



ANTI-HARASSMENT POLICY

This document is produced for staff working with the children at Pixies, and is a point of reference for families and others visiting the setting. Within this document 'staff' refers to all persons directly involved in the care of children at this setting, irrespective of their employment status, and includes students, trainees and volunteers.

Policy statement

Pixies seeks to provide an environment in which all children and their families, visitors, childcare staff and other employees are treated with respect and dignity and that is free of harassment and bullying.

All employees are responsible for conducting themselves in accordance with this policy and the Company will not condone or tolerate any form of harassment, bullying or intimidation, whether engaged in by employees or by outside third parties who do business with the Company, such as clients, customers, contractors and suppliers. Pixies will take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees. Employees should draw the attention of their manager or deputy manager to suspected cases of harassment, bullying or intimidation.

Bullying and harassment

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates another person. Bullying and harassment may be verbal, non-verbal, written or physical.

Employees must not harass, bully or intimidate other employees for reasons related to one or more of the protected characteristics as outlined in the Equal Opportunities Policy. Such harassment not only contravenes the Company's policy but it may also constitute unlawful discrimination. Such behaviour will be treated as potential gross misconduct under the Company's disciplinary procedure and could render the employee liable to summary dismissal. Employees should bear in mind that they can be held personally liable for any act of unlawful harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Employees must not victimise or retaliate against an employee who has made allegations or complaints of harassment or who has provided information about such harassment. Such behaviour will be treated as potential gross misconduct under the Company's disciplinary procedure. Employees should support colleagues who suffer such treatment and are making a complaint.

This policy covers bullying and harassment both in the setting and in any work-related setting outside the workplace, for example, during training days and at work-related social events.

An employee harasses another employee if they engage in unwanted conduct related to a protected characteristic, and the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

An employee also harasses another employee if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

Finally, an employee harasses another employee if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee, and because of that other employee's rejection of or submission to the conduct, they treat that other employee less favourably than they would treat them if they had not rejected, or submitted to, the conduct.

The unwanted conduct will still amount to harassment if it is based on the protected characteristic of a third party with whom the employee is associated and not on the employee's own protected characteristic, or if it was directed at someone other than the employee, or even at nobody in particular, but they witnessed it. In

addition, harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular protected characteristic, when in fact they do not.

Conduct may be harassment whether or not the person intended to offend. Something intended as a joke or as office banter may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them. Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or by their conduct, that such behaviour is unacceptable to them. A single incident can amount to harassment if it is sufficiently serious.

Examples

Examples of unacceptable behaviour covered by this policy include, but are not limited to, the following:

Unwelcome sexual advances, requests for sexual favours and other conduct of a sexual nature.
Subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to a protected characteristic.

The offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
Jokes or pictures of a sexual, sexist or racist nature or which are otherwise derogatory in relation to a protected characteristic.

Demeaning comments about an employee's appearance.

Questions about an employee's sex life.

The use of nicknames related to a protected characteristic.

Picking on or ridiculing an employee because of a protected characteristic.

Isolating an employee or excluding them from social activities or relevant work-related matters because of a protected characteristic.

Reporting and investigation of complaints

All allegations of harassment or bullying will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly grievances or complaints of harassment from employees. While the Company encourages employees who believe they are being harassed or bullied to notify the offender (by words or by conduct) that their behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal, direct communication is either ineffective or impractical or the situation is too serious to be dealt with informally, the following steps should be followed in reporting a complaint of harassment or bullying, whether that complaint is against a fellow employee or against a third party such as a client, customer, contractor or supplier:

Any employee who believes they have been or are being harassed or bullied in violation of this policy, or who wishes to report an incident of harassment or bullying, should report the situation to their manager or deputy manager. If the employee does not wish to speak to their line manager, they can instead speak to an alternative manager. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously. All allegations of harassment or bullying will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, the employee will be interviewed and asked to provide a written witness statement setting out the nature and details of the incident or complaint and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances.

However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged bully or harasser so that they are able to fairly respond to the allegations. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the employee raised the matter. Once the investigation has been completed, the employee will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. The Company is committed to taking appropriate action with respect to all complaints of harassment or bullying which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged bully or harasser (see below).

If an employee's complaint is upheld and the bully or harasser remains in the Company's employment, the Company will take all reasonable steps to ensure that the employee does not have to continue to work alongside the bully or harasser if they do not wish to do so. The Company will discuss the options with the employee. If an employee's complaint is not upheld, arrangements will be made for the employee and the alleged bully or harasser to continue or resume working and to repair working relationships. Employees will not be penalised or victimised for raising a complaint, even if it is not upheld, unless the complaint was both untrue and made in bad faith. Alternatively, the employee may opt to use the Company's grievance procedure to make a complaint of harassment or bullying.

Disciplinary action

Any employee of the Company who is found to have bullied or harassed another employee in violation of this policy will be subject to appropriate disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as potential gross misconduct and could render the employee liable to summary dismissal.

In addition, other members of staff who had knowledge that such harassment had occurred in their departments but who had taken no action to eliminate it may also be subject to disciplinary action under the Company's disciplinary procedure.

Training

The Company will take such measures as may be necessary to ensure the proper training, supervision and instruction to enable managers to deal more effectively with complaints of bullying and harassment. The Company will also provide training to all employees to help them understand their rights and responsibilities under this policy and what they can do to create a work environment that is free of bullying and harassment.

Last updated: September 2014

THIS IS A WORKING DOCUMENT. ALL STAFF ARE REQUIRED TO SIGN AND DATE IT WHEN THEY HAVE REFERRED TO IT

Read by:

Date: