



Harassment, Bullying & Victimisation Policy

The Policy

It is the policy of The Indigo Childcare Group (the Company) to provide a safe working environment free from harassment and bullying.

All individuals working at all levels and grades are covered by this policy. This includes senior managers, officers, directors, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term employees, volunteers, casual workers and agency staff (collectively referred to as **staff** in this policy).

This policy covers harassment, bullying and victimisation which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers harassment, bullying and victimisation by staff and also by third parties such as customers, suppliers or visitors to our premises. Unintentional harassment, bullying and victimisation are also unacceptable.

Staff are entitled to be treated with respect and dignity and The Company will not tolerate any harassment or bullying of any person on the grounds of sex, marital or civil partner status, sexual orientation, gender reassignment, pregnancy or maternity, gender reassignment, race, religion or belief, age or disability (“the **Protected Characteristics**”).

It should be noted that staff have a personal responsibility for the implementation of this policy and to ensure that they treat others with the respect and dignity that they expect to be treated with themselves.

Grounds for Complaint

Harassment

Harassment is any 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, humiliating or offensive environment for them. It may be repeated behaviour, or in serious cases, may involve only a single incident. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Staff should note that harassment related to gender, sexual orientation, gender reassignment, race, religion or belief, age or disability is unlawful. Whether the harassment is by a member of staff or by a third party, such as a client or supplier, both the Company and the harasser may be legally liable.

Harassment may include, for example:

- Unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- Lewd or suggestive comments about appearances, personal life or sexual activities;
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- Sending or displaying material that is pornographic or racist or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- Mocking, mimicking or belittling a person's disability;
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- Outing or threatening to out someone as gay or lesbian;
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity;
- The issuing of menial or demeaning tasks simply on the grounds of someone's age or disability.

The above are examples only of what may be considered inappropriate. It must be borne in mind that it is for each individual to determine what behaviour is acceptable to them and what they consider offensive. Even if the member of staff's conduct is not purposefully intended to harass a colleague or to make them feel uncomfortable the member of staff should bear in mind that it is the effect their conduct has on the colleague which is important.

The Company will ensure that this policy is communicated to all staff and will provide training for them at induction and at regular intervals thereafter.

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. 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. Bullying may include, by way of example:

- Shouting at, being sarcastic towards, ridiculing or demeaning others;
- Physical or psychological threats;
- Overbearing and intimidating levels of supervision;
- Inappropriate and/or derogatory remarks about someone's performance;
- Abuse of authority or power by those in positions of seniority;
- Continual and undeserved criticism;
- Imposing unreasonable deadlines; or
- Deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

It is intimidation that serves to undermine self-esteem, confidence, effectiveness and integrity. The Company recognises that all Employees have the right to work in an environment free from the threat of bullying and any reported instances of bullying will be treated seriously by the Company and investigated fully.

Victimisation

This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint. Staff have the right to raise grievances and to raise issues relating to discrimination or bullying in good faith and to have these matters investigated. Where a member of staff raises an issue in good faith, they will not suffer any detriment or victimisation by virtue of raising their grievance or complaint with management.

The Policy in Operation

Informal Steps

All allegations of harassment (including harassment by a third party), bullying and victimisation will be taken seriously. They will be dealt with sensitively, thoroughly, promptly and, where possible, in confidence.

Staff who feel that they are being harassed, or are uncomfortable about an aspect of the work environment should make it clear to the harasser that the behaviour is unacceptable. The Company recognises that the member of staff, in some cases, may feel unable to approach the harasser directly, and advice can be sought from management on how the matter can be dealt with informally.

If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager informally for confidential advice.

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

Formal Steps

If you wish to make a formal complaint about bullying, harassment or victimisation, you should submit it in writing to your line manager. If the matter concerns that person, you should refer it to the [Person at a higher level of management].

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.

The Company will investigate complaints in a timely and confidential manner. All parties involved in any complaint are expected to respect this need for confidentiality during the resolution of any complaints, and disciplinary action may be taken against any party who breaches this.

The investigation, where possible, will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation will be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

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.

Any member of staff who is accused of harassment or bullying will be dealt with under the Company's disciplinary procedure. Depending on the nature of the complaint, it may be necessary to temporarily transfer the alleged harasser to another department, or where this is not possible to suspend him or her on full pay.

Where your complaint is about someone other than a member of staff, 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.

We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example you may ask for

changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

Action Following Investigation

Where a member of staff is found guilty of an act of harassment or bullying, he or she will be dealt with in terms of the Company's disciplinary procedure. In serious cases of harassment or bullying, the harasser may be summarily dismissed.

Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; 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.

No detriment will occur against a member of staff who brings a complaint of harassment or bullying, unless it can be shown that the complaint was brought in bad faith or spitefully. In this case, the member of staff will be dealt with through the Company's disciplinary procedure.

Appeals

If you are not satisfied with the outcome you may appeal in writing to The Board of Directors, 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. This will be dealt with impartially by a [more senior] manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). 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.

Date Implemented: 27th June 2011

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