



For the benefit of this policy Laura Green Trust – which is the governing body of Greenshoots Pre-school and Wraparound care is hereafter referred to as Greenshoots.

Anti-bullying and Harassment Policy

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1. Introduction

Greenshoots is committed to providing a safe and healthy working environment. This includes an environment that is free from bullying, harassment, discrimination and victimisation, where every employee is treated with respect and dignity and where no employee feels threatened or intimidated for any reason.

All employees are responsible for treating their colleagues with respect and dignity and every employee should consider whether their words or conduct could be offensive to others. Harassment, bullying, discrimination and victimisation may not always be intentional, but it is never acceptable.

The purpose of this policy which applies to all employees, is to stop harassment, victimisation, bullying and discrimination within the workplace.

The term 'harassment' will be used to encompass bullying, harassment, victimisation and discrimination from this point forward.

A complaint of harassment is a type of grievance; therefore this policy will be reflective of the *Grievance Policy* with additional information on how to handle a complaint of harassment.

Harassment at work is inappropriate behaviour, it will not be permitted or condoned and serious cases will be treated by the Laura Green Trust as misconduct, which may include gross misconduct warranting dismissal.

Complaints of harassment will be dealt with sensitively, discreetly and as quickly as possible.

Employees raising a complaint of harassment should be able to do so without fear of victimisation. Employees have the right to pursue a complaint concerning discrimination and victimisation. This is also referenced in the Equality and Diversity Policy.

All those involved have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously will be subject to disciplinary action.

All cases will be dealt with in a non-discriminatory and consistent way.

The Investigating Officer and the Chairperson of the grievance hearing will be responsible for ensuring this.

The employee has the right to be accompanied by a work colleague for support at any meetings, provided they are aware that colleague is there to provide support only and not to contribute, or be represented by a Trade Union Representative or a professional representative during all stages of the procedure.

Employees who witness unacceptable behaviour should, where possible, challenge it.

The Laura Green Trust and Manager(s) in charge, may vary it's Anti-bullying and Harassment policy, where it is appropriate to do so, in order to comply with it's statutory duty and to provide an effective procedure.

2. Definition of Harassment

Harassment consists of unwanted conduct of women and men in the workplace.

The Equality Act 2010 protects you from harassment at work by your employer or colleagues. It includes things like abusive or threatening comments, jokes or behaviour.

Harassment is *unwelcome* and *unwanted* behaviour which is **meant** to or has the effect of either:

- Violating your dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment.

It doesn't have to be directed at you - for example, if your colleagues make jokes or comments to each other within your earshot.

Harassment can be unlawful under the Equality Act.

It includes unwelcome physical, verbal, non-verbal conduct and may amount to unlawful discrimination.

Unwelcome behaviour could be:

- Spoken or written words
- Threats or abuse
- Offensive emails, tweets or comments on social networking sites
- Physical behaviour including physical gestures and facial expressions
- Jokes, teasing and pranks

Harassment can involve a single incident or be persistent, it may be directed at one or more individuals, and may be related to:

- Race
- Sex
- Disability
- Age
- Religion
- Belief or non-belief
- Sexual orientation
- Marriage or civil partnership

Harassment can take place when an individual is discriminated against because of the individuals they associate with. Harassment can also take place if one party believes that another displays a certain trait or characteristic, but that assumption is incorrect.

Harassment does not always come from individuals within the organisation; it may come from a third party, such as a parent or an outside agency. Where a complaint of harassment is made in this instance, Greenshoots' Manager(s) and/or the Laira Green Trust will endeavour to take reasonable steps to prevent harassment from happening again.

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse and misuse of power, makes the recipient feel vulnerable, humiliated and threatened. It includes persistent criticism and personal abuse and/or ridicule, either in public or in private, which is humiliating or demeaning. Bullying behaviour can also include belittling or berating employees, unreasonably changing an employee's workload, hours or place of work without their knowledge/agreement.

Unwanted physical contact includes unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault or sexual assault.

Unwanted verbal contact includes unwelcome advances, such as repeated requests for 'dates', patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language which refers to an individual's or group's race, sex, disability, religion, belief or non-belief, age or sexual orientation etc.

Unwanted non-verbal conduct includes graffiti referring to individual characteristics or private life, abusive or offensive gestures, leering, whistle at someone i.e 'wolf whistles', displaying pornographic or suggestive literature, pictures, film/videos or inappropriate use of computers including emails for this purpose.

Victimisation consists of treating an individual or a group of individuals less favourably than others in the same or similar circumstances because they have made a complaint or allegation of discrimination, have acted as a witness or informant in connection with any harassment cases.

