

Bullying, harassment and victimisation policy

Wellies Day Nursery Ltd will not tolerate any form of bullying, harassment or victimisation.

The purpose of this policy is to inform employees of the type of behaviour that is totally unacceptable and to explain what solutions there are to employees who may suffer the unlawful actions of bullying, harassment or victimisation. It also sets out the steps that the Company will take to deal with any employee complaints of bullying, harassment or victimisation including by third parties such as visitors to the premises, and victimisation.

We provide separate but similar policies for use by workers and agency staff, which confirm that the Company will not tolerate any form of bullying, harassment or victimisation.

The Company intends to provide a neutral working environment and a culture that is diverse, equitable and inclusive. No one should feel threatened or intimidated and all should be treated with dignity and respect. All employees are required to uphold, promote and apply this policy.

This policy also applies to work social events, such as a Christmas party, and to social media posts between colleagues, which will be still classed as a 'work situation'.

Harassment

Harassment is a discriminatory act, and employees can be personally liable for harassment claims. The protected characteristics relevant to harassment are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Harassment is very difficult to define as it can take many forms, but in the main it is unwanted behaviour related to a relevant protected characteristic towards others, which has the purpose or effect of violating the victim's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment ('a hostile environment') for them. It could also be that the victim doesn't have the relevant protected characteristic, but witnessing the harassing behaviour has still created a hostile environment for them.

The following are examples of harassing behaviour:

- Derogatory comments about someone's clothing that are related to a protected characteristic, for example in relation to religious clothing.
- 'Jokes' or 'banter' against a protected characteristic, for example racist 'jokes'.
- Consistently using the wrong names and pronouns following a gender identity transition.
- Mimicking or making fun of someone's disability.
- Marginalising someone because they are of a particular race.

Sexual harassment

Sexual harassment is any unwanted sexual conduct that has the purpose or effect of violating a person's dignity or creating a hostile environment for them.

The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment.

Examples of sexual harassment include:

- Unwelcome sexual invitations or pressure to meet up socially on a date.
- Displaying sexually explicit material.
- Unwanted physical sexual behaviour, for example caressing or grabbing in a sexual manner.
- Leering or making sexually suggestive gestures.
- Sending pornographic material.

Harassment also includes unwanted sexual conduct, or that is related to sex or gender reassignment, which creates a hostile environment and because of a rejection of, or submission to, the conduct, the harasser treats the person less favourably. For example:

- Threatening that an employee will lose their job because they have refused to enter into a sexual relationship with the manager.
- Spreading malicious rumours about someone's transgender status and then refusing to promote them because they raised a grievance about this.

Victimisation

Victimisation means treating someone badly because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010.
- Giving evidence or information in connection with proceedings under the Equality Act 2010.
- Doing any other thing in connection with the Equality Act 2010.
- Alleging that a person has breached the Equality Act 2010.

Victimisation may include, for example, a manager bringing false disciplinary proceedings against an employee because they complained they were being sexually harassed.

Third party harassment

Third-party harassment occurs where a person is harassed by someone who does not work for the same employer, such as a visitor or supplier. We recognise the seriousness of third-party harassment and we have zero tolerance towards this. Employees are encouraged to report any incidents of harassment by third parties which they experience or witness.

Bullying

Bullying can be described as offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power through means intended to undermine, injure or humiliate the recipient. Bullying may be physical, verbal or non-verbal conduct. Obvious examples are:

- Threats of or actual physical violence.
- Unpleasant or over repeated jokes about a person, including name-calling.
- Unfair or impractical performance requirements or targets.
- Constantly criticising someone's work.
- Making threats about job security.
- Excluding someone from team social events.
- Removing someone from a team social media group because they have raised a complaint of bullying.

Procedure

Any allegation of bullying, harassment or victimisation will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to bullying, harassment or victimisation must not hesitate in using this procedure, including if they have any complaints of third-party harassment. An employee will not be victimised for raising a complaint of bullying, harassment or victimisation.

However, following a full investigation, if the Company finds that the complaint is not upheld and in addition, has grounds to believe that the complaint was brought in bad faith, disciplinary action may be taken under the Company's disciplinary procedure.

Allegations of bullying, harassment or victimisation in a work situation (which includes work social events and interactions on social media between colleagues) are likely to be classed as allegations of gross misconduct which may lead to disciplinary action up to and including summary dismissal (or ending their engagement in the case of a worker). If any employee harasses (including sexual harassment) or victimises anyone outside of a work situation, but where the incident is relevant to that employee's suitability to carry out their role at the Company, then this would also be classed as an allegation of gross misconduct. When considering allegations of bullying, harassment or victimisation, aggravating factors such as an abuse of power over a more junior colleague will be taken into account when deciding on appropriate action.

In less serious cases, other potential remedies could include formal warnings, all-party meetings, informal mediation and informal warnings.

In the case of third-party harassment, potential actions to remedy a complaint or prevent it happening again, could include warning the third-party about their behaviour, banning the third-party from the workplace, reporting any criminal acts to the police or sharing information with the third-party employer if appropriate.

If you encounter any incident of bullying, harassment or victimisation, including third-party harassment, please do raise your concerns with your manager [or HR] as soon as possible. However, if you do not feel comfortable speaking with your usual point of contact, please raise your concerns with any other member of the management team.

When you raise an issue, we will talk to you about how you would like it dealt with and resolved.

Informal complaints process

If you prefer, you can raise the matter informally. Please be assured that we will deal with an informal complaint as seriously as a formal complaint.

You may or may not want the manager to speak to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where it is necessary given the nature of the allegations, we may have no choice but to approach the individual and potentially instigate a formal investigation. In such a case we will, wherever possible, discuss this with you first.

You may prefer to raise the matter directly with the employee themselves, to make it clear that their behaviour is upsetting or offending you. This is entirely your choice and you should not feel obliged to tackle the matter directly. However, if you choose to deal with the matter directly, we would also ask you to flag your concerns with your manager [or HR] for support and in order to notify us of the concerning behaviour.

If you are not the direct victim, but instead witness any bullying, harassment or victimisation, we would also ask you to raise this with your manager [or HR] as soon as possible, in order for your concern to be actioned appropriately.

Formal complaints process

If the informal approach fails or if you wish to deal with the matter formally from the outset, you should raise the matter formally by putting your concerns in writing or by raising a formal grievance under the Company's grievance procedure. You should preferably provide as much information as possible to assist in investigating your formal complaint, including the name of the harasser, the nature of the harassment, the names of any witnesses and details of when and where the acts took place.

Again, if you are not the direct victim, but instead witness any bullying, harassment or victimisation, you are still able to address this formally by raising your concerns in writing or submitting a grievance through the formal grievance procedure if you prefer.

Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying, harassment or victimisation, we may take disciplinary action against you under the Company's disciplinary procedure, up to and including dismissal.

In all cases we will need to consider the duty of confidentiality that we owe to all employees, for example there would be restrictions on sharing information about the actions taken against the alleged harasser with the complainant.

Consequences of breaching this policy

Incidents of bullying, harassment or victimisation, including authorising or condoning such behaviour, will be treated as potential gross misconduct and may result in summary dismissal.

Training

All new starters must attend training on this policy as part of their onboarding programme.

Every current employee must attend regular training as an update on this policy.

Monitoring and review

We carry out regular reviews of this policy to monitor its effectiveness.