committed to promoting a harmonious working environment in which no employee feels under threat or intimidation and every employee is treated with respect and dignity.

The Playgroup regards harassment or bullying as disciplinary offences which, if established, will result in appropriate sanctions being applied and may warrant dismissal.

This policy has been formed in accordance with all relevant legislation, including:

- Human Rights Act 2010
- Protection from Harassment Act 1997
- Sex Discrimination Act 1986
- Children's Act 2004
- Equal Opportunity Act 2010

Procedures

Individuals or groups of staff who feel they are being harassed are advised to progress complaints under this policy and procedure, as it has been designed to ensure a confidential forum in which to raise complaints and the sensitive and prompt handling of such issues.

Definition of Harassment

Workplace harassment, workplace intimidation or bullying occurs when:

- A person subjects another in the workplace to behaviour that is offensive, malicious, intimidating, threatening, humiliating or insulting
- Unwanted conduct is exhibited which affects the dignity and/or rights of people at work.

It is not the intention of the perpetrator but the deed itself and the impact upon the recipient which determines what constitutes harassment.

The Playgroup vigorously opposes any form of harassment on the grounds of:

- gender, marital status or domestic responsibility
- social or economic factors
- race
- disability
- physical appearance
- religion
- age
- sexual orientation
- HIV status
- Political affiliation or Trade Union membership/non membership

It is important to emphasize that the above list is **not** exhaustive.

Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people.

Harassment does not have to be perceived solely by the recipient; a third person who feels that an exchange between two people is offensive or threatening can report it as harassment.

Harassment generally relates to behaviour which is repeated, although a single serious incident can constitute harassment.

Harassment should not be confused with a line manager's entitlement to set standards and to make clear any aspects of performance that are unacceptable, including unsatisfactory work performance.

Forms of Harassment

Harassment may take many forms. It can range from extremes such as violence to less obvious forms such as ignoring someone. Some forms of harassment may also be unlawful under anti-discrimination, occupational health and safety or industrial legislation. Examples of workplace harassment include:

- abuse of position
- verbal abuse or abusive gestures
- ostracism, choosing to ignore a member of staff
- victimisation
- public reprimand, ridicule, sarcasm or humiliation
- offensive, degrading or patronising behaviour based on stereotypical attitudes
- constant criticism
- jokes or derogatory remarks
- physical contact ranging from touching to serious assault
- offensive language, gossip, slander, suggestive remarks
- offensive visual material, letters or written material
- intrusion by pestering, spying or stalking
- setting arbitrary or unachievable workloads in an unreasonable manner
- Initiation pranks involving new workers.
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The above examples are **not** exhaustive.

Extreme forms of harassment such as sexual assault, which constitutes an offence under criminal law, are clearly recognisable and should be reported immediately to the police. This would constitute gross misconduct, resulting in immediate dismissal.

Advice to Complainants

Individuals who believe they are being bullied, harassed or intimidated are advised to:

- Report the incident to a senior member of staff or Committee member, quickly and in writing
- keep a written record of all incidents, including the date and relevant details;
- if able to, send a memo to the person following any exchange, refuting any incorrect or disparaging claims;
- stick to the facts and avoid personal comments that could be construed as malice or professional envy;
- seek advice from the Management Committee;
- Seek advice from Trade Union bodies.

Complainant's Rights

The Management Committee recognises the rights of employees to complain about harassment should it occur. The procedure does not replace or detract from the rights of employees to pursue a complaint under the Fair Employment, Sex Discrimination, Race or Disability legislation to an Industrial Tribunal.

Employees raising complaints under the formal procedure will be advised of their statutory rights and the appropriate time limits. A complaint must be lodged within three months of the alleged grievance occurring, although previous actions may be taken into account to support a complaint.

Every effort will be made to ensure that employees making complaints and others who give evidence or information in connection with the complaint will not be victimised. Victimisation is discrimination contrary to industrial legislation and will be dealt with promptly, seriously and in complete confidence and will result in appropriate sanctions.