The above list is not exhaustive. What constitutes harassment is specific to individuals and relates to their feelings of dignity and respect.

Further information can be found on the ACAS website and through the [ACAS guide for managers and employers](#) and the [ACAS guide for employees](#).

3. Out of Scope

The Anti-bullying and Harassment Policy does not apply in the following cases:

- Where the employee has not submitted their complaint following legislative requirements.
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; then they should refer to the Whistleblowing Policy.
- Where the case has already been heard and there is no new evidence.

4. Principles

Complaints of harassment will be handled as quickly and as fairly as possible and informal complaints will be resolved by the Manager(s). If the complaint concerns the Manager(s), then the Chair of the Laira Green Trust will try and informally resolve the matter.

Timescales specified will apply unless varied by agreement between both parties.

5. Informal Procedures

If an employee is being harassed, they should approach the person to tell them their behaviour is inappropriate and should politely ask them to stop. Employees may require help in doing this and further guidance is available upon request.

Employees should also approach their Manager(s), to make them aware of any harassment, so that appropriate action can be taken.

In cases where it is not possible or appropriate to manage the situation using informal procedures, then the following formal procedures should be followed.

6. Formal Procedures

A Statement of Complaint:

An employee who wishes to raise a formal harassment complaint, should put their complaint formally, in writing without reasonable delay, to a member of staff specifying the nature of their complaint.

Where the complaint is about their Manager(s), the grievance should be raised to the Chair of the Laira Green Trust. The employee should indicate, as part of their formal written statement, what solution they seek.

Investigation:

An investigation will be undertaken. The Chair of Laira Green Trust will write to the employee with a date for the hearing. Usually within 10 working days of the investigation being complete.

Suspension:

Where it is deemed necessary, or it is in the interests of either party or work colleagues, one or both/all of the parties might, without prejudice to the outcome, be moved to another work location. In extreme cases, one or both parties may be suspended on full pay, if it is necessary to facilitate the investigation. Suspensions will be confirmed in writing providing details for suspension and duration.

Hearing:

The employee should take all reasonable steps to attend the Hearing. If the employee is unable to attend the Hearing and can provide reasonable grounds for not attending, an alternative date will be arranged, normally within 5 working days.

If the reasons are medical, then a medical certificate will need to be submitted by the employee. Failure to attend a Hearing without reasonable justification will be investigated and appropriate action taken.

At the Hearing the employee will be given the opportunity to have their complaint discussed. After the Hearing, the Chairperson will provide a written outcome, usually within 5 working days after the Hearing.

Employees have the right to appeal.

Appeal:

If the employee wishes to appeal, they must formally write to the Chair of Laira Green Trust advising of their grounds for appeal.

This must be received within 5 working days of receiving written confirmation of the outcome of the Hearing.

The decision made at the Appeal Hearing is the final stage of the procedure.

7. Procedure for People Who Have Left Employment

Wherever possible a complaint should be dealt with before an employee leaves employment. However, an employee who has left employment and wishes to raise a complaint, should write to their Manager(s), setting out their complaint as soon as possible after leaving employment, preferably within 2 weeks. Where the complaint is about the Manager(s), the complaint should be made to the Chair of Laira Green Trust

The Manager(s)/Chair of Laira Green Trust will set out their response in writing and send to the employee. The response letter must be sent without unreasonable delay.

There is no appeal process.

8. Keeping Records

Written records will be kept in accordance with the Data Protection Act 1998, Records should include:

- The nature of the harassment
- A copy of the written complaint
- The Manager(s)/ Chair of Laira Green Trust' response
- Action taken
- Reason for action taken

- Whether there was an appeal, and, if so, the outcome; and
- Subsequent developments

All records will be treated as confidential. Copies of notes will be given to the employee. In certain circumstances, for example to protect a witness, the Pre-school may withhold some information.

If witnesses request to remain anonymous, all practical steps will be taken to protect the identity of employees, however in some circumstances it may be inevitable that their identity is revealed.

Confidentiality of the employees' identity therefore cannot be guaranteed.

9. Support Available for Employees

Employees can approach their Manager(s) for support.

In some cases, a referral can be made to the Occupational Health Unit for counselling.

Alternatively, employees who are a member of a trade union, may wish to contact their Trade Union Official or professional representative.

10. Further Guidance

If you would like any further guidance on how to handle a harassment complaint approach your Manager(s).

This policy was adopted on

Signed on behalf of Laura Green Trust - Greenshoots Pre-school and Wraparound Care –

Chairperson, Laura Green Trust:

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