Dignity at Work Policy

Policy statement

Binfield Preschool supports the right of every individual to be treated with respect and dignity at work. Harassment of any kind will not be tolerated in the workplace. The staff, manager and committee of Binfield Preschool have a commitment to promote a workplace free of harassment, including bullying, victimisation or intimidation.

The manager and committee are aware that where they see unacceptable behaviour, whether or not a complaint is made, they need to treat the matter seriously and take appropriate action to eliminate the particular behaviour.

Procedures

It is the responsibility of every staff member of Binfield Preschool to ensure that they treat colleagues with dignity and respect. All staff members should take care not to practice, encourage, incite, or condone any form of behaviour towards a colleague, which could be viewed by others as harassment.

Any complaint from an employee about alleged harassment will be dealt with fairly, confidentiality and sensitively. If necessary, the manager will refer to our Disciplinary and Grievance Procedure for Employees policy to deal with serious allegations of harassment by a member of staff. This policy may also be used to deal with staff members who make unfounded or malicious allegations of harassment.

This Dignity at Work policy specifically addresses issues raised by alleged harassment of an employee by another employee (or employees). It also sets out definitions of bullying and harassment and how complaints of this type should be dealt with. It does not apply to grievances, which should be raised through the Disciplinary and Grievance Procedure for Employees policy, or harassment by members of the public (e.g. parents) towards staff, which should be investigated promptly by the manager and committee.

What is harassment?

Every individual member of staff has the right to be treated fairly and with dignity and respect. Harassment occurs when someone engages in unwanted conduct, which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is not the
intention of the perpetrator, which defines whether a particular type of conduct is harassment, but the effect it has on the recipient.

**Bullying is just as unacceptable as any other form of harassment**

Conduct that could constitute harassment includes:

- any physical contact, which is unwanted
- coercion, isolation or ‘freezing-out’
- display of offensive material, e.g., 'pin-ups'
- offensive jokes
- unwelcome remarks about a person’s dress, appearance, race, or marital status
- shouting at staff
- personal insults
- persistent criticism
- setting impossible deadlines.
- victimisation

**The effect of harassment and bullying at work**

Harassment and bullying at work can cause fear, stress, anxiety, and physical sickness amongst employees. It may also put a heavy strain on personal and family life. It can lead to increased absenteeism, an apparent lack of commitment, poor performance and even resignation.

For the employer, the result is not just poor morale, but higher staff turnover, reduced productivity, lower efficiency and divided teams. The effects will eventually show through in the overall performance of your organisation.

**Dealing with bullying and harassment – Step 1**

*Informal approaches*

- In some cases of alleged harassment of one employee by another, it may be possible to sort out the matter informally. At times employees are not aware that their behaviour is unwelcome, and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

- Employees who feel that they are being bullied or harassed, but are unsure of what to do, should discuss the matter confidentially with the manager before deciding what action, if any, to take. The manager will not take any formal steps to deal with the matter personally, unless the employee specifically authorises it.

- If at all possible, the employee should tell the other member of staff to stop whatever it is they are doing that is causing them distress; otherwise the other member of staff may be unaware of the effect of their actions. It may be that the employee will choose to do this themselves, or they may need support from the manager, who may act on their behalf if requested.

- If, after an informal discussion with the other member of staff, the matter is still unresolved, the employee should make a formal complaint without unreasonable delay.
Dealing with bullying and harassment – Step 2

Formal complaints

- If an informal approach to the person concerned is not effective, or not appropriate, perhaps because of the serious nature of the complaint, then the individual should make a formal complaint to the manager, who will also inform the committee chairperson. If the complaint is about the manager, then any formal complaint should be directed straight to the committee chairperson.

- The manager is responsible for ensuring that any such complaint is investigated promptly and confidentially, either personally or by delegation to the assistant manager (on their behalf) or committee chairperson, and that any necessary formal action is initiated. The manager will ensure that the result of the investigation is fed back to the complainant. The committee chairperson is similarly responsible for ensuring that any complaint against the manager is investigated.

- After investigating the complaint, the manager or committee chairperson (in the case of the manager) may decide to do one or more of the following; offer counselling, conciliation or mediation; take disciplinary action against the bully/harasser in accordance with the Preschool’s Grievance and Disciplinary procedure; take some other action as appropriate to the outcome of the investigation.

Dealing with harassment

- All employees should have the right to effective remedies when incidents occur, and the procedures should ensure that quick and effective action is taken.

