

Staff Harassment and Bullying Policy and Procedure

Purpose and Scope of the Policy

All employees have the right to work in an environment where they are shown respect and consideration at work, and in which the dignity of each and every individual is valued and maintained. FRS Kindergarten is committed to the development and promotion of a positive workplace culture that is free from harassment and bullying, and aims to ensure that any allegation of harassment or bullying at work is taken seriously, is properly investigated, and is dealt with effectively. The Policy applies to harassment on the grounds of disability, gender, marital status, sexual orientation, age, religion, race and ethnic origin, and any other personal characteristic. The Policy applies to all staff employed by the Kindergarten.

Principles

FRS Kindergarten is committed to ensuring that any form of harassment is dealt with both sensitively and speedily. Employees are encouraged therefore to raise any issues immediately in accordance with this procedure in the knowledge that these will be treated seriously and in confidence.

Managers may at times be required to make unpopular decisions and give instructions that may not be welcomed by all employees, but these should not necessarily be construed as harassment or bullying. Managers are however responsible for communicating such instructions in an appropriate manner. FRS Kindergarten acknowledges the fact that people do sometimes make genuine mistakes. This procedure is designed to enable problems to be dealt with sensitively and in accordance with the wishes of the person subjected to inappropriate behaviour. Formal action may be taken under the disciplinary procedure against any employee who has been found to have bullied or harassed any of their colleagues. The making of a false or malicious complaint of harassment or bullying will be regarded as a serious breach of procedures and the disciplinary procedure may be invoked against the complainant.

Definition

The current definition of harassment – as applied to age, sex, sexual orientation, religion or belief and race and ethnic and national origin is:

'Unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment'

The essential characteristic of harassment is that the action(s) is unwanted by the recipient. Forms of harassment include many kinds of unacceptable behaviour. For example: Uninvited, unreciprocated and unwelcome behaviour of a sexual nature, which is offensive to the person involved and causes that person to feel threatened, humiliated, or embarrassed. Action, behaviour, comment or physical contact which is found objectionable or which causes offence, including: offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature, or offensive remarks about a person's skin colour, physical characteristics, age, sexual orientation, or any other personal characteristic. Bullying is the intimidation or belittling of someone through the misuse of power or position, which leaves the recipient feeling

hurt, upset, vulnerable or helpless. It is often inextricably linked to the areas of harassment described above. Examples of bullying include: Unjustified criticism of an individual's personal or professional performance, shouting at an individual, criticising an individual in front of others. Spreading malicious rumours or making malicious allegations ignoring or excluding an individual from the team / group.

The legal position

The UK Protection from Harassment Act 1997 makes provision for protecting people from harassment and 'similar conduct'. It states that a person must not carry out actions which amount to harassment, or which they know may be regarded by the other person as harassment.

The following anti-discrimination legislation is also in place:

Sex

The Sex Discrimination Act gives protection against discrimination and victimisation of the grounds of sex, marriage or because someone intends to undergo 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 stand-alone 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 the grounds of age.

Responsibilities

Responsibilities of All Employees

All employees have a personal responsibility not to harass or bully other members of staff, or to condone harassment or bullying by others. Harassment and bullying is misconduct and action may be taken under the disciplinary procedure against any employee found to have harassed or bullied an individual at work. Employees should also be aware that they could also be personally liable by law if they harass anyone at work. All employees have a duty to assist in the creation of a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour, ensuring their own behaviour does not contribute to or collude with unacceptable behaviour, and cooperating fully in any

investigation undertaken by FRS Kindergarten. Any employee who becomes aware of harassment or bullying occurring should bring the matter to the attention of his/her manager.

Responsibilities of Managers

Managers have an obligation to prevent harassment or bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Managers must ensure that the workplace under their control is one where everyone has the right to be treated with dignity and respect. They should respond to complaints swiftly and sensitively, and be aware of behaviour which would cause offence, if necessary reminding employees of expected standards. It may not always be appropriate for a line manager to be involved with specific complaints. For example, if the complainant is male and wishes to speak to a male, but the manager is female, or if the complaint relates to the conduct of the line manager. The harassment procedure sets out the alternatives for such instances.

Redress

An employee who feels that he/she has been harassed or bullied has a right to seek redress via the procedure set out below:-

Communication & Training

All staff will be informed of the Harassment and Bullying Policy and Procedure. A copy of the Policy and Procedure will be made available to staff via email, on the website or as a hardcopy, and a copy will be provided with the policy pack issued to new employees on induction.

Harassment and Bullying Procedure

Where possible and appropriate, harassment and bullying complaints should be dealt with by using an informal approach, at least in the first instance. Informal action provides the opportunity to resolve allegations of harassment through informal discussion and mediation. Some people may not be aware that their behaviour in some circumstances is being perceived as bullying or harassment. Using an informal approach gives the alleged harasser the opportunity to stop if directly approached by an employee, manager or through a mediation process. However, should the informal approach fail to stop the harassment or bullying, or if an employee agrees with their manager that the situation is so serious as to warrant formal action, the formal approach should be taken. This involves the complainant making a written complaint.

Informal Approach

An employee who feels that they are being subjected to harassment or bullying should, if possible, keep a record of the incident(s), including the date, time, nature of incident, and the names of any witnesses. It is important that employees who feel subjected to harassment or bullying raise the issue with an appropriate person at the time the incident(s) occur, in order that matters can be dealt with swiftly and that further potential harassment is prevented. If the employee feels able, they should raise the problem with the alleged harasser, either verbally or in writing, making it clear that the behaviour is offensive and unwelcome, and ask for it to stop.

