



# ANTI BULLYING & HARASSMENT POLICY



**Ham Drive Nursery School and  
Day Care**

## **MAY 2018**

### **CHANGES**

September 2009: Policy Implemented

June 2010: Styling revised

October 2010: Amended in line with legislation changes under the Equality Act 2010

April 2016: Policy reviewed

May 2018: Policy reviewed

If you have any questions regarding this policy, please contact you HR Adviser.

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## 1 INTRODUCTION

[Plymouth Nursery Schools Federation: Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care](#) is committed to providing a safe and healthy working environment. This includes an environment that is free from bullying, harassment, discrimination and victimisation, where every employee is treated with respect and dignity and where no employee feels threatened or intimidated for any reason. All employees are responsible for treating their colleagues with respect and dignity and every employee should consider whether their words or conduct could be offensive to others. Harassment, victimisation, discriminatory and bullying behaviour may not always be intentional but it is never acceptable.

The purpose of this policy which applies to all employees, is to stop harassment, bullying, discrimination or victimisation within the workplace. The term 'harassment' will be used to encompass harassment, bullying, discrimination and victimisation from this point forward.

A complaint of harassment is a type of grievance; therefore, this policy is the same as the *Grievance Policy* with additional information on how to handle a complaint of harassment.

Harassment at work is inappropriate behaviour, it will not be permitted or condoned and serious cases will be treated by [Plymouth Nursery Schools Federation: Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care](#) as misconduct, which may include gross misconduct warranting dismissal. Complaints of harassment will be dealt with sensitively, discretely and as quickly as possible.

Employees raising a complaint of harassment should be able to do so without fear of victimisation. All those involved have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously will be subject to disciplinary action.

All cases will be dealt with in a non-discriminatory and consistent way. The Investigating Officer and the Chairperson of the Grievance Hearing will be responsible for ensuring this.

The employee has the right to be accompanied by a work colleague or represented by a Trade Union Representative or professional representative during all stages of the procedure.

Employees who witness unacceptable behaviour should where possible challenge it. [Plymouth Nursery Schools Federation: Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care](#) may vary its Anti Bullying and Harassment Policy and/or Procedure Guide, where it is appropriate to do so, in order to comply with its statutory duty and to provide an effective procedure.

## 2 DEFINITION OF HARASSMENT

Harassment consists of unwanted conduct affecting the dignity of women and men in the workplace. It includes unwelcome physical, verbal and non-verbal conduct and may amount to unlawful discrimination.

Harassment can involve a single incident or be persistent, it may be directed at one or more individuals, and may be related to race, sex, disability, age, religion, belief or non-belief, sexual orientation, or marriage and civil partnership.

Harassment can take place when an individual is discriminated against because of individuals they associate with. Harassment can also take place if others wrongly believe that the individual has a certain characteristic e.g. they harass the individual because of their sexual orientation but their assumptions are incorrect.

Harassment does not always come from individuals within the organisation; it may come from a third party such as a parent or an outside agency. Where a complaint of harassment is made in this instance [Plymouth Nursery Schools Federation: Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care](#) will endeavour to take reasonable steps to prevent harassment from happening again.

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, humiliated and threatened. It includes persistent criticism and personal abuse and/or ridicule, either in public or private, which is humiliating or demeaning. Bullying behaviour can also include berating or belittling employees, unreasonably changing an employee's workload, hours, or place of work without their knowledge/agreement.

Unwanted physical contact includes unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault or sexual assault.

Unwanted verbal conduct includes unwelcome advances, such as repeated requests for 'dates', patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language which refer to an individual's or group's race, sex, disability, religion, belief or non-belief, age, or sexual orientation etc.

Unwanted non-verbal conduct includes, graffiti referring to individual characteristics or private life, abusive or offensive gestures, leering, whistling at someone i.e. 'wolf whistles', displaying pornographic or suggestive literature, pictures, or films/videos or inappropriate use of computers including email for this purpose.

Victimisation consists of treating an individual or group of individuals less favourably than others in the same or similar circumstances because they have made a complaint or allegation of discrimination, have acted as a witness or informant in connection with any harassment cases.

The above list is not exhaustive. What constitutes harassment is specific to individuals and relates to their feelings of dignity and respect. Further information can be found on the ACAS website in particular the links below might be helpful:

[ACAS guide for managers and employers](#)

[ACAS guide for employees](#)

### **3 OUT OF SCOPE**

The Anti-Bullying and Harassment Policy does not apply in the following cases:

- Where the employee has not submitted their complaint following legislative requirements.

- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details.
- Where the case has already been heard and there is no new evidence.

## **4 PRINCIPLES**

Complaints of harassment will be handled as quickly and fairly as possible and informal complaints will be resolved by the Headteacher. If the complaint concerns the Headteacher, then the Chair of Governors will try and informally resolve the matter. Timescales specified will apply unless varied by agreement between both parties.

## **5 INFORMAL PROCEDURE**

If an employee believes they are being harassed, they should approach the person to tell them that their behaviour is inappropriate and politely ask them to stop. Employees may require help in doing this and further guidance is available in the Anti-Bullying and Harassment Procedure Guide.

Employees should also approach their Headteacher to make them aware of any harassment, so that appropriate action can be taken.

In cases where it is not possible or appropriate to manage the situation using informal procedures, then the following formal procedures should be followed.

## **6 FORMAL PROCEDURE**

### **Statement of Complaint**

An employee who wishes to raise a formal harassment complaint should put their complaint formally, in writing without unreasonable delay, to a member of staff specifying the nature of their complaint. Where the complaint is about their Headteacher, the grievance should be raised to the Chair of Governors. The employee should indicate, as part of their formal written statement, what solution they seek.

### **Investigation**

An investigation will be undertaken. The Clerk to Governors will write to the employee with a date for a Hearing, normally within 10 working days, of the investigation being completed.

### **Suspension**

Where it is deemed necessary, or it is in the interests of either party or work colleagues, one or both/all of the parties might, without prejudice to the outcome, be moved to another work location. In extreme cases, one or both parties may be suspended on full pay, if it is necessary to facilitate the investigation. Suspensions will be confirmed in writing providing details for suspension and duration.

### **Hearing**

The employee should take all reasonable steps to attend the Hearing. If the employee is unable to attend the Hearing and can provide reasonable grounds for not being available, an alternative

date will be arranged, normally within 5 working days. If the reasons are medical, then a medical certificate will need to be submitted by the employee. Failure to attend a Hearing without reasonable justification will be investigated and appropriate action taken.

At the Hearing the employee will be given an opportunity to discuss their complaint. After the Hearing, the Chairperson will provide the outcome in writing, normally within five working days. Employees have the right to appeal.

### **Appeal**

If the employee wishes to appeal, they must formally write to the Clerk to Governors advising of their grounds for appeal. This must be received within 5 days of receiving written confirmation of the outcome of the Hearing. The decision made at the Appeal Hearing is the final stage of the procedure.

## **7 PROCEDURE FOR PEOPLE WHO HAVE LEFT EMPLOYMENT**

Wherever possible a complaint should be dealt with before an employee leaves employment. However, an employee who has left employment and wishes to raise a complaint, should write to their Headteacher, setting out their complaint as soon as possible after leaving employment, preferably within two weeks. Where the complaint is about their Headteacher, the complaint should be raised to the Chair of Governors.

The Headteacher /Chair of Governors will set out their response in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process.

## **8 KEEPING RECORDS**

Written records will be kept in accordance with Plymouth Nursery Schools Federation: Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care 'Retention and Disposition Schedule' and the Data Protection Act 1998. Records should include:

- The nature of the harassment
- A copy of the written complaint
- The Headteacher or governors' response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Subsequent developments

All records will be treated as confidential. Copies of notes will be given to the employee. In certain circumstances, for example to protect a witness, the school might withhold some information. If witnesses request to remain anonymous, all practical steps will be taken to protect the identity of employees, however in some circumstances it may be inevitable that their identity is revealed. Confidentiality of the employees' identity therefore cannot be guaranteed.

## **9 SUPPORT AVAILABLE FOR EMPLOYEES**

Employees can approach their Headteacher for support. In some cases, a referral may be made to the Occupational Health Unit for counselling. Alternatively, employees who are a member of a Trade Union may wish to contact their Trade Union Official or professional representative.

## **11 FURTHER GUIDANCE**

If you would like further guidance on how to handle a harassment complaint, please refer to the Anti-Bullying and Harassment Guide available on the PLP HR website.

I can confirm that the governors of [Plymouth Nursery Schools Federation: Ham Drive Nursery School and Day Care and Plym Bridge Nursery School and Day Care](#) have adopted this policy as their own.

Signed:

Chair Of Governors

Date: 24<sup>th</sup> May 2018

This policy will next be reviewed in May 2021.