- Often the solution may be as simple as pointing out to someone the effect that their behaviour has on others and getting them to stop the behaviour concerned. For a variety of reasons victims of harassment are often reluctant to invoke formal procedures to resolve matters. It is therefore preferable for all concerned that, whenever possible, complaints are dealt with internally and informally. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality.

- Where the informal process proves ineffective or where the individual being harassed prefers, or in serious cases, such as assault, it will be necessary to take formal action within the normal disciplinary procedures or within the guidelines laid down by a specific anti-harassment policy.

How can bullying and harassment be recognised?

- There are many 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.

- Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality, or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.
Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation, and this may include:

- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation, age and religion or belief)
- copying memos that are critical about someone to others who do not need to know about them
- 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, or any display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading them and constantly criticising them
- preventing individuals progressing by intentionally blocking promotion or training opportunities

Bullying and harassment are not necessarily face to face, they may be by written communications, electronic (e)mail (so called 'flame-mail'), phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

Bullying and harassment can often be hard to recognise – they may not be obvious to others and may be insidious. The recipient may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of 'overreacting' and worry that they will not be believed if they do report incidents. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial, but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

Why do employers need to take action against bullying and harassment?
Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including:

- poor morale and poor employee relations
- loss of respect for managers and committee members
- poor performance
- lost productivity
- absence
- resignations
- damage to reputation
- tribunal and other court cases and payment of unlimited compensation.

It is in every employer's interests to promote a safe, healthy, and fair environment in which people can work.

**The Legal Position**

*Discrimination and harassment*

It is not possible to make a direct complaint to an employment tribunal about bullying. However, employees might be able to bring complaints under laws covering discrimination and harassment. For example:

- **Sex** - the Sex Discrimination Act gives protection against discrimination and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment
- **Race** - the Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act (Race Regulations 2003) also give a standalone right to protection from harassment on the grounds of race and ethnic or national origin
- **Disability** - the Disability Discrimination Act 1995 gives protection against discrimination and victimisation
- **Sexual orientation** - the Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination and harassment on the grounds of sexual orientation (orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' - bisexual)
- **Religion or belief** - the Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination and harassment on the grounds of religion or belief
- **Age** - the Employment Equality (Age) Regulations 2006 give protection against discrimination and harassment on grounds of age

**Unfair dismissal**

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken - for example, through bullying and harassment at work - then an employee can resign and claim 'constructive dismissal' on the grounds of breach of contract. Employers are usually responsible in law for the acts of their workers.

**Health and safety**

Breach of contract may also include the failure to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety, and welfare at work of all employees.
The Health and Safety Executive (HSE) is currently focusing on the issue of stress at work. HSE defines stress as "the adverse reaction a person has to excessive pressure or other types of demand placed upon them". In tackling work-related stress, HSE reminds employers that looking after the health of employees includes "taking steps to make sure that employees do not suffer stress-related illness as a result of work". For more information visit www.hse.gov.uk.

How we will respond to a complaint of bullying and/or harassment
Binfield Preschool will investigate the complaint promptly and objectively. Take the complaint seriously. Employees do not normally make serious accusations unless they feel seriously aggrieved. The investigation must be seen to be objective and independent. Decisions can then be made as to what action needs to be taken.

Informal approaches
In some cases, it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome, and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from the manager, committee chairperson or committee.

Counselling
Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

Conciliation
In cases where the manager finds that the complaint of harassment appears to have arisen from a personal difficulty between employees, it may be appropriate to facilitate conciliation between the parties in order to restore a working relationship.

Disciplinary procedures
Where an informal resolution is not possible, the manager or committee chairperson may decide that the matter is a disciplinary issue which needs to be dealt with formally at the appropriate level of the Preschool's disciplinary procedure. As with any disciplinary problem, it is important to follow a fair procedure.

In the case of a complaint of bullying or harassment, there must be fairness to both the complainant and the person accused. In cases, which appear to involve gross misconduct, or serious misconduct, where there is reason to separate the parties in order to investigate the matter, a short period of suspension of the alleged bully/harasser may need to be considered while the case is being investigated.
Where bullying or harassment amounts to gross misconduct, dismissal without notice may be appropriate following a disciplinary hearing.

There may be cases where somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons. These cases should also be investigated and dealt with fairly and objectively under the disciplinary procedure.

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

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