Responsibilities of Staff

All employees have a responsibility to help ensure a working environment in which the dignity of staff is respected. Staff are responsible for being aware of and adhering to this Policy according to the **Code of Conduct**.

Staff should endeavour to ensure that their behaviour is always appropriate.

Staff must co-operate with the Management Committee with any action taken to promote a productive and harmonious working environment. They must participate in training and the implementation of measures designed to prevent and deal with harassment in the workplace and ensure that appropriate action is taken with regards to recommendations as a result of any allegations.

Staff have a duty to provide support to colleagues who are being harassed and encourage them to follow the complaints procedure.

Staff have a duty to alert the Management Committee to any behaviour they may consider being in breach of the Harassment and Bullying in the Workplace policy.

Staff must participate as required in any investigation of complaints or allegations of harassment.

Staff must take action to ensure that there is no re-occurrence of identified harassment or any victimisation of those involved.

Responsibilities of the Management Committee

The Management Committee will endeavour to ensure that their behaviour is exemplary and to note that all relevant policies equally apply to them.

The Management Committee will ensure that adequate resources and training are made available to promote the basic human right of respect and dignity in the workplace.

The Management Committee will provide support, advice and assistance to staff who raise complaints of harassment, treating each as an individual. They will deal with grievances effectively and with commitment, dealing with matters promptly and fairly and in the strictest confidence.

The Management Committee will ensure that this policy and the Code of Conduct are communicated effectively to staff and that co-ordinators and senior staff understand their responsibilities.

Informal Procedure for Handling Complaints

Staff may wish to try to deal with the situation in the first instance by making it clear to the alleged harasser that their behaviour is unacceptable. This can be done verbally or in writing. There is no requirement to implement this stage if they feel unable to approach the alleged harasser in an attempt to get the behaviour corrected. Staff are entitled to choose to report the matter immediately.

Staff may wish to contact their line manager or mentor for support with trying to solve the problem informally. The line manager or mentor may be asked to act as a mediator with the alleged harasser and his/her mentor to seek a conclusion that is acceptable to all involved in accordance with the rules of the Playgroup and the Law; this may or may not involve action such as a formal apology, identifying appropriate training needs, etc. Mediation must be conducted in privacy in a discreet manner and the discussions kept confidential by all persons.

The line manager or mentor should keep a written record of action taken on hearing the complaint in order to assist with any formal proceedings which may arise if the behaviour does not stop or the grievance is not concluded. These records will remain on file in a confidential manner.

The Playgroup Manager's or mentor's responsibility will be to:

- listen to what happened;
- draw to the person's attention further courses of action open to them;
- explain that possible disciplinary action can only take place if the complaint is investigated under formal procedure;
- assist the individual to make a formal complaint if they so wish;
- advise the individual that all reported incidents of harassment, whether informal or otherwise, will be monitored and in the event of any pattern emerging, the Management Committee may wish to initiate its own formal investigation and take remedial action where this proves to be necessary.

It is the mediator's responsibility to determine whether mediation is an appropriate course to take based on the facts received.

Formal Procedure for Handling Complaints

The formal complaint procedure is appropriate if the complainant prefers this, if the alleged harassment is serious, if the alleged harassment has had serious impact on the wellbeing of the complainant, if the harassment continues after the informal procedures have been used or if the complainant is subjected to victimisation as a result of bringing informal action.

An individual wishing to make a formal complaint of harassment against a colleague needs to make the complaint in writing to the Chair of the Management Committee, except where the Chair is the subject of the complaint or is involved with the allegation in some way, in which case the complainant may choose to designate a member of the Management Committee to proceed on their behalf.

The Management Committee may request that the complainant and/or the alleged harasser should cease to attend work, visit the workplace or deal with colleagues on professional matters during the formal process or the Management Committee may decide that they be suspended until further notice.

