

## **Little Stars Pre-school**

### **Dignity at Work Policy**

Little Stars Pre-school is committed to creating an environment free from bullying and harassment, where everyone is treated with dignity and respect.

Bullying and harassment can have very serious consequences for individuals and the Pre-school. Bullying or harassment may cause stress; affect an individual's health and their family or social relationships. It can also impact on an individual's work performance and result in them leaving their job.

Effects on the Pre-school can include loss of morale, poor work performance, increased staff turnover, legal claims and damage to the Pre-schools reputation.

Little Stars Pre-school will not tolerate bullying and harassment of any kind. All allegations of harassment and bullying will be investigated and if appropriate disciplinary action will be taken. The organisation will also not tolerate victimisation of a person for making allegations of bullying and harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

This policy covers harassment and bullying of and by managers, employees, contractors, agency staff, learners and anyone else engaged to work or train within the Pre-school.

If the complainant or alleged harasser is not employed by the Pre-school, eg if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the Pre-school could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any

work-related setting outside the workplace, eg business trips and work related social events.

The policy does not cover bullying or harassment by customers, suppliers, or visitors and in these cases, employees should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers or visitors will be dealt with through the disciplinary procedure.

#### **What is bullying and harassment?**

**Bullying** is offensive, intimidating, malicious, insulting behaviour or an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

**Harassment** is unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or

- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a “joke” may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him or her, eg sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person eg certain “banter” flirting or asking someone for a private drink after work. In these cases, first time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Pre-schools disciplinary policy.

Some bullying or harassment will constitute unlawful discrimination, eg if it relates to a person’s sex, race, religion or belief, sexual orientation, disability or age. Serious bullying or harassment may amount to other civil or criminal offences, eg civil or criminal offences under the Protection from Harassment Act 1996 and criminal offences of assault.

### **Examples of bullying or harassment**

Bullying and harassment may be misconduct which is physical, verbal or non verbal, eg by letter or email

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, eg promotion, access to training;
- threats for rejecting sexual advances, eg suggestions that refusing advances will adversely affect the employee’s employment, evaluation, pay, assigned work, or any other condition of employment or career development;
- demeaning comments about a person’s appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual’s age;
- questions about a person’s sex life;
- unwanted nicknames related to a person’s age, race or disability;
- the use of obscene gestures;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, eg magazines, calendars or pin-ups;

- spreading malicious rumours or insulting someone;
- picking on someone or setting him or her up to fail;
- making threats or comments about someone's job security without any good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities

### **What is Victimisation?**

**Victimisation** is treating someone less favourably than others because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he or she has made a complaint or giving him or her worse work.

Provided that you act in good faith, ie you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Pre-school will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised against you.

Making a complaint which you know to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against you.

### **What should I do if I think I am being bullied or harassed?**

#### **Informal**

You may be able to sort matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion may help him or her to understand the effects of his or her behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of your Manager, or a fellow employee. Alternatively, an initial approach could be made on your behalf by one of these people.

You should tell the person what behaviour of his or hers you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager.

You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

#### **Formal**

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Pre-schools grievance procedure. Further details on this procedure can be found via the intranet, or a copy can be obtained via the Manager.

### **Investigating claims of bullying or harassment**

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser.

You will have the right to be accompanied by a work colleague of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and a written outcome will be provided to you. On determining an outcome the Pre-school will decide on a balance of probabilities, after considering all available evidence, whether bullying or harassment has occurred.

Wherever possible, the Pre-school will try to ensure that the complainant and the alleged harasser are not required to work together whilst the complaint is under investigation. This could involve giving you the option of remaining home on special leave, if you wish. In a serious case, the alleged harasser may be suspended whilst investigation and any disciplinary proceedings are underway.

Where the investigation confirms that an act of bullying and harassment has taken place, the complaint will be upheld and dealt with as an act of gross misconduct under the Pre-schools Disciplinary Procedure, the sanction for which may include dismissal.

If a complaint is not upheld, the Manager will support the individual, the alleged harasser and the appropriate manager in making arrangements for all parties to continue or resume working and to help repair working relationships.

Individuals have a right not to be victimised for either making a complaint in good faith, or supporting a colleague to do so, even if the complaint is not upheld. Disciplinary action will be taken where the Pre-school has good reason to believe that victimisation has taken place against the complainant or individuals giving evidence in support of the complaint.

However, making a complaint which is held to be untrue or not submitted in good faith may lead to disciplinary action being taken against the complainant.

### **What happens if I am accused of bullying or harassment?**

#### **Informal**

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence.

Provided that you do not repeat the behaviour which has caused offence, it is likely that the matter will be resolved at that stage.

#### **Formal**

If a formal complaint is made about your behaviour, this will be fully investigated and the Pre-school may bring disciplinary proceedings, if appropriate. The Pre-school will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side

of the story and to be accompanied to meetings by a work colleague of your choice. The procedure will be implemented at the appropriate stage and where substantiated dealt with as an act of gross misconduct under the Pre-school Disciplinary Procedure, the sanction for which may include dismissal.

## **Confidentiality**

The Pre-school will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigations of allegations will normally require limited disclosure on a “need to know” basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he or she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

If the complaint is upheld, and a person who has been found to have harassed you is kept in the Pre-schools employment, the manager may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

## **Responsibilities**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help do this by:

- being aware of how your own behaviour may affect others and changing it, remember you can still cause offence even if you are “only joking”
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop bullying or harassment and giving support to recipients;
- making it clear that you find bullying and harassment unacceptable;
- reporting harassment or bullying to your manager and supporting the Pre-school in the investigation of complaints; and if a complaint of bullying or harassment is made, not prejudging or victimising the complainant or alleged harasser.

## **Manager Responsibilities**

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- take positive steps to ensure that bullying or harassment does not occur; and
- report promptly to Owner any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

## Training

The Pre-school will seek training to all existing and new employees and others engaged to work at the Pre-school to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

**Monitoring and Review** The Pre-school will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement and necessary changes. The Pre-school will also monitor and review how successful we are in creating a workplace free of bullying and harassment which may include confidential staff surveys, new starter reviews and exit questionnaires. **Principal Legislation relating to this policy**

- Disability Discrimination Act 1995
- Health & Safety at Work etc Act 1974
- Protection from Harassment Act 1997
- Race Relations Act 1976
- Sex Discrimination Act 1975
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Sex Discrimination) Regulations 2005
- Employment Equality (Age) Regulations 2003
- Management of Health and Safety at Work Regulations 1999
- Race Relations Act 1976 (Amendment) Regulations 2003
- Sex Discrimination Act 1975 (Amendment) Regulations 2008
- Employment Equal Treatment Framework Directive 2000
- Equal Treatment Directive 2006

This policy was adopted by Little Stars Pre-school

Signed on behalf of the pre-school: Jo Mengham

Role of signatory: Owner

This policy is a static policy for our website and will be reviewed and amended throughout the academic year. Copies of our up to date policies can be seen at our Pre-school.