Alternatively, the issue may be raised with the Kindergarten manager (Emma Wohl) who can raise the allegations informally on behalf of the complainant.

Mediation is another informal option. A meeting may be held with both parties and a mediator, at which the mediator will give both parties an opportunity to express their viewpoints, to discuss these, and come to some understanding, leading to a mutually acceptable solution. The mediator is likely to be a line manager or volunteer who has the appropriate skills. However, this is only an option if both parties agree to undertake the process with the intention of finding a solution. Where a resolution is reached through the informal stage of the process, with both parties' agreement, a copy of the outcome should be given to both parties and a further copy placed on their personal files. An appropriate manager should make arrangements for ongoing monitoring of the situation. Where a resolution is not achieved through the informal stage of the process, an employee can pursue a complaint through the formal stage of the process referred to below. Any discussions which took place during mediation remain confidential and 'without prejudice' and, may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of all parties. In the event that mediation is not pursued at the informal stage, it will remain an option for the parties to pursue either during the formal stage, or upon conclusion of any investigation.

Formal Approach

If an employee wishes to make a formal complaint they should report it in writing to the Kindergarten manager (Emma Wohl). In circumstances where the alleged harasser/bully is the manager then complaint should be reported to the Chairman of the Management Committee (Ben Noah - telephone number available from the Synagogue office). The process used will be as defined in the Kindergarten's Complaint's procedure.

The Kindergarten manager, Chairman of the Management Committee or another suitable person will then undertake a formal investigation, which must be carried out with due regard to the need for a swift conclusion and should normally take no longer than four weeks from the date of initial acknowledgement of the complaint. This person will keep both parties informed of the progress of the investigation, including any necessary alteration to the above timescale. Where a counter complaint is made by the alleged harasser/bully, this will be dealt with as part of the same investigation.

At any stage of the formal procedure the complainant may decide that they wish to attempt to resolve the situation through an informal approach instead. They will be supported in this decision wherever possible. However, the person investigating the complaint has a duty of care. If it is their view that informal resolution is not appropriate due to the seriousness of the allegations, or that there is a potential for serious risk to an employee, they should continue with formal action. The person investigating the complaint will interview the complainant and the alleged harasser/bully and take written signed statements from both. The alleged harasser/bully will be informed of the allegations made against him/her. Both parties have a right to be accompanied (by either a Trade Union representative or a work

colleague) at the first and any subsequent interview. Interviews may also be held with any witnesses concerned with the incident(s) of alleged harassment/bullying.

In appropriate circumstances the manager will take precautionary action. This will involve either temporary redeployment or suspension of the alleged harasser/bully whilst the matter is being investigated. Taking into account the nature of the allegations involved, consideration should first be given to temporary redeployment (if possible). If this is not considered appropriate, then the employee may be suspended on full pay. The Chair of the Management Committee must be consulted prior to any precautionary action being taken. Precautionary action will be without any assumption of culpability, will always be for a short a period as possible, and the need for its continuation must be reviewed regularly.

On completion of the investigation the person investigating the complaint will close the investigation by evaluating the evidence and preparing a written report to the Chair of the Management Committee and Kindergarten manager (if appropriate). The written report will summarise the findings on the allegations of the complainant and recommend what further action should be taken.

The Chair of the Management Committee and the Kindergarten Manager (if appropriate) will consult before deciding on the course of action to be taken and provide formal notification to that effect to both parties.

Closing an investigation will lead to three possible outcomes:

1. Complaint not upheld

If it is decided that there is no case to answer, support will be provided for both parties, and consideration given to managing their ongoing working relationship. This might involve referral to telephone counselling.

2. Evidence of unacceptable behaviour that may be dealt with informally

In some cases where harassment/bullying is substantiated, but does not warrant disciplinary action, it may still be possible to agree an acceptable resolution. For example, the manager may address the situation through supervisory processes including advice, instruction, training and/ or support. In such cases the manager must make it clear to the employee that their behaviour is unacceptable and that further similar instances may lead to disciplinary action.

3. Disciplinary Action

Where an investigation concludes that there is sufficient evidence of unacceptable conduct, and an acceptable resolution cannot be reached or supervisory processes are inappropriate, it will be necessary to commence disciplinary proceedings in accordance with the Kindergarten's Disciplinary and Grievance Procedure for Employees.

In each of the above, procedures for ongoing monitoring will be put in place by the appropriate manager.

Following investigation, if it is found that the complaint of harassment/bullying was false or malicious then the complainant may be dealt with under the Kindergarten's Disciplinary and Grievance Procedure for Employees.

Appeal Process

If the complainant is not satisfied with the outcome of the harassment investigation, then they have a right of appeal against the decision made. This should be done in line with the appeal procedure set out in the Kindergarten's Disciplinary and Grievance Procedure for Employees. The Chairman of the Synagogue Council will provide impartial advice during the appeal hearing. The alleged harasser/bully has a right of appeal against any disciplinary action, as set out in the Kindergarten's Disciplinary and Grievance Procedure for Employees.

This policy was adopted by

FRS Kindergarten

(name of provider)

On

26th February 2021

Date to be reviewed

25th February 2022

Signed on behalf of the provider

(date)

(date)



Emma Wohl

Headteacher

Name of signatory

Role of signatory (e.g. chair, director or owner)