The Management Committee will keep all parties informed of progress throughout. The complainant and alleged harasser will be encouraged to elect a representative to give support during the process. This representative may be from a trade union, mediation body or any nominated person.

In consultation with the Preschool Learning Alliance and the Law Panel, the Management Committee shall conduct an investigation including information gathering and interviews with staff.

A panel will be convened with at least 48 hours notice to formally lay charges before the alleged harasser. This panel will be made up of members of the Management Committee. All parties at this hearing will have five days to consider and comment on the written record of the proceedings.

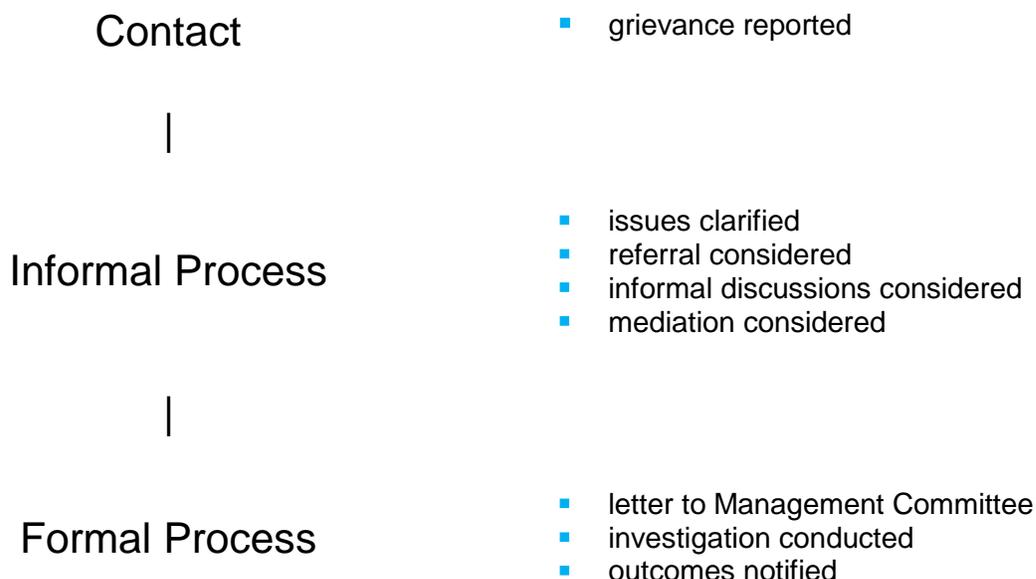
The Management Committee will consider all information gained and formally decide to uphold or dismiss charges. If upheld, the harasser will be required to attend a Disciplinary Hearing. The Management Committee will then notify the harasser of the sanction.

At the end of the process the complainant will be officially informed as to whether the allegation has been upheld or declined. At this juncture a meeting will be held to identify appropriate action within the workplace.

All parties will be given five days in which to appeal the decision.

All parts of these proceedings remain confidential to everyone except the individuals to which it directly concerns.

The Process in Brief



Please refer to the Disciplinary Procedure for the steps that will be take should any of the above be contravened.

This policy was adopted at a meeting of	Foundry Lane Community Playgroup Management Committee
Held On	05/01/12
To be reviewed	Annually
Signed for and on behalf of Foundry Lane Community Playgroup Management Committee	
Name of Signatory	V. Whybrew
Role of Signatory	Chairperson

Review Date	Reviewed By (Name)	Role	Signed
05/01/12	V. Whybrew	Chairperson	
19/06/12	B. Angel	Chairperson	
28.02.13	B. Angel	Chairperson	
31.01.15	C. Carstairs	Treasurer	
31.01.17	J. Tanner	Chair	
23.01.18	J. Tanner	Chair	
29.10.18	J. Stephens	Chair	
14.03.19	J. Stephens	Chair	
12.03.2020	J. Stephens	Chair	
12.02.2021	J. Stephens	Chairperson	