



## ANTI-BULLYING AND HARASSMENT POLICY

It is the policy of York Childcare (YC) to encourage a working environment where everyone is treated with dignity and respect. Bullying and harassment of any kind will not be tolerated in the workplace.

YC acknowledges its duty of care for all employees through upholding the appropriate Employment Laws.

Complaints of bullying and harassment will be dealt with fairly, confidentially and sensitively. Bullying and harassment may be treated as misconduct under our disciplinary procedure. In some cases, it may amount to gross misconduct leading to dismissal without notice.

### **Definitions of Bullying and Harassment:**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct.

Harassment is unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating hostile, degrading or offensive environment for them. Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to age, disability, gender re-assignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories. It may relate to any personal characteristic of the individual. It may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

### **Examples of Unacceptable Behaviour:**

- spreading malicious rumours, or insulting someone (particularly on the grounds of the above categories mentioned)
- copying memos about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close
- displaying offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities



This policy applies to staff when working on YC premises and when offsite on York Childcare business/training.

Visitors to our settings are expected to comply with this policy.

YC acknowledges that bullying and harassment could potentially cause significant problems for the organisation. It therefore aims to promote a safe, healthy and fair environment in which people can work. This is developed through regular supervisions, direct access to senior managers should the need arise, planned policy reviews, planned programmes of training. It is our intention to ensure that senior managers receive training on how to deal with supervisory and personnel issues.

## **BULLYING AND HARASSMENT PROCEDURE**

### **Informal procedure**

If you feel that you are the recipient of bullying or harassment, in the first instance, you should initially consider raising the problem informally with the person responsible, if you feel able to. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should discuss it with your line manager, who can provide advice on resolving the situation informally or formally.

If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

### **Formal procedure**

If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If, because of the nature of the concerns this is not appropriate, for example, the matter concerns that person, you should contact the General Manager. If this is not appropriate, you should contact a member of the Management Board.

Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.



## **Formal Investigations**

As soon as is reasonably possible, the Line Manager should inform the General Manager so that the complaint can be investigated.

We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully, who may also be accompanied by a colleague or trade union representative of their choice, to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a contractor, customer, service user, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

The severity of the accusation will influence if any action is to be taken while the investigation takes place. In cases of serious misconduct, disciplinary procedures will be followed immediately. The person who has made the complaint may be moved if they request it while the investigation takes place.

Allegations will usually be investigated within 5 working days of the complaint being received and feedback given to the complainant.

## **BULLYING AND HARASSMENT PENALTIES**

If the YC considers that harassment or bullying has occurred, prompt action will be taken to address it. Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.



Where the harasser or bully is a third party, appropriate action might include speaking or writing to the person and/or their superior about their behaviour, or in very serious cases, banning them from the premises, or terminating a contract with them.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

In some cases it may be concluded that counselling or training are needed to help resolve the situation.

### **Appeals**

If you are not satisfied with the outcome you may appeal in writing stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within one week of receiving your written appeal. A manager not previously involved in the process will carry out the appeal along with a Trustee from the YC Management Board. (This could be a manager from another YC nursery or Out of School Service Manager.) You may bring a colleague or trade union representative to the meeting.

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

Where a penalty is to be imposed, all the circumstances should be considered including the employee's disciplinary and general record, action taken in any previous cases, and explanations given.

The action taken must be reasonable in the light of the facts. Penalties may include the following:

- Oral or written warning
- Suspension
- Transfer to a different setting
- Dismissal

Whenever a case of bullying or harassment arises, Managers and Directors should examine policies, procedures and working methods to see if they can